

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

**Report of the Independent Reviewer for 2021  
to the Archbishops of Canterbury and York**

*This report was completed by Sir William Fittall shortly before his untimely death in March 2022.*

1. This is the seventh annual report required by Regulation 30 of the Bishops and Priests (Resolution of Disputes Procedure) Regulations 2014 and my fourth since becoming Independent Reviewer in February 2018. My appointment was renewed for a further three years in 2021.

**Grievances and Concerns Received under the Regulations**

2. In last year's report I noted that 2020, though not busy, had not been as quiet as 2019. This was primarily because of the complex and demanding grievance submitted to me in relation to a parish in the Diocese of Bath and Wells which I described in the 2020 annual report, my findings having been published on 8 January 2021.
3. In 2021 I had one grievance to deal with, from a parish in Southampton, St Barnabas, and two other significant items of correspondence about disputes within parishes, which require mention in this report; both raise issues of wider application.
4. In last year's report I noted that I had had notice in December 2020 that a grievance was on its way. It arrived in January and I concluded that it fell within the terms of the Regulations requiring me to conduct a review. My report was published on 1 March. This was the first case brought to me or my predecessor where the action complained about by the PCC was a proposal from the diocese to abolish it by way of pastoral reorganisation. The nub of the grievance was that the parish had been treated less favourably than other local parishes because it had passed a resolution under the House of Bishops' Declaration.
5. There are separate, formal review processes in relation to pastoral reorganisation and I made it clear at the outset that it was not for me to address the merits of the reorganisation plans. Nevertheless, I held that it was in order for me to consider the proposition that the parish had been singled out for unfavourable treatment because it was a resolution parish in the Catholic tradition.
6. Having carefully considered the evidence from the PCC and from the Bishop of Winchester I found the grievance to be unjustified. The case assembled by the diocese in relation to the decline of the parish and its continued sustainability seemed to me to be compelling and I could see nothing in what had happened to indicate a degree of animosity to the parish on the grounds of its churchmanship and theological conviction. Indeed, the Bishop of Winchester had worked closely in their formulation with the Bishop of Richborough who had endorsed them.

7. There were two other attempts to draw me into local disputes, both of which I declined, though the first involved some correspondence which may be of wider interest. I had mentioned in last year's report that I had declined to investigate an expression of concern from a churchwarden of a parish who had asserted that, in the run up to the passing of a resolution by the PCC, the diocesan bishop had sought unsuccessfully to dissuade the PCC from passing the resolution on the grounds that he was willing to make informal arrangements which would meet their concerns. My reason for declining to look into this was that the PCC had not chosen to bring a grievance and, in the absence of that, the threshold for entertaining expressions of concern from individuals was necessarily high.
8. I subsequently received, however, a letter of 23 February from the Chair of Forward in Faith about the same incident in the parish of Holy Trinity Barsham in the Diocese of St Edmundsbury and Ipswich. He enclosed the allegedly offending letter of 17 September from the diocesan bishop to the churchwarden. The Trustees of Forward in Faith did not want to make a formal referral to me but expressed the hope that I would find some way, perhaps in a forthcoming annual report, of debunking the notion that informal arrangements in the absence of a resolution could be an adequate substitute for passing a resolution under the Declaration.
9. I decided, before considering the next step, to write to the diocesan bishop to hear his account of the relevant facts. He kindly replied with a full letter on 7 May. In the course of setting out the facts he noted that he and the Bishop of Richborough had *'taken the time to reflect on the matter together and recognise, whilst acting in good faith, there were possible unintended consequences of my proposal, and as I have said, I have apologised to him. We both remain committed to the mutual flourishing of all parishes in the diocese. To that end, we have accepted the PCC's invitation to return to Barsham together to share in an act of worship.'* He added: *'I have apologised to Bishop Norman if I crossed a line here, but it was done with the genuine intention of trying to avoid division in the congregation. I was exercising my responsibility of seeking unity for the sake of mission.'*
10. In the light of the Bishop of St Edmundsbury's helpful letter I decided against revisiting my earlier decision not to investigate this as a matter of concern under the Regulations. I did, however, make three points to the bishop:
  - First, it seemed to me entirely in keeping with the spirit and intention of the Declaration that parishes which might be considering passing a resolution should be helped by the bishop and his colleagues to understand what the Declaration did and did not mean. Where the main concern locally was over forms of service, it might be helpful to remind a PCC that the Declaration has nothing to do with that, and that the relevant safeguards for them were to be found in Canon B3. In addition, the bishop or his colleagues might want to draw a parish's attention to paragraph 7 of the House of Bishops' guidance note (GS Misc 1077) which stated that it *'is good practice, therefore, for the PCC to enable members of the wider church community to submit views before any meeting at which a resolution is to be considered.'*

- Secondly, there was an important distinction to be observed between providing clarification about the passing of a resolution under the Declaration and seeking to persuade a PCC not to do so. The Declaration concepts of reciprocity and mutuality meant that bishops and senior diocesan colleagues ought not to get into the position of either encouraging parishes to pass resolutions or discouraging them from doing so.
  - Thirdly, offering to act as if a resolution were in place when it wasn't was hazardous territory to enter, not least because of the implications of the Equality Act. These weren't straightforward but the process of passing a resolution under the Declaration provided a means by which the conviction of PCC members could be registered in a formal and orderly way, thereby making it easier, where necessary, to engage the exceptions provided by the Act in relation to organised religion. Any episcopal offer to a parish to engage in actions which could be seen as discriminatory in relation to gender could be legally problematic in the absence of a resolution under the Declaration.
11. I also received, starting in May, correspondence from a member of the congregation at St Martin's, Ruislip, in the Diocese of London, expressing concern over the possible passing of a resolution in the parish before the departure of the incumbent. Following the passing of the resolution on 29 June, I received representations in November from one of the churchwardens and 150 other local people complaining about the PCC's decision and the manner in which it had been taken.
  12. I wrote back to explain that complaints about the manner in which the PCC had taken its decision did not fall within the remit of the Independent Reviewer and were, instead, within the range of issues that the diocesan bishop could consider on receiving news that a resolution had been passed.

### **Other correspondence received**

13. Towards the end of the year, I received an invitation, which I accepted, from the Northampton Denary Chapter to lead a discussion on the operation of the House of Bishops Declaration of 2014 and, in particular, the five guiding principles. I fulfilled this engagement in January 2022.

Sir William Fittall

21 February 2022