

**Declaration on the Ministry of Bishops and Priests
(Resolution of Disputes Procedure) Regulations 2014**

Report of the Independent Reviewer for 2020 to the Archbishops of Canterbury and York

1. This is the sixth annual report required by Regulation 30 of the Bishops and Priests (Resolution of Disputes Procedure) Regulations 2014 and my third since becoming Independent Reviewer in February 2018.

Grievances and Concerns Received under the Regulations

2. In last year's report I noted that no grievance had been received in 2019. In March 2019 I had published a report on an expression of concern received in relation to one of our cathedrals. Otherwise, apart from two items of correspondence, the year had been satisfactorily quiet.
3. 2020, though not busy, had not been as quiet as 2019. In early November I received only the second grievance to be submitted by a PCC since the Declaration came into force in 2014. Then in December I received notice of a further grievance which was submitted just after the end of the year. I also received in December an expression of concern from a church warden. Each merits some comment.
4. The grievance received in early November was from the PCC of a small rural parish in the Diocese of Bath and Wells- Lullington with Orchardleigh- which passed a resolution under the House of Bishops' Declaration in 2016 but is part of a benefice containing three other, non-resolution, parishes. The parish is unusual in several respects, including the fact that, while the PCC has a theological conviction against the ordained ministry of women priests and bishops, the tradition of the parish is neither Traditional Catholic nor Complementarian Evangelical.
5. The grievance was complex and wide ranging, running to some 271 pages with 817 pages of appendices. It recounted a series of seven alleged errors by the Bishop of Bath and Wells and the Bishop of Taunton spanning a period of four years.
6. At the heart of the case were two issues, namely whether the diocesan bishop had breached the Declaration by appointing a female incumbent to the multi-parish benefice in March 2020 (notwithstanding the parish's resolution of 2016 which it had reaffirmed in 2018) and whether the ministry arrangements decided on for the parish by the Bishop of Taunton in September 2020 to give effect to its resolution fulfilled her obligations under the Declaration. The PCC argued that they didn't because (a) they were not legally enforceable and (b) they did not prevent the incumbent from exercising any direct ministry in the parish.

7. My report was published on 8 January¹. On the two central issues I found the grievance to be unjustified. On the first I concluded that the Declaration envisaged the possibility of a female incumbent being appointed to a multi- parish benefice with a resolution parish provided suitable arrangements were made for the resolution parish. On the second I held that (a) there was no expectation that a bishop should make arrangements under the Declaration legally enforceable and that (b) arrangements did not need to exclude a female incumbent from any direct ministry in the resolution parish though they should preclude her exercising priestly functions there.
8. Nevertheless, I concluded that two of the PCC's seven complaints were justified and one was partly justified. Had the diocesan bishop engaged with the parish when the PCC had passed the resolution in 2016 or again when it reaffirmed it in 2018-as should have happened under the Declaration- it is at least possible that the difficulties which subsequently arose could have been avoided. Overall, therefore, I held the grievance to be partly justified.
9. One point of wider application from the case is that where bishops are minded to appoint a female incumbent to a multi-parish benefice which includes a resolution parish they would be wise first to provide clarity to the resolution parish over the arrangements that will apply in that circumstance to give effect to their resolution.
10. The other grievance, of which I received notice in December, is still under consideration at the time of writing and will be described further in next year's annual report. Its significance is that it is the first grievance or expression of concern since 2014 which has been prompted by a proposed pastoral reorganisation.
11. The expression of concern came from a churchwarden of a parish that had passed a resolution under the Declaration in 2020. She wished to complain over what she saw as unacceptable efforts by the diocesan bishop and other senior diocesan figures to persuade the PCC not to pass the resolution but instead to rely on informal arrangements that would be put in place. Even though the resolution had in fact been passed she remained concerned at the pressure that had been placed on PCC members. She also had some anxieties over how the resolution was now to be implemented.
12. In my response of 4 January 2021 I noted with approval my predecessor's words of 2015 in a report concerning a parish in the Gloucester Diocese when he had said: *'It is, I believe, the intention of the Regulations that a grievance relating to an individual parish will normally be raised with the Independent Reviewer following the passing of an appropriate resolution by the PCC of the parish concerned.'*

¹ <https://www.churchofengland.org/sites/default/files/2021-01/Lullington%20and%20Orchardleigh%20-%20Final%20Report%207%20January%202021%20plus%20Annexes.pdf>

13. I explained therefore that if the PCC decided to pass a resolution authorising a grievance I would give it due consideration but that I did not believe that I would be justified in intervening on the basis of an expression of concern from a churchwarden in the absence of a PCC resolution.

Other correspondence received

14. I received and responded to three other representations:

- A retired priest wrote to complain that he had sought and been denied a five year extension of ministry on reaching the statutory retirement age. He asserted that the refusal was the result of his known theological conviction against the priestly and episcopal ministry of women. I replied that before I could consider whether to inquire into the matter under the Regulations I would need to see some specific evidence to support the contention that the decision taken under the diocese's retirement policy had been influenced by his theological conviction
- A lay person wrote to ask what options were open to a non-resolution parish if, during an appointment process, a candidate was known to have complementarian convictions. While declining to provide hypothetical advice I drew attention to the statutory rights of parish representatives under the Patronage (Benefices) Measure 1986 and added: *'Where parish representatives of a non-resolution parish understand... that a prospective incumbent is of complementarian evangelical ...or... traditional catholic... theological conviction they may well, before giving their consent, choose to explore how the candidate would intend to manifest that conviction if appointed. There is nothing in the House of Bishops' Declaration that confines the appointment of complementarian evangelical or traditional catholic priests to the 4% or so of parishes that have passed a resolution. Nevertheless, where someone with one or other of those theological convictions wishes to serve in one of the other 96% of parishes he will in practice be well aware that the attitude of the parish representatives and his ability to satisfy them of his suitability are likely to be key.'*
- A colleague of the Bishop of Maidstone asked whether I would issue careful guidance about the use during appointments processes of the five guiding principles. He explained that the request was prompted by examples of where one of the principles had been singled out for mention. I replied that advice on good practice was a matter for the House of Bishops in the light of the report from the Implementation and Dialogue Group which the Bishop of Rochester had chaired. In addition I noted that paragraph 5 of the Declaration did indeed say of the five guiding principles that *'they need to be read one with the other and held together in tension, rather than being applied selectively.'*