

## **Submissions to Scrutiny Committee**

### **Submissions related to both Legislative Reform Orders**

#### ***Submission from Sam Margrave:***

I am writing to lodge an objection and make representations on both Draft Legislative Reform Orders (Pension Board) and (Church Commissioners) 2021.

I am concerned that General Synod (and therefore the laity and clergy) are losing representation; and that with a smaller number of members, there will not be the ability to encounter disruption or challenges within governance. I believe that for this not to come for a proper debate to Synod before putting forward measures, and to do so in a pandemic is alarming.

All positions should be elected by General Synod, except the officers. There should be no patronage in an accountable and transparent church.

Governance changes are significant and these haven't been discussed before now by members of Synod. Furthermore, they change the whole nature of these bodies and ignore the spirit of the Church representation rules. While I am sure it's easier to have fewer members, we are not a business, we are a Church and we should have a wide range of voices in the room.

Importantly I am concerned that this centralises power toward the Archbishops or NCIs, at a time when we have been criticised for our culture and putting reputation first. We are professionalising these bodies, rather than opening them up to ordinary members of Synod who will make decisions based on their lived experience, rather than those who are detached from ordinary Parishes or Clergy up and down the Country.

In respect of term limits. I have previously argued for this in the past, but found myself question that view - simply because we need those with a memory of what has been before in a room, or experience. As such, will you consider a greater number of members of the above bodies (an increase to the proposition) and holding multiple elections. So you always have experience.

Finally, will these items come to General Synod to debate and if not, can I ask they do, so we can have a proper discussion about governance, and accountability of the NCIs. This is critical in respect of safeguarding, stewardship and theology.

Can I also raise concern with the committee at the use of powers given to it by General Synod. We were told at the time that simplification would include "existing canons, legislation, regulations and procedures, and to bring forward options and proposals for simplification and deregulation". Governance of the NCIs or the role or representation of General Synod was not mentioned. I am concerned this is a misuse of those powers.

#### ***Submission from Stephen Hofmeyr:***

I wish to make a very short representation to the Scrutiny Committee, if I may, please. In my view there are some important issues of principle involved which are not

uncontroversial, and in my view this is not the right vehicle for most of these provisions. By way of example, the elected input is being reduced. This may be viewed as a centralising measure to avoid the complication of having to deal with elected individuals who are not willing to toe the line. Could you please put my view before the Scrutiny Committee with the suggestion that this legislation is dealt with in a different way?

***Submission from Esther Prior***

I wonder if this is the right vehicle for most of these provisions? I am concerned that they potentially reduce elected input, and maybe even restrict who may be elected.

**Submissions related to Legislative Reform Order to amend the Church Commissioners Measure 1947**

***Submission from Stephen Trott***

I am responding to this Consultation as a member of General Synod, and as a Church Commissioner elected by the House of Clergy.

*Question 1*

I consider that election for five year terms is appropriate, but that for the category of members elected by the respective Houses of the General Synod, there should be no constraint on the Synod's freedom to elect those it considers best qualified to serve as Church Commissioners, and therefore there should not be a limitation on the number of five year terms served by elected Commissioners.

*Question 2*

See above. It is not good practice to limit the terms of trustees, since this substantially affects

- (i) The balance of power within a board, where permanent staff and salaried *ex-officio* members hold a considerable advantage over new and inexperienced trustees, especially those elected to represent the views of stakeholders, who may not be professionally qualified as directors, and who rely on experience of board membership and continuity of membership in order to be able to challenge and hold to account the executive. This is particularly difficult within the Church Commissioners, which does not have a defined executive body,
- (ii) Decisions taken by a large and historic charity such as the Church Commissioners often have ramifications for years and even decades to come. Accelerating turnover among trustees removes invaluable corporate memory, which can recall reasons for decisions made earlier, mistakes made, and risks taken for the future.

In answer to the question, there should be no limitation on the number of consecutive terms served by those who are elected by Synod. Synod must be free to elect whomsoever it considers to be the best person for the role. There is a fundamental principle of freedom

of election at stake, and Synod should not be constrained in its choice of candidates. Equally, the Board should have no locus in determining the length of service of any elected member.

