

GENERAL SYNOD

Implementation of 'Responsible Representation: A Review of the Electoral Processes to the Crown Nominations Commission' (GS 2022)**Summary**

One of the themes of this quinquennium of General Synod has been the review of the work of the Crown Nominations Commission (CNC). Members will recall that a theological review of the CNC led by the Rev'd Canon Professor Oliver O'Donovan, *Discerning in Obedience: A Theological Review of the Crown Nominations Commission* was presented to the Synod at the February 2018 group of sessions ([GS Misc 1171](#) and [GS 2080](#)). Following this report, the Appointments Committee set up a working group to review the process for election of Central Members to the Crown Nominations Commission and diocesan representatives to the Vacancy in See Committee.

The work of this group, '*Responsible Representation: A Review of the Electoral Processes to the Crown Nominations Commission*' ([GS 2202](#)), was debated by the Synod at the April 2021 group of sessions. Synod received the recommendations, requesting that steps be taken towards implementation, including bringing the necessary legislative business and Standing Orders amendments to the Synod for decision. All Synod members were invited to share reflections with the group following this debate.

In this group of sessions, Synod will debate the amendments to Standing Orders (GS 2227) and the Vacancy in See Committee (ViSC) Regulation (GS 2228). Following discussions with the Standing Orders and Business Committees, there will first be debates on a series of propositions which underpin the proposed Standing Orders changes. It was felt that this would provide members with a more readily accessible approach to exploring the detail of each recommendation, and for members of Synod to engage with the various propositions before entering into the framework of technical legislative business.

Introduction

1. The Synod will be invited to debate and support the following propositions:
 - Proposition 1: The electorate for the election of central members of the Crown Nominations Commission (CNC) comprises the combined membership of the Houses of Clergy and Laity (*recommendations 9 and 10*)
 - Proposition 2: The election of central members of the CNC must take place at a group of sessions of the Synod, with only the members of the Houses of Clergy and Laity who are present (including by participating remotely in the case of a remote group of sessions) being entitled to vote (*recommendation 8*)
 - Proposition 3a: Central members of the CNC are elected as six pairs, three pairs from the House of Clergy and three from the House of Laity, with one member of each pair serving for the consideration by the CNC of a particular vacancy, the pair agreeing between themselves which of them is to serve or, in default of agreement, the matter being determined by lot (*recommendation 11*)

- Proposition 3b: A casual vacancy among those elected from the Houses of Clergy and Laity is always filled by a fresh election, held in the same manner as an ordinary election, of a complete pair from the relevant House (*recommendation 11*)
 - Proposition 4: The CNC may co-opt one non-voting member for the consideration of a vacancy if it considers, having regard to the documentation received from the Vacancy in See Committee and the Secretaries to the CNC, that its membership is not representative of the diocese as a whole (*based on recommendations 13 and 14*)
 - Proposition 5: Should the CNC fail to agree on a name for submission to the Prime Minister, it may direct that the process for filling the vacancy is to recommence at a stage it specifies, which may include the stage at which diocesan members are elected by the Vacancy in See Committee (*based on recommendation 36*)
2. These key propositions have been identified in the light of feedback received on the areas members would like to explore further. They are explained in more detail below. Where appropriate, we have referenced the relevant paragraphs of the group's original report. We would encourage members of Synod to read our original report '*Responsible Representation*' ([GS 2202](#)) and '*Discerning in Obedience*' ([GS Misc 1171](#)) alongside this paper to see the recommendations in context.
 3. As *Responsible Representation* explained, we have found ourselves working with three key themes as foundational to our recommendations all of which are linked to the need for significant culture change
 - Representation - how representatives live out their role and encourage a sense of trust and confidence;
 - Diversity - how we might increase the range of perspectives and experiences amongst those who are chosen to nominate diocesan bishops; and
 - Electing - considering our responsibilities as we cast our vote.
 4. The group's recommendations respond to the substantial theological reflections from Professor O'Donovan and his group, and, we hope, provide opportunities for generating a greater sense of confidence in the CNC.
 5. In making these recommendations, the group is aware that it is challenging existing norms in the way we operate as Synod. We are inviting each member to reflect on their role in effecting the culture change which the group's recommendations will need.
 6. The group is very grateful to members of Synod who have contributed to the ongoing exploration of issues raised by the report through:
 - the well attended fringe meeting in July 2019;
 - the 89 responses to the online survey over the summer of 2019;
 - engagement with various committees and groups;

- the virtual fringe meeting to which all Synod members were invited prior to the April 2021 Synod; and
- the valuable contributions to the debate at the April 2021 Synod.

In addition, 17 members of Synod responded to the invitation, made in a note from the group sent to all Synod members via email on 26th May, by feeding in additional comments and questions which the group has since reflected on. Members of the group have also held a number of individual conversations.

