

GENERAL SYNOD**REVIEW OF THE MISSION AND PASTORAL MEASURE 2011
Draft proposals****Summary**

The Mission and Pastoral Measure 2011 (MPM) provides a regulatory framework which enables the Church of England to support the provision of local worship, mission and ministry across all of England, and to adapt that provision as circumstances change over time. The current framework was originally conceived in the 1968 Pastoral Measure, but since then the Church has undergone a significant period of change. Therefore, in 2020 the Archbishops' Council asked the Church Commissioners to review the Measure, as part of a wider process of legal reform. This review aims to ensure the arrangements laid out in a revised Measure remain consistent with good legal and Church practice and continue to support the statutory purpose of the Measure, which is the furtherance of the mission of the Church and the 'better provision of the cure of souls'.

The paper sets out the progress made on the review, the main findings and recommendations. It follows on from previous Synod papers GS2222 in July 2021, and GS Miscellaneous 1312 in February 2022. In April 2023 the Church Commissioners' Board of Governors approved the draft proposals, which have also been endorsed by the Legislative Reform Committee and the House of Bishops. The paper is now presented for debate at General Synod and, if the proposals are approved, draft legislation would be prepared for first consideration in 2024.

Main recommendations

1. The overarching recommendation of the review is that the existing MPM should be replaced with a new suite of legislation; a new primary measure and secondary legislation. The review also found that two kinds of change were required: (1) an increased emphasis on a pastoral approach which builds trust and (2) a refreshed legal architecture which enables the Measure to be updated and modernised, and which also facilitates the pastoral approach advocated.
2. The recommendations are summarised in the report's Executive Summary, and the full report sets out the background to the review, the learning from the extensive consultation we have undertaken, and then summarises the main recommended changes to the legal architecture and related processes.
3. In terms of the recommendations General Synod might want to note the following:
 - a) The proposals are aligned with the Church's desire to be simpler, humbler and bolder.
 - b) That the general duty in the MPM would stay the same with its focus on furthering the mission of the Church and the better provision of the cure of souls. New shared outcomes, aligned with the Church's vision and strategy, would be established beneath these overarching outcomes to give a better sense of the impact of MPM changes on people, place and buildings.
 - c) There is an emphasis on good conversation and a pastoral approach to the processes.

- d) The paper introduces a “Fallow” concept in response to calls to create some kind of ‘breathing spaces’ in order to hold and stabilise a parish church community when it is fragile, and enable the church and community to remain open to new opportunities for witness and service as circumstances change. The concept draws on the theological idea of a period of rest and recuperation to enable people to re-group and move forward again once the time is right.
 - e) There are changes to the legal framework to increase transparency and accountability but also to make the system easier to understand and communicate (see sections relating to statutory guidance and the diocesan Mission and Pastoral Measure framework).
 - f) The process changes around the legal instruments and the consultation requirements are set out in Part II of the paper. The consultation processes would be streamlined and modernised and the paper includes some examples to illustrate what the changes would mean in practice.
 - g) We have recommended that the terminology around the suspension of presentation should be changed and limited to one single period of up to five years. Reviews have also been recommended for pluralities and BMOs in the fifth year, as well as recommending updating the terminology and arrangements around sequestration.
 - h) Initial recommendations for the legal instruments and processes relating to church buildings are also included.
4. The paper also provides an outline of the new legislation (in Annex A) and a detailed illustrative table of the consultation and representation rights in relation to the MPM matters (in Annex B).

Motion for debate

5. That this Synod:
- a) welcome the Report GS2314 on the review of the Mission & Pastoral Measure and the recommendations it contains;
 - b) request the Archbishops’ Council to bring forward a draft Measure for the First Consideration at a group of sessions in 2024 to give effect to the recommendations that involve legislative change;
 - c) call on all concerned, including bishops, dioceses, parishes and the National Church Institutions, to welcome and embrace the call expressed in the Report for good conversations and a pastoral approach to be at the heart of any processes considering possible changes to ministry structures.