*Question 3 - No comment*

*Question 4*

I consider that the present disqualification is reasonable and appropriate, and that problems arose at the last election because of the repeated failure of the General Synod office to manage the election efficiently, so as to check the qualifications of proposed candidates. It is not appropriate for salaried officials (such as diocesan secretaries) to hold elected office in a body in which they have an interest by virtue of their employment. The Board does not permit representation among its membership for staff which it employs, and it would be inconsistent for its decision making to be influenced by those who are employed by diocesan boards of finance, which are dependent upon funding from the Church Commissioners.

*Question 5*

The board as it is currently constituted frequently demonstrates a lack of understanding of the complexities of the law, constitution, doctrine and ethos of the Church of England, especially members who are not elected by the General Synod. The Commissioners are unlike any other body and it is hard to find comparisons, as the Commissioners are a *sui generis* body which has evolved to meet the particular and sometimes peculiar requirements of the Church of England. It is all the more important that all its members should be practising members of the Church of England, with a demonstrable commitment to the worshipping community of the Church. If the "pool of suitably qualified candidates is often small" then the current methods of recruiting lay candidates need to be changed. Using secular recruitment companies is perhaps not the best way to identify practising Christians who are suitably qualified. I propose that all candidates for membership of the board should be required to sign a declaration that they are communicant members of the Church of England, in order to ensure that those who are appointed have the clearest possible understanding of the Church and its needs. I do not agree with the proposal stated in the question.

*Question 6*

All members of committees of the board should be members of the Church of England. The Church of England is big enough to ensure that there are enough suitably qualified people, if effective recruitment is undertaken in order to identify them. The current recruitment practice is seriously deficient in its methods and its understanding of the roles for which people are required.

*Question 7*

It is quite probable, without undertaking lengthy research, that the current difficulties about face to face meetings are the first in the long history of the Commissioners, over more than

300 years. The importance of meeting face to face can not be exaggerated, and so no provision should be made permanently for emergency alternatives such as Zoom, which will quickly become the normal practice once on the statute book because of the “convenience” of conducting business in this way.

#### *Question 8*

I support this proposal on the understanding that the Church Commissioners will retain responsibility for the Library.

#### ***Submission from Peter Bruinvels***

I write now as a serving Church Commissioner to formally make representations to the Scrutiny Committee against the main elements of the draft Order and to advise members of the Scrutiny Committee that I do not support the proposed Draft Legislative Reform Order to amend the Church Commissioners Measure 1947.

I have given my further reasons under each Article. To assist Members of the Scrutiny Committee, I have attached the relevant Articles in blue for ease of reference.

#### **ARTICLE 2**

**Commissioners’ term of office 2.—(1) In Schedule 1 to the 1947 Measure (constitution of Commissioners), for paragraph 2 (term of office) substitute—**

**“2.—(1) Each elected Commissioner is to hold office for a period of five years; and each election is to be conducted in accordance with the Standing Orders of the General Synod. (a) 2018 No.5. (b) 1947 No.2. GS 2194 2 (2) Each nominated Commissioner is to hold office for such period not exceeding five years as the person or persons making the nomination determine.**

**(3) A person who has held office as an elected Commissioner or as a nominated Commissioner, or as either, for a continuous period of ten years— (a) ceases to hold office at the end of that period or, if the person continues to hold office under sub-paragraph (4) or paragraph 3, at the end of that period of continuation, and (b) is not eligible for election or appointment as a Commissioner until after the end of five years beginning with the date on which the person last ceased to hold office (including, where applicable, under sub-paragraph (4) or paragraph 3).**

#### **In Summary**

There are a number of issues of concern

1. **Term Limits** - In favour: Appointments for five year terms – but against restrictions as to who can stand and for how long
2. **Maximum 10 years** – Against a maximum of **10** years for elected Members of General Synod – but does not include the Estates Commissioners or Senior Officers at The Church Commissioners

## Introduction and my considered reasons for opposing Article 2

All **three** Estates Commissioners are relatively new with **Andrew Selous MP** joining us earlier this year. Earlier this month, it was announced that the 1<sup>st</sup> Estates Commissioner – **Loretta Minghella** was leaving the Church Commissioner next Summer. +David Manchester has been Deputy Chair for about two years. He took over from +Richard Chartres. The new CEO – Gareth Mostyn joined the Commissioners 18 months ago and has only been in post since Feb 2020. ++**Stephen Cottrell** attended his first meeting with us on Thursday 26 November. All are very new!