Proposition 1: the electorate for the election of central members of the Crown Nominations Commission (CNC) comprises the combined membership of the Houses of Clergy and Laity (*paragraphs 90-94; recommendations 9 and 10*)

7. As the group explained in its original report, *“the idea that only clergy can speak for clergy or only laity for laity seems to us to be counter to our understanding of representation. If CNC representatives have a trustee role to act in the best interests of the Church as a whole, if we are seeking those who seek to understand that cacophony of stories and that in our “common humanity...God shows no partiality or favouritism” we feel that this distinction is unnecessary in this context.”* (Para 91)
8. We have therefore suggested opening up the electorate so that the Central members of the CNC are elected jointly by members of the Houses of Laity and Clergy. Importantly, this recommendation provides a further opportunity for an increase in the breadth of perspectives of those elected to serve on the CNC. Members are reminded of the options which the group considered, and the rationale for the recommendation:

“We explored two options for election. First, two separate elections – one for the clerical representatives and one for the lay representatives – in which members of both houses vote for candidates according to the STV system. Secondly, one election in which members of both houses vote across the entire pool of clerical and lay candidates and the well-established use of a constraint in the STV system allows the first three clergy representatives and the first three lay representatives to be identified.

In working through the implications of each we were alert to the fact that each method has different attractions – this is a reminder of the comment that different electoral methods are appropriate to different contexts. Whilst the former might avoid concerns about apparent “leap frogging” (the six successful candidates would be the top three successful laity and the top three successful clergy, which might not be the same as the top six ranked candidates), the latter would maximise the possibility of the election of a more diverse group because of fact that the election is from a bigger pool of candidates. Given the significance of the method of election, we sought advice on this point specifically, and Professor McLean confirmed that the second option – a single election across both houses – would be more consistent with our aspirations in relation to representation.” (Paras 92-93)

9. Members of Synod should also be aware that this approach to the election is consistent with the way in which the diocesan members of the CNC are currently elected by ViSCs.

Proposition 2: the election of central members of the CNC must take place at a group of sessions of the Synod, with only the members of the Houses of Clergy and Laity who are present (including by participating remotely in the case of a remote group of sessions) being entitled to vote (paragraphs 87-89; recommendation 8)

10. Fundamental to the group's recommendations is that the election of CNC members takes place in the context of prayer and worship. We believe there will be significant benefits in sharing together in a prayerful and liturgical space alongside those with whom we are seeking to discern those who would best represent the Church on the CNC.
11. This proposal is also consistent with arrangements for the election of Diocesan members by Vacancy in See Committees which takes place at a meeting of the ViSC and does not permit postal or absentee votes.
12. Along with others, we fully recognise the advantages and disadvantages of being able to attend a meeting of Synod remotely. The proposition is drafted so as to accommodate any decision that the Synod may make in the future as to how 'presence' is defined in relation to its meetings and work, mindful of need for inclusion. It is not for the group to suggest what approach the Synod may wish to take in this respect. We do still firmly believe that wherever it is reasonably possible genuine discernment is likely to be most effective where members can pray and worship together in one place.

Proposition 3a: central members of the CNC are elected as six pairs, three pairs from the House of Clergy and three from the House of Laity, with one member of each pair serving for the consideration by the CNC of a particular vacancy, the pair agreeing between themselves which of them is to serve or, in default of agreement, the matter being determined by lot (paragraphs 98 and 109-116; recommendation 11)

13. This is a key recommendation in relation to the group's aspiration to increase the diversity of voices of those involved in choosing diocesan bishops. The proposition is made in the context of first increasing the number of central members to twelve in order to provide an opportunity for there to be a greater breadth of perspectives amongst those elected. This recommendation is also in line with the proposal identified in *Discerning in Obedience* which has the foundation for our own work.
14. The key question then becomes how to choose the six who will serve on a particular CNC. We concluded, after much consideration, that pairing is the most practical way of doing so. Members will recall that the group considered a number of possibilities which are explained in detail in Paragraphs 109-113:
 - n (which might be, say, 8 or 10 or 12) members are elected by STV by General Synod of whom the first six are regular central members and the others a pool of replacements from whom the Prolocutors or Chair of the House of Laity will identify replacements;
 - 6 candidates are elected by STV by General Synod. In the light of the results a follow-up election is held for a pool of replacements from whom the Prolocutors or Chair of the House of Laity identify replacements for individual CNCs;

- n are elected by STV by General Synod and the 6 who will serve on a Commission are identified by discussion and agreement either i) amongst themselves ii) by an external body or person iii) by lot; and
- 12 members are elected in pairs.