Wendy Matthews,
Head of Mission, Pastoral and Church Property
May 2023

CHURCH OF ENGLAND REVIEW OF THE MISSION AND PASTORAL MEASURE 2011

Draft Proposals | General Synod July 2023 | GS 2314



CHURCH COMMISSIONERS *for* ENGLAND

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'N. receive the Cure of Souls which is both yours and mine; in the name of the Father, and of the Son, and of the Holy Spirit'.

These words, spoken by the bishop at the licensing of clergy for ministry in a particular place or community, set the context for the Mission and Pastoral Measure 2011, which provides the legal architecture which enables parish structures to be adapted to meet changing pastoral need, 'furthering the mission of the Church of England and making better provision for the cure of souls.' This responsibility for ministry is held by both the bishop and the local minister, the diocese and the parish, connecting the church in each place and time with the church in every place and time; and the Measure exists to serve their consultation and partnership in this ministry.



The Review now presented to Synod offers proposals for reform of the Measure, which are the product of a very extensive process of consultation, a listening exercise and an intentional search for consensus around changes to the Measure, to ensure that it serves the church in mission and the cure of souls now and in future years. This process included conversations with parishes, deaneries, dioceses, partner organisations and a very committed General Synod Reference Group, and we are tremendously grateful to all those who have made their time, wisdom and experience of the Measure in action available for these conversations. The insights, suggestions and ideas arising have fed into the detailed review of the current legislation, as we have worked in partnership to identify how this emerging consensus might be expressed in legislative form. We have noted for further work areas which have been explored in the conversations and where more detailed proposals can now be developed, if Synod is minded to take forward this reform.

In the review, we have sought to design together a spacious architecture for the proposed legislation, which has enough room to make allowance for the ways in which our life together in parishes has developed in recent years and which also takes into account with imagination and grace the kind of provision which we will need for future development and growth.

In the process of consultation, it has been particularly striking to hear from almost everyone that, although a legal framework that is fit for purpose to serve mission and cure of souls is really important, experience has taught that it is how responses to changing contexts are developed, discussed and implemented together, in consultation and with respect for all parties, that matters most.

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So, in this review we have set out the priority for a pastoral approach in the operation of the Mission and Pastoral Measure, for a spirit of consultation and transparency, for building a culture of trust and partnership and for enabling a sense of agency for everyone involved. We have proposed changes for the legal architecture and in the processes which can enable that sense of agency and partnership, building trust for parishes, deaneries and dioceses to have these conversations well. Even though these can be difficult, it is important to discover and develop consensus, balance different interests and views fairly, and ensure that the practicalities of property, assets and finance are properly considered. Where differences need further resolution, the Commissioners' Mission, Pastoral and Church Property Committee would continue to provide a place for further representations.

The parishes of the Church of England are part of the unique geography, both physical and spiritual, of this country and our church buildings continue to be a sacramental sign of God's presence and of the commitment to be a Christian presence in every community. In this review of the Mission and Pastoral Measure, we have been acutely conscious of this precious inheritance, and of the particular challenges of our present context: we have developed consensus through conversations which have been both hopeful and realistic in proposing this renewed framework to support mission and the cure of souls.

The Reverend Canon Dr Flora Winfield DL DD

Third Church Estates Commissioner



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Theological Preface: A pastoral introduction to reviewing the Mission and Pastoral Measure

'And the Word was made flesh and dwelt among us...' John 1:14

In Jesus Christ, Christians believe, God takes place. Because of this, questions of the situation and arrangement of local churches in relation to one another and to their broader social landscape are of the greatest significance for the Christian community. The Church of England's polity, likewise, has never been merely incidental to its mission, but is a visible expression of faith in an incarnate Lord – one who chooses to be known and knowable among us.