Long-standing members like myself have the **corporate memory** to keep the Executive both aware and in check. I maintain that it is up to Synod Members to decide whether long-standing members such as myself, should be re-elected. To me as a former MP - I feel it is interfering with the Democratic process! The Electorate decide and we stand or fall on our record of and in service.

If members are only allowed **two terms** - there will be no continuity and I fear that the Executive could 'rule the roost'. Some of our Governors tell me that it can take up to 5 years to get really settled in as a Governor.

It needs to be said that all three Estates Commissioners have **no fixed term of office** - neither do the **two Archbishops** - **nor any of the Officers or other senior Members of Staff**. It would therefore seem to me and others that there appears to be one rule for the Establishment / Executive and another for us.

\*It is not good enough to say in the papers that the **Estates Commissioners** will be told at the time of recruitment that that term of office would be a maximum of 10 years. That needs to be spelt out in the Order. Otherwise, it would seem to be unhealthy and not democratic.

I maintain strongly that The Commissioners should reflect **the membership mix of General Synod** with **newly elected and re-elected members** and in age. We have two of both - currently representing the Laity. Two new and two established – Jacob Vince and myself forming the latter.

I have around **25/30** meetings a year to attend. I have always been positive on the Board. Never negative, nor have I ever said 'we tried that before'. I do support the Board 100% and have only missed two Board Meetings in over 20 years of Membership.

That **experience – really helps the Board and my fellow Governors**. It is demanding and you need that experience to settle in and do the job well. I am also **Deputy Chair of the Mission, Pastoral and Church Property Committee**.

My long term service there has proved an asset, as has my **corporate memory** when original pastoral schemes return and I am **the only Committee Member** who remembered when they last came before us and the discussion then and our decision then. **That memory is invaluable and would be lost with such restrictions on office**.

I am therefore strongly **opposed** to any proposed changes to restrict the number of terms anyone may serve on The Board of Governors of the Church Commissioners.

## **Two bullet points**

I consider that election for five yearly terms of office is appropriate, but that for the category of members elected by the respective Houses of the General Synod, there should be no constraint on the Synod's freedom to elect those it considers best qualified to serve as Church Commissioners, and therefore there should not be a limitation on the number of five year terms served by elected Commissioners.

**NOTE:** The proposed limits on terms of service on Synod elected Commissioners do not appear to impact on our Officers – the net result of this proposal could mean the reallocation of the balance of power towards the officers above and from the Governors.

1. **I believe that it is important to preserve continuity and corporate memory** – this proposal appears to undermine this. It both limits and hampers the ability of Synod to choose whoever it deems appropriate to serve. In other words, the field would be restricted and experienced candidates precluded from standing. That is undemocratic as both the field and choice of candidates would be **restricted**. It is up to General Synod to decide who should be elected and for how long.

In my submission to the Scrutiny Committee, I maintain that is not good practice to limit the terms of trustees, since this substantially affects: -

- a) The balance of power within our Board of Governors - where our permanent staff and salaried *ex-officio* members can hold a considerable advantage over newly appointed / elected and inexperienced trustee / Governors, especially those elected to represent the views of stakeholders, who may not be professionally qualified as directors, and **who rely on experience of board membership and continuity of membership in order to be able to challenge and hold to account the Executive.**

\*\*This is particularly difficult for us as Church Commissioners, when as a body we do not have a fully recognised and defined executive function.

- b) Decisions taken by a large and historic charity such as the Church Commissioners with over 300 years of history - often have ramifications for years to come. Accelerating turnover among trustee / Governors removes the above mentioned and truly invaluable corporate memory of people like myself, who can recall reasons for decisions made earlier, mistakes made, and risks taken for the future.

In conclusion, as a former member of the Ecclesiastical Committee and as an MP – I feel that this would be seen by my former Parliamentary Colleagues as “a gross interference in the democratic process”. There should be no limitation on the number of consecutive terms served by those who are elected by Synod. Synod must be free to elect whomsoever it considers to be the best person for the role.