15. We recognise that this requires a change in the culture of how elections typically take place. We hope that pairs might comprise, for example, people from different church traditions, different backgrounds and different perspectives. As we noted in the original report *“it will provide an opportunity for different characteristics to feature as inevitably two can embrace more than one” (Para 113).*
16. The existence of diverse pairs will, in itself, only provide the framework to make greater diversity possible. Pairs will certainly be no less diverse than the current system but they offer an opportunity for there to be greater diversity. It is incumbent on every member of Synod to make this work in practice: members of Synod can invite someone with a different perspective to stand for election with them, members can nominate or second others, and can consider the breadth of perspective when casting their vote.
17. There is some important detail behind the principle. The group has recommended that the members of each pair determine which of them participates in a particular CNC and have not mandated that it should be an equal 50/50 split. There are already 4 CNCs scheduled to take place between now and the middle of next year, and so the time commitment is significant. Clearly, someone standing for election needs to be aware of being committed to fulfil the responsibilities of being a CNC member, but pairings offer flexibility to those who have the skills, gifts and experience to serve as members of the CNC but may perhaps have family or work commitments that would limit the amount of time they are able to offer to this role.
18. If neither of a pair can serve on a particular CNC, we have recommended that the Chair of the CNC invites one of the other two members from the same house to serve on a Commission, recognising that all twelve members will have been democratically elected. In the rare event that neither of the other eligible members of the Commission able to serve, then the current practice of inviting the Chair of the relevant House to nominate an alternative Synod member would be invoked.

Proposition 3b: a casual vacancy among those elected from the Houses of Clergy and Laity is always filled by a fresh election, held in the same manner as an ordinary election, of a complete pair from the relevant House (paragraphs 98 and 114; recommendation 11)

19. A more specific practical outworking of pairs concerns how casual vacancies would be handled. We have revised the original recommendation to ensure that in the event of one person resigning from the Commission, the remaining member of the pair had the opportunity to re-stand in a by-election with a new partner. This means that the usual Synod practice of reverting to the original ballot results if a vacancy occurs within two years of the election would not work in practice.
20. We have considered alternative possibilities including allowing the remaining member of a pair to continue alone, or to adopt the usual practice of reverting to the original election results to identify the next in line (recognising this would mean the remaining member of the pair would not be able to continue as a member of the Commission) but

neither of these options felt to us to be satisfactory. The group understands that the last time a casual vacancy arose was a decade ago. Therefore, on balance, we recommend that a fresh election take place.

Proposition 4: the Crown Nominations Commission may co-opt one non-voting member for the consideration of a vacancy if it considers, having regard to the documentation received from the Vacancy in See Committee and the Appointment Secretaries, that its membership is not representative of the diocese as a whole (paragraph 106-108; recommendation 13 and 14)

21. In the light of concerns raised, the group has reviewed this proposition, and revised it such that the full Commission, rather than the Chair would have the authority to co-opt one additional non-voting member. Again, our aim is to increase the potential for breadth of perspective and diversity of voices involved in nominating diocesan bishops. It is not envisaged that there will be a co-opted member on every CNC, but only should that breadth not come from the elected members. The group did consider whether any co-opted member should have voting rights, but as noted earlier, and on the basis of the responses we received in the consultations, we took the democratic mandate of the elected members seriously and came to the conclusion that it would be inappropriate for a member who has not been elected to vote in the CNC.

22. The group recognises the challenge in determining whether the membership of the CNC is representative. This recommendation is set within the context that the group have taken the view that *“our identity is in Christ, and so it follows that our common identity is to be found in our membership of the body of Christ. From that, we conclude that our responsibility as representatives is to that same body, and that all members of that body should be equally able to represent the body without distinction... We would, however, wish to qualify our choice in two ways. First, it relies on the commitment of all members of the body to the flourishing of the whole body, and to be mindful of that commitment in decision-making, including voting in elections. Secondly, those chosen as representatives should be a credible representation carrying the confidence of the represented body” (Para 30 & 32)*

23. Given that the specific reasons for co-option will be different for each CNC, the group envisages that the process for deciding if a co-option is necessary, and how one is made if thought necessary be left to each CNC to determine. Nevertheless, we would emphasise that any proposed need for a co-option would be firmly grounded in the CNC’s consideration of the detailed papers for that vacancy and a decision to co-opt would be one for the whole CNC. We would suggest that the central members keep this under review and include information about the use of this provision in any report back to Synod.

Proposition 5: should the Crown Nominations Commission fail to agree on a name for submission to the Prime Minister, it may direct that the process for filling the vacancy is to recommence at a stage it specifies, (which may include the stage at which diocesan members are elected by the Vacancy in See Committee) (paragraphs 146-149; recommendation 36)

24. In the light of feedback received, the group have also re-considered this proposal, and revised it so that it is the full Commission which may decide to revert to an earlier stage of the process if considered necessary.

25. From time to time, the CNC for various reasons may not be able to nominate a candidate and members will be aware that over past years only very occasionally have the CNCs reconvened. The current provision that members of the CNC should continue as members until a nomination is made does restrict the options for re-commencing a CNC process. The Commission will decide the appropriate stage in the light of the particular circumstances of the vacancy. An earlier stage may, as an example, include the Vacancy in See Committee re-electing its diocesan members to the CNC, and indeed a vacancy re-commencing at this stage would also allow for a change in which of each pair of Central members may serve on the re-constituted CNC.

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