The centring of the Church's national vision and strategy around the person of Jesus Christ has clear implications for our decision-making. It indicates, not least, how the church tends to answer universal questions in a very particular way - starting at Nazareth and working outwards, inferring general truths from local ones. The culture of the Kingdom, Jesus taught, springs from something small – yeast, say, or a seed – with potential for unlimited increase. God's dealings with humanity begin at the human scale, and are always relatable, locatable in space and time. Indeed, the question of 'where' God may be found – and where people are in relation to him – is a foundational theme in the biblical narrative. The first question God poses to Eve and Adam in the Garden of Eden is both local and existential: 'Where are you?' Likewise, when St John recapitulates the creation story in the opening of his Gospel, we find the roles reversed and the first question asked of God in Christ to be, similarly, "Where are you staying?" At which enquiry the Lord's answer is simply, "Come and see".

In Jesus Christ, Israel's experience of finding – and at times losing – a dwelling place with God was radically redirected towards a



coming and heavenly kingdom: a place that evaded possession but drew closer along the way. Thus it was that the early church found itself balanced by a curious magnetism: drawn both to the local and away from it towards an eternal home, a new Jerusalem. Believers were the *paroikia* – resident aliens or sojourners at once neighbours and strangers in the world, who only truly belonged 'in Christ'. These convictions (alongside the vagaries of British history) allowed The Church of England to develop over many centuries a polity whose primary expression is an inclusive local community. Not merely a congregation of common prayer, but a place of common ground wherein love for God is proved and practised in committed love of neighbour. In this way the parish church becomes for us a kind of rehearsal space for the kingdom of heaven (with all the experimentation and blundered lines that implies).

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Our legal structures, like every aspect of our common life, must therefore reflect the blend of sacred and secular that has long characterised Anglican ecclesiology in this country. National and local allegiance to the Church may be in decline, but the Church's allegiance to society remains strikingly durable: an indication that fidelity to the places and people it exists to serve remains at the heart of the Church of England's continuing establishment.

An evolving parish system and our unique inheritance of church buildings are vital instruments of this local compact that sees a church as incomplete without its corresponding neighbourhood, and (whether those neighbours know it or care not) vice versa. Anglican parish churches have always been shared spaces, and

if their grounds traditionally were singled out as 'God's Acre', it was only to show the hallowing of the whole: a sign that the earth was the Lord's and everything in it.

The Church's use of land and built heritage speaks powerfully of God's presence in this place and tells not only of past faithfulness but also of future possibility. If each local church is somehow poised between this world and the next – both in place (heaven) and time (eternity) – then all ecclesiastical structures must change and grow according to the unfolding guidance and ministry of the Holy Spirit. The New Testament portrays the Spirit as the one who brings alive in the present the past events our salvation and the resurrection hoped for in Christ: the 'first fruits' of a harvest yet to come. This perspective means we are bound simultaneously to the conservation and evolution of church government, of which this revision of the Mission and Pastoral Measure plays a significant part. The legal and procedural scaffolding of church life should be so arranged as to enable fresh proclamation of the Gospel in each generation, in order that (as the Ordinal puts it) "the church in each place and time may be connected to the church in every place and time".

Yet the Church of England operates at multiple scales of locality. Parochial and diocesan relationships have both familiar legal or communal contours and more complex geographies of association – the landscape of multi-academy educational trusts, for example, or of sector chaplaincies. Our emerging commitment to a 'mixed ecology' of missional forms arises from our earlier aspiration to be 'a Christian presence in every community', the seeking of which has always required of Anglicans a certain readiness to adjust their boundaries. The cure of souls shared between a bishop and their clergy remains at the heart of this local vocation and is underwritten by a Godly and mutual trust. Where this trust is weakened or placed under suspicion, governance alone cannot mediate or provide resolution, which asks all involved in local reorganisation determinedly to pursue all that makes for peace and builds up our common life.