There is a fundamental principle of freedom of election at stake, and Synod should not be constrained in its choice of candidates. Equally, the Board should have no locus in determining the length of service of any elected member.

**I strongly oppose Article 2**

## ARTICLE 3

### Assets Committee or Audit and Risk Committee: term of office etc.

3.—(1) In section 6 of the 1947 Measure (Assets Committee and Audit and Risk Committee), in subsection (1), for paragraph (a) substitute— “(a) the Assets Committee is to comprise—

(i) the First Church Estates Commissioner,

(ii) two Commissioners who are clerks in Holy Orders (at least one of whom must be a Commissioner elected by the House of Clergy of the General Synod) appointed by the Board for such period not exceeding five years as the Board determines, and

(iii) **at least four but no more than eight lay Commissioners** (at least one of whom must be a Commissioner elected by the House of Laity of the General Synod) appointed by the Archbishop of Canterbury for such period not exceeding five years as the Archbishop determines and each of whom is, in the opinion of the Archbishop, well qualified to assist in the management of the Commissioners’ assets;”.

As to the **Assets Cttee**, on which I serve as the **Archbishop of Canterbury’s nominee** and as an active Member – I know of no demand to increase the numbers! This proposal has never been raised at any meeting of the Assets Committee. We are always quorate and it is the exception, rather than the rule when one of us is absent. Our members are highly qualified, professional and I am very confident that the experience they and I bring is invaluable as it is from our Officers who are some of the best in both the finance and property world within The City of London. Although, we meet 6/7 times a year and it is a demanding role - **all dates are given to us a year ahead** and normally all of us attend. 3 of us come from General Synod and we play an important role representing the views of General Synod.

The increase of the number of appointed lay commissioners (as against elected) could be a further undermining of accountability. **Also, Synod’s voice would be weakened. It would be diluted / watered down if place men and women were put in, as well.** Not necessary, nor required.

As a matter of interest, I have written two books on investment and am also a qualified planning consultant and lobbyist with wide experience of both Local Government and National Government. **I find it personally insulting to all current members of the Assets Committee** by the use of the following words used to justify increasing the number of Members from six to eight ...**offering a ‘greater breadth and depth of experience’**. **I am therefore strongly opposed to this change in Article 3** and urge for the status quo to be maintained by reverting back to **“no more than six lay Commissioners”**

## ARTICLE 4

### Removal of disqualification of salaried officials in diocese

4. In Schedule 1 to the 1947 Measure (constitution of Commissioners), in paragraph 4 (which disqualifies a salaried member of a central or diocesan body of the Church of England from being a Commissioner), omit “or diocesan”.

**Regarding the removal of the disqualification of Members of Central and Diocesan Bodies** to serve as Church Commissioners, I maintain that those who hold paid employment within the Dioceses have particular issues to raise and champion. If they are allowed to stand now - they will be **conflicted**. Their voice will therefore be **muted**.

The number of times that we have Archdeacons declaring interests and absenting themselves from Mission and Pastoral Committee Meetings is not insignificant and is growing! When we have annual debates on Remuneration of Archbishops, Bishops, Deans and Residentiary Canons and Clergy in our Board of Governors – all our Bishops including the Chair and Archbishop of York; all our Clergy and our two Cathedral Deans have to technically declared an interest and absented themselves from any debate the issue. Indeed, as the senior Lay Member – I have found myself chairing that Agenda item or session.

In conclusion, I too consider it inappropriate for salaried officials (such as diocesan secretaries) to hold elected office in a body in which they **have an interest** in by virtue of their employment. The Board does not permit representation among its membership for staff which it employs, and it would be inconsistent for its decision making to be influenced by those who are employed by diocesan boards of finance, which are dependent upon funding from us, particularly at this time of financial hardship in so many Diocese because of **COVID19** as the Board of Governors of the Church Commissioners. This proposal will lead to a conflict of interest between those who are paid Diocesan Officers becoming policy decision-makers and the rest of us!

We need **full members** with ‘**no axes to grind**’ who can speak **freely and fully** without the definite and certain risks of being conflicted time after time as the Diocesan budgets get tighter post COVID-19.

**I strongly oppose Article 4**

## **ARTICLE 5**

### **Requirement for membership of Church of England**

**5.—(1) In Schedule 1 to the 1947 Measure (constitution of Commissioners), in paragraph 6 (declaration), for “membership of the Church of England” substitute “— 4 (a) membership of the Church of England or of a Church which subscribes to the doctrine of the Holy Trinity, and (b) support for the charitable objects of the Commissioners.” (2) In section 7 of the 1947 Measure (procedure), after subsection (1) insert— “(1A) A majority of the members of the Board, and a majority of the members of each committee constituted by or under this Measure, must be members of the Church of England.”**

**Opening up eligibility to non-Church of England Members** seems utterly out of kilter with both the aims and mission of The Church of England and indeed The Board of Governors of The Church Commissioners.

The Board needs to understand the complexities of the law, constitution, ethos and doctrine of The Church of England, especially members who are not elected by the General Synod. I believe that it is important that **all** Board Members should be **practising members of the**



**Church of England**, with a demonstrable commitment to the worshipping community of the Church. We need to appoint suitably qualified practising Christians who like myself when I stood for election and on appointment as a member of the Board of Governors, I was required, as an **elected Lay member, to sign a declaration that I am and remain a communicant members of the Church of England**, in order to ensure that those who are appointed have the clearest possible understanding of the Church and its need.

I believe that opening up membership to those who are not members of the Church of England will greatly weaken the ability of our Board of Governors to focus specifically on the needs and mission of the Church of England. Those from outside the Church of England will find it difficult to understand the history, relations with Parliament; cultures including the love for and history of old Church buildings as well as our basic traditions, including Churchmanship! It is bad enough for those of us inside the tent!

In summary, all members of Committees of our Board of Governors should also be members of the Church of England. The Church of England is big enough for us as The Church Commissioners to ensure that there are enough suitably qualified people. It may mean that we need to change the way we advertise and recruit. It seems to me that we need to use Recruitment Consultants who understand The Church of England; the Church Commissioners; our Boards and Committees and most importantly us - and the roles we play and the importance of particular vacancies for which appropriately qualified and experienced people are required.

In short, all Lay Members of the Board of the Board of Governors should be Members of the Church of England, as should all members of any Committee of the Church Commissioners that they might be nominated to serve on.

**I therefore oppose Article 5**

## **ARTICLE 6**

### **Remote Participation in meetings, and conducting business by correspondence**

#### **Remote meetings and correspondence procedure**

6.—(1) In Schedule 4 to the 1947 Measure (general procedural provisions), after paragraph 7 insert— “8.—(1) A reference in this Measure to a meeting of the Commissioners, the Board or a committee includes a reference to a meeting which persons may attend, speak at, vote in or otherwise participate in without all of the persons, or without any of the persons, being together in the same place. (2) A reference in this Measure to a place where a meeting of the Commissioners, the Board or a committee is held, or is to be held, includes a reference to more than one place, including electronic, digital or virtual locations, web addresses or conference call telephone numbers. (3) A person is to be regarded as present at a meeting of the Commissioners, the Board or a committee at any given time if the person is at that time able to hear and be heard, and where practicable see and be seen, by the other persons present. (4) A reference in this Measure to being present at a meeting of the Commissioners, the Board or a committee includes a reference to being present by electronic means, including by telephone conference, video conference, live webcast or live

interactive streaming. (5) In this paragraph, “committee” means a committee constituted by or under this Measure.” (2) In that Schedule, in paragraph 5A (correspondence procedure), in sub-paragraph (1)— (a) before “the Board”, in each place it appears, insert “the Commissioners,”, and (b) for “its members” substitute “the Commissioners or (as the case may be) the members of the Board or committee”. (3) In section 18 of the 1947 Measure (interpretation), after subsection (2) insert— “(3) A reference in this Measure to a meeting of the Commissioners, the Board or a committee constituted by or under this Measure, including a reference to the place at which such a meeting is or is to be held or a reference to being present at such a meeting, is to be construed in accordance with paragraph 8 of Schedule 4.”

I do not in principle favour the extension of the above power to Commissioners meeting in general meeting. The importance of meeting face to face cannot be exaggerated, and so no provision should be made permanently for emergency alternatives such as Zoom, which I fear, will quickly become the normal practice once on the statute book.

I am much happier and confident with the current procedure which allows for all our decisions to be confirmed by correspondence. My fear is that we will default by having online / virtual meetings in the future, rather than them being the exception with 99% of our meetings being in person. I also do not favour votes being taken during a videoconference, even if the whole meeting is being recorded.

Such Conferencing is not 100% secure, nor reliable as happened with Zoom firstly at this week’s **November 2020 General Synod** when the voting system went completely wrong! Also earlier in the Autumn, when Zoom completely broke down both in the UK and the US.

At our September General Synod, I proposed that during the current pandemic, we should have a ‘blended Synod where most were present in person and those unable ‘zoomed – in’ as they currently do in both Houses of Parliament. \*\*\*That was supported by the Chairman of the Standing Orders Committee and by those present in General synod.

**A proviso clause could be put along the lines that “in exceptional circumstances such as a National Crisis etc....”**

In the unlikely event that you as the Scrutiny Committee proceed with the above recommendation, I would like the above and the **Blended Synod put into the Draft Order**

**I am against Article 6 – but if my two amendments are accepted.....**

- 1. “in exceptional circumstances such as a National Crisis etc....”**
- 2. Offering a blended Synod where most were present in person and those unable ‘zoomed – in’ as they currently do in both Houses of Parliament.**

## **ARTICLE 7**

**Amending the Charitable Objects to include the operation of the new Lambeth Palace Library**

**Lambeth Palace Library: expansion of Commissioners’ charitable objects**

**7. After section 13 of the 1947 Measure insert— “Charitable object relating to facilities at Lambeth Palace Library 13A. The charitable objects of the Commissioners are to include providing the National Church Institutions with access to the facilities for archiving and document storage at Lambeth Palace Library.”**

**I am strongly in favour on the understanding that the Church Commissioners will retain responsibility for the Library**

It makes perfect sense. I therefore support giving a new charitable object to allow the new Lambeth Palace Library to be used for the provision of archiving and document storage facilities to any of the National Church Institutions

**I am strongly in favour of Article 7**

**Final Comments:**

Having been on General Synod since 1985 and **Deputy Chairman of the Legislative Committee** for 10 years, I have never known any proposed revision to the Church Commissioners Measure 1947 to go through any other legal procedure than a **Church of England (Miscellaneous Provisions) Measure via the Ecclesiastical Committee**. That is why we are an Established Church with a 2<sup>nd</sup> Estates Commissioner who is a current Member of Parliament. I consider it quite inappropriate and a direct slight to Parliament if any of the Amendments / Proposals were to be considered as part of a **Legislative Reform Order**.

**\*\*If there are any amendments to consider and approve – they should go through the Ecclesiastical Committee and both Houses of Parliament the normal Parliamentary Legislative Process via a new a Church of England (Miscellaneous Provisions) Measure via Parliament and no other way.**

**Personal Comment:**

In June 2017, I was honoured to receive The Canterbury Cross for Services to The Church of England from His Grace, The Archbishop of Canterbury. It went on to cite that it was ‘for sustained and outstanding work in support of The Church of England’ and it went on to refer specifically to my work as a Church Commissioner since 1992, Member of the Board; Member of the Assets Committee and as Deputy Chair of the Mission, Pastoral and Church Property Committee. Also highlighted in the summary was that I was ‘an ardent and energetic supporter of the Church of England at all levels’ and that ‘my contributions have been outstanding’.

It seems particularly harsh, personal, short-sighted and ill-judged that General Synod Members like myself with the above recognised skills and experience of senior office should be deemed ineligible to stand through this proposed Reform Order, when clearly the Church of England and Members of General Synod consider that I still have an important role to play. The same could be said for both Jacob Vince and Stephen Trott who would also be excluded by the proposed Reform Order. I would urge a last-minute re-think and removal of the stated fixed maximum terms of office and for General Synod as the electorate to be the ultimate Arbiter in any future Elections.

### ***Submission from Revd Paul Benfield***

I have the following comments to make.

I question whether the LRO is a suitable vehicle for such fundamental changes to the constitution of the Church Commissioners. Rather the proposed changes should be made by Measure.

When LROs were approved by Synod the impression was given that they would be used for relatively minor matters of administration such as updating rules for various bodies to take account of electronic communication and the possibility of meetings being held by video conferencing. Accordingly, Synod passed without dissent the Legislative Reform (Patronage of Benefices) Order 2019 which tidied up the unworkable time limits in the Patronage (Benefices) Measure 1986.

It was not envisaged that the LRO procedure would be used for the major re-constitution of an important board. If this procedure is adopted then almost anything could be regarded as an administrative burden within the meaning of section 1 of the Legislative Reform Measure 2018 and all manner of changes to the structures of the Church of England (other than those excepted matters listed in section 3 of the Measure) could be made by this method.

The proposed changes are not uncontroversial (see for example the representations of Canon Peter Bruinvels) and would be better considered by the Measure procedure where proposals could be debated and voted on in Revision Committee and then in full Synod. Under this LRO procedure Synod cannot amend the draft order and so it risks being rejected by General Synod or being referred back to the Scrutiny Committee for amendment. If this happens the LRO procedure will be no quicker than the Measure procedure.

This Order has constitutional significance since officers of state are ex officio Church Commissioners and so the matter ought to be scrutinised by the Ecclesiastical Committee of Parliament and approved by both Houses of Parliament. This LRO will not be subject to parliamentary scrutiny (other than by the annulment procedure).

### **Consultation on a legislative reform order to amend the Church of England Pensions Measure 2018**

#### ***Submission from Stephen Trott***

I am responding to this consultation as

- (i) A member of the clergy pension scheme
- (ii) A member of the General Synod
- (iii) A Church Commissioner
- (iv) As Synodical Secretary of the Convocation of Canterbury
- (v) A former member of the Pensions Board

*Question on Proposal 1*

31 No, the savings to be made are very modest in comparison with the value of retaining a larger board with wider representation from all stakeholders.

32 There is some confusion in the paper about the role of retired clergy and of those not in stipendiary ministry, with regard to synodical elections. Retired clergy are virtually excluded from the electoral process for the General Synod, and many clergy with PTO are similarly disadvantaged. There should be provision for direct election to the board in which all members of its schemes are equally eligible to stand for election and to vote for their representatives.

33 Because of the role of the General Synod, to which the board is and must remain answerable, at least two members should be elected from among those in Holy Orders serving as members of the two Convocations (which includes both clergy and bishops).

34 See 33 above.

#### *Question on proposal 2*

40 I consider that it would be completely wrong for the board to have any role in defining or choosing who is to be a candidate for election to the board. Election is a democratic process, and trustees are elected to hold to account the board and its staff, and must not be subject to any kind of vetting, examination or test in order to take on such a role. There are other seats on the board which are not elected, and these should be used to supply specific expertise where required in terms of pension management, legislation and assets.

#### *Question on proposal 3*

46 There should be no limit on the number of terms for which the electorate can choose a member to represent it as a board member and trustee. Elected members are chosen to challenge and to hold to account the board and its staff. Those who are newly elected, especially those without specific qualifications or previous experience as pension trustees, are at a considerable disadvantage on the board in relation to staff and to qualified/appointed members, and it is election which gives them authority to ask hard questions and indeed to become whistleblowers if they consider it necessary in order to protect the interests of stakeholders. The greater the length of time they have served in office, the greater their own experience and influence within the board.

The board's record on investments (such as *Equitable Life* in 1999/2000) and its more recent changes to the clergy pension scheme, in which clergy pensions were reduced in anticipation of greater provision from the SERPS scheme, which was almost immediately abolished by the government, leaving retired clergy considerably poorer, indicate that powerful elected voices, including members of General Synod, are required in order to ensure that the management of the board is conducted effectively, and that it understands that it is answerable and accountable to others.

#### *Question on proposal 4*

48 Yes

*Question on proposal 5*

52 No. This is not a neutral question. The Pensions Board must remain clearly answerable to the General Synod, and this requirement provides a means of information for Synod members which ought to remain in being.

*Question on proposal 6*

55 No. This provision may be untidy, in that it is not directly related to the operations of the board, but it ought not to be removed from this Measure without being replicated in another Measure. The Church of England is not a business or a quango – see *Romans 12.9-13* for a description of the quality of life to be expected within the body of Christ.