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At times of rapid social upheaval and institutional unease this communion is especially vital and needs particular evidence in the decisions being taken about the future of our church buildings, where strong attachments and fears for the future so often converge. If these are to be truly and fully valued, dioceses and national church institutions must reflect carefully on the burden of governance that can fall so heavily on small communities: particularly on local volunteers who are, in many places, heroically keeping their church open against considerable odds. Under pressure and paucity of resources it becomes all too easy to foreclose the future of our built heritage, yet in avoiding this we can be schooled by our buildings themselves – many of which have extraordinarily long memories and have seen countless seasons of varying yield. If an increasing number of these find their future resilience or viability called into question – through a combination of material challenges, congregational decline and dearth of officers and clergy – then we must provide options that do not flog what is weary but allow for its sabbath rest.

This is the logic behind the idea of a fallow or ‘jubilee’ period for church buildings that could allow the common ground between church and neighbourhood to recover its fertility and wait upon future growth. In the Old Testament book of Leviticus, the Year of Jubilee was a periodic season of rest for both the exhausted land and God’s weary people. During this time the land lay fallow, reverting to its original owners; labour ceased, debts were cancelled and all those in bondage found freedom. In modern agriculture there is a difference between ‘pure’ fallow (when the ground is simply left alone) and ‘regenerative’ fallow, in which a restorative crop or fertiliser is added to aid recovery. We are beginning to explore how a kind of ‘regenerative fallow’ might offer our buildings opportunity for such close attention and recovery – not hibernation, but a ‘waiting on the Lord’.



There is much still to debate, and these revisions are offered ‘on the way’ to what is hoped will be a better place for the local church, where its greater resilience may be a lively sign that God’s Kingdom approaches, in England as it is in heaven.

The Right Reverend Andrew Rumsey
Bishop of Ramsbury, Whitsuntide 2023

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Introduction

1. In 2020, the Archbishops' Council asked the Church Commissioners to complete a review of the Mission and Pastoral Measure 2011 (MPM, or "the Measure"), as part of a wider process of legislative review and reform overseen by the Legislative Reform Committee (LRC). The Commissioners' Mission, Pastoral and Church Property Committee (MPCPC) which has the responsibility for overseeing the decisions made under the MPM and for advising the Board of Governors on changes to the legislation have led the review – the Committee is chaired by the Third Church Estates Commissioner, the Reverend Canon Dr Flora Winfield. This report is the outcome of the review – the report and its recommendations were approved by the Board of Governors in April 2023 and endorsed by the House of Bishops in May.



Review process

2. The Measure has its roots in nineteenth century legislation which first allowed parish structures to be adapted to meet changing pastoral need, and the modern version of the system was introduced in 1968 in the Pastoral Measure. Although the Measure has been updated since the 1970s (with the most recent being 2011), the fundamental architecture of the legislation has not changed significantly, and now needs to be updated to meet changing pastoral needs to support the provision of worship, mission and ministry more effectively in the Church's current context.

3. This review, carried out from 2020 to 2023, consisted of a listening exercise and a search for consensus around changes to the Measure, involving informal and formal conversations with a broad spectrum of people representing parishes, deaneries and dioceses and with partner organisations. Alongside this was a technical exercise which involved a detailed review of the current legislation to identify how that consensus might be implemented. The process involved identifying the areas and options for change, testing those as part of the consultation, and then agreeing the preferred policy and legal approach.

4. The focus of our conversations has been to identify where there is consensus on both the need for change, and the kind of change required, and to use that as the basis for the development of these proposals for General Synod to consider. In some areas that consensus has become clear and specific recommendations have been made, but in other areas, there is further work to be done before the recommendations are finalised. This report should be read as a high-level statement of policy, with the expectation that discussions around the legislative detail would be dealt with through the usual synodical drafting processes, if Synod approves the policy approach.

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Main recommendations

5. The Measure is primarily an administrative instrument which enables appropriate decisions to be made to support the local provision of worship, mission and ministry. Legislative reform in this context is both a cultural and a conceptual exercise, given governance, roles and responsibilities, individual rights, ownership and legal requirements are all deeply intertwined in the Church of England and its structures. The overwhelming consensus of the consultation was that how the MPM processes are completed often matters as much as, or sometimes more than, what change is enacted. If the processes are done poorly trust can be damaged and the outcomes can be detrimental for everyone involved. The MPM framework should not just be seen as an operational exercise for making decisions about mission structures or church buildings, rather, it should be seen fundamentally as a pastoral exercise, where the mutual aim is to reach the best outcomes that can be achieved together.

6. It is this main finding that has driven the Commissioners' approach to the development of these draft proposals, and the overarching recommendation that the existing Measure should be replaced with a new suite of legislation – shorter primary legislation (a new Measure) accompanied by secondary legislation (Rules or Regulations) – so that it is consistent with modern legal and Church practice. There are two kinds of change which the new Measure would seek to achieve:

The overwhelming consensus of the consultation was that how the MPM processes are completed often matters as much as, or sometimes more than, what change is enacted.

- A **cultural change** in how the Measure is perceived and operated. Applying the Measure needs to be seen primarily as a **pastoral exercise by all involved, where all voices are heard**, and conversations take place in a way that seeks to build trust and good relationships. Disagreement is often part of what happens within the Measure's conversations, but the Church can and should draw on the lessons it has learnt in other areas about how to disagree well. Simplification is needed in this context to ensure that a new MPM is clearer, more transparent and much easier to understand, to help build trust in a new approach. As part of that change there also needs to be a cultural change within the NCI teams who work on issues across the Measure to ensure a more integrated approach.
 - A **conceptual change** in the legislative architecture itself, to support and underpin that cultural change and build trust by introducing new requirements which will strengthen governance, transparency and accountability. The main elements of that legislative architecture and the changes proposed are summarised in the table below.
7. The Measure should ideally be used to release opportunities for mission and ministry, whilst at the same time protecting our historic buildings and built heritage in an appropriate way.
8. The rest of this document sets out the background on the current Measure, the review process and its main findings, and then the proposals to enact the change summarised above. If General Synod approves the motion following the debate draft legislation will be prepared for Synod to consider in 2024.

Legislative element ▼	Proposed change ▼	How the change would be enacted ▼	What change would be achieved ▼
General duty clauses	<p>The current purpose of the Measure would remain the same, with its focus on furthering the mission of the Church and the better provision of the cure of souls. In a new Measure more detail would be developed beneath this main duty to specify what the outcomes¹ should be in relation to people, place (parish and benefice) and church buildings in order to give the Commissioners a more specific and transparent set of factors against which to consider proposals in their decision making. These outcomes would also be reflected in new diocesan <i>Mission and Pastoral Measure frameworks</i> (see below).</p> <p>The requirement to consider the need, traditions and characteristics of the parish would remain, and the ability to weight resource factors, as both are a critical part of the Measure. There could however be more focus on inclusion, deprivation and marginalised communities as part of these changes.</p>	<p>The outcomes would be set at national level by the MPCPC through secondary legislation or statutory guidance and they could be reviewed and amended over time, and would inform future learning and evaluation.</p> <p>Examples of outcomes could include: a community growing in faith and understanding, or a more sustainable parish.</p>	<p>Having outcomes articulated would make it clearer to parishes and dioceses what factors were being considered in decision making. Making that more transparent would help encourage trust at parish level in the MPM processes and help the diocesan teams develop appropriate proposals.</p>
Statutory guidance	<p>The current MPM Code of Practice would be replaced with new statutory guidance to which all parties must have due regard.</p> <p>The guidance would be separated out into high level general guidance, with detailed practice guidance below, which would explain what is required of those taking part in processes under the Measure in a more user-friendly way.</p> <p>This guidance would place much greater emphasis on the context for the work around church buildings, which are often listed and are of historical and architectural significance.</p>	<p>The new Measure would make provision requiring the statutory guidance to be developed with provisions for its review.</p>	<p>New guidance would make it easier for parishes and dioceses to understand the Measure and how it should be used more easily, and that would help encourage trust at parish level, and make it easier for diocesan teams to work with the processes.</p>
Mission and Pastoral Measure Framework	<p>Diocesan teams would be asked to produce a Mission and Pastoral Measure framework (“MPM framework”) to show how they would approach activities under the MPM.</p> <p>The MPM framework would encourage greater transparency and accountability as the diocesan team would set out their approach to planning for mission. It would also show how they would manage the processes under the Measure in a pastoral way.</p> <p>Members of deanery and diocesan synods would be able to ask questions about the MPM framework at their usual meetings and whether proposals for individual schemes were consistent with the MPM framework.</p>	<p>There would be a statutory duty requiring the frameworks to be developed and statutory guidance or secondary legislation would set out the detail.</p> <p>The Commissioners would consult with the diocesan teams on the template and the diocesan teams would be required to consult with deanery and diocesan synods on the framework, as part of the approval process.</p>	<p>The frameworks would ensure the diocesan approach to activities under the MPM was more transparent, and increase accountability. This would help build trust at parish level in the MPM processes.</p>

¹ An ‘outcome’ is the ‘something’ you want to achieve through a specific process.

Legislative element ▼	Proposed change ▼	How the change would be enacted ▼	What change would be achieved ▼
Legal instruments	<p>The existing legal instruments will be simplified to two main types; orders and schemes. Orders would be for more minor matters and those relating primarily to the internal administrative structure of the Church, and schemes would be for more major matters, affecting wider public and property rights which require the widest consultation.</p> <p>The same matters would be considered as now, but the change would enable more straight forward matters to be dealt with more simply.</p> <p>The Commissioners are also recommending that it should be possible to increase the matters considered under the MPM by way of either an order or scheme in future in order to make sure it remains fit for purpose in the longer term.</p>	<p>The framing of the orders and schemes would be revised in the primary legislation, with secondary legislation specifying what matters may be made by one or the other.</p> <p>The statutory guidance on the consultation processes for each matter will require a greater emphasis on a shared pastoral approach and set out requirements for the co-design and co-production of proposals and encourage greater initiation of proposals by parish clergy and PCCs.</p>	<p>Simplifying the schemes and orders would make it easier for parishes and dioceses to understand the Measure and how it should be used more easily, and that would help encourage trust at parish level, and make it easier for diocesan teams to work with the processes.</p>
Representation rights	<p>The Commissioners are recommending changes to the way the rights to be consulted work under the Measure.</p> <p>This is one of the most sensitive areas of change in the Measure and the Commissioners have listened very carefully when considering how to strike the right balance between the rights of the individual, and the need for church communities to be able to make reasonable and timely decisions. It is important to be fair to individuals, but also to be fair to local church communities who need to be able to fulfil their missional and charitable aims.</p> <p>In future it is the matter, rather than the legal instrument which would determine rights, as that means less complex matters can be dealt with more proportionately.</p> <p>For order matters, the interested parties would be consulted, as now, but only they would be able to make representations, which would either be considered by the Bishop/Diocesan Mission and Pastoral Committee (DMPC) or the Commissioners.</p> <p>For scheme matters, publication to the wider public would still follow the initial consultation with the interested parties, and anyone would have representation rights.</p> <p>The right to appeal to the Judicial Committee of the Privy Council (JCPC) would be limited to those who have the right to make representations, and would be limited to scheme matters only.</p>	<p>The Measure would enshrine the rights of individuals and organisations to object to proposed schemes and orders. The statutory guidance would give clarity about the ingredients of a proper consultation process in a user-friendly and transparent way.</p>	<p>The processes for more straight forward matters would be simpler and be able to be completed more quickly where there is a consensus, but the right to object to the Commissioners would be retained where decisions are more contested.</p>

Legislative element ▼	Proposed change ▼	How the change would be enacted ▼	What change would be achieved ▼
Mission and ministry changes	The Commissioners are recommending that the terminology around patronage is updated and that the use of the suspension of presentation is more limited. Review points are recommended for pluralities and Bishop's Mission Orders. Similarly the terminology around sequestration would also be updated and legal changes made to enable the diocesan parsonage board to act in relation to certain parsonage matters.	The changes would be reflected in the new legislation and related legislation as necessary. The statutory guidance would give further guidance about the processes.	Parishes and dioceses would have greater clarity about the appropriate use of suspension and more satisfactory legal arrangements for managing parsonage property issues.
National team support	The role of the Commissioners' national team would be re-focussed to provide better, more tailored support to the different parties involved in the processes used under the Measure. A transformation programme would also be implemented to support the overall change, to provide a new shared data platform for processes and decision making, and better training and evaluation. This could include the development of national service standards including timings for decision making.	The Commissioners would develop a transformation programme to enact the changes outlined.	A better quality service for parishes and diocesan teams.



Summary of recommendations

No. ▼	Recommendation ▼	Page ▼
1	That a suite of legislation is brought forward to modernise the MPM. This would consist of a new Measure and supporting secondary legislation.	40
2	That the new Measure includes a requirement for the Church Commissioners to provide Statutory Guidance for all parties. Those undertaking activities under the Measure would be required to pay due regard to the guidance.	41
3	That a new learning, outcome and risk framework is developed by the Church Commissioners to underpin the statutory guidance.	41
4	That the new Measure includes a requirement for dioceses to produce Mission and Pastoral Measure frameworks, having due regard to statutory guidance.	43
5	That a new MPM is organised around the matter (i.e. the change) required and the legal instruments simplified to orders or schemes. A new MPM would also make provision for new matters to be added to the MPM over time, if that was required.	50
6	That a new category of ‘permitted representors’ is added in relation to consultation rights.	52
7	That the consultation processes would be modernised in a new Measure to allow the use of electronic methods of communication and dissemination.	52
8	That the details of the revised MPM consultation process and representation rights would be agreed as part of the legislative process.	53
9	That the new Measure limits the usual period of suspension of presentation to a benefice to a single period of up to five years, and changes the terminology from ‘suspension’ to ‘pause’.	58
10	That patronage changes currently requiring written consent, should be replaced with a right of representation.	58
11	That the new Measure has a provision requiring that pluralities should be reviewed within 5 years of a start date.	59
12	That the new Measure has a provision requiring that BMOs are reviewed within 5 years of a start date.	59
13	To make provision in a new MPM for the Diocesan Parsonage Board to be able to act in relation to certain parsonage matters and to modernise the terminology of sequestration.	61

PART II

Introduction

Governance context and the MPM regulatory system

Good conversations: A pastoral priority

Fallow time: A breathing space

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Governance context and the MPM regulatory system

Good conversations: A pastoral priority

Fallow time: A breathing space

Introduction

1. The Mission and Pastoral Measure 2011 (MPM, or “the Measure”) provides a regulatory framework which enables the Church to support the provision of local worship, mission and ministry, and to adapt that provision as circumstances change over time. The current framework was originally conceived in the 1968 Pastoral Measure, but over fifty years on, the Church has undergone a significant period of change and it is now timely to evolve those arrangements to ensure they remain consistent with good legal and Church practice and continue to support the statutory purpose of the Measure, which is the furtherance of the Mission of the Church and the ‘better provision of the cure of souls’.²
2. In 2020 the Archbishops’ Council asked the Church Commissioners (also “the Commissioners”) to review the Measure, as part of a wider process of legal reform and simplification, and this paper sets out the progress that has been made on the review, the main findings and recommendations. It follows on from previous Synod papers GS2222 in July 2021 and GS Miscellaneous 1312 in February 2022.



3. The overarching finding is that both a cultural and conceptual change is required to improve and update the framework, and that should be achieved by replacing the existing Measure with a new suite of primary and secondary legislation. The proposals outlined in this paper have been developed through a process of extensive engagement and consultation. The Church Commissioners, through their Mission, Pastoral & Church Property Committee³ and under the leadership of Reverend Canon Dr Flora Winfield (Third Church Estates Commissioner), have sought to identify the areas where there was consensus for change, and then to develop specific proposals which could command broad support. Inevitably a wide range of views have been expressed during this process, and not everyone who has contributed will necessarily support all of what is proposed. However, the aim has been to develop proposals which do represent a broad consensus, and which are measured, careful and considered, and the Church Commissioners commend them to Synod. If the changes recommended are made, then the new framework should help parishes, dioceses and patrons to realise their shared mission and ministry together.

4. The rest of the paper summarises the progress that has been made so far, and sets out the recommendations that have been agreed. It also identifies the policy areas where further work is needed before the recommendations can be finalised. If Synod gives its support, then draft legislation would be brought forward in 2024.

Wendy Matthews
Church Commissioners

² See the Long title and General Duty of the Mission and Pastoral Measure 2011 (MPM).

³ Please see Annex C for membership of the MPCPC

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Definitions

In order to make this paper easier to read it is important to be clear about the terminology being used as much church language is used in an overlapping and shorthand way and this can lead to confusion. The definitions below are not legal definitions but are used to give clarity and will be used consistently throughout the paper.

The main parties who have a role to play in relation to matters under the MPM are:

- the incumbent or priest-in-charge of the benefice/parish who can be stipendiary or self-supporting
- the Parochial Church Council (PCC) – particularly the Church Wardens
- members of the electoral roll, people resident in the parish and the wider local community
- the deanery lay chairs and the area and rural deans who are MPM ‘interested parties’ for consultation purposes
- the diocesan bishop and staff team – particularly the archdeacons who lead much of the MPM work
- patrons, who can be individuals or dedicated patronage organisations, or institutions (such as universities) who hold patronage, or Cathedral Chapters, the diocesan bishop or the Crown, who hold rights in relation to clergy appointments and support parish life

The following terms will be used:

- **diocese** – the whole people of God in the area of the diocese, which encompasses the parishes, deaneries and archdeacons
- **diocesan team** – meaning the diocesan bishop, senior clergy and lay officers working for the diocese in relation to MPM matters
- **parish clergy** – will refer specifically to the incumbent or the priest-in-charge
- the **‘parish’** is used in the sense of the geographical area and physical place
- the **‘parish’** can also refer to the people of the parish; the parish clergy, PCC, Readers, other clergy, electoral roll members and the people resident in the parish and wider community, local organisations (e.g., civic parish council)
- **church building** – means a consecrated church building in the context of the Measure (not generally a licenced place of worship)
- **parish buildings** – usually means the buildings held in trust by the Diocesan Board of Finance (DBF) for the PCC, such as church halls
- **parsonage** – is the dedicated house which belongs to the benefice for the use of clergy. Note – there are houses which are corporate property but not parsonages
- **statutory partners** – refers to national and local government, and bodies with responsibilities related to church buildings and other aspects of the Measure

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The Mission and Pastoral Measure 2011

5. The legal regime of the current Measure⁴ has its roots in nineteenth century legislation which gave Bishops powers to amalgamate parishes, so they could adapt to meet changing pastoral need, geography and demography. This was followed in the twentieth century by new legislation to give greater protection in civil law for historic and listed buildings. During the 1950s and 60s there was a long period of debate between government and the Church, particularly about the need to avoid the demolition of church buildings (which had happened after the war). The result was the Pastoral Measure 1968 which created a new legal regime which enabled the following:

- Changes to the Church's mission structures (including team and group ministries); the geography of parish, deanery and archdeaconry⁵, and the benefice (office of the Incumbent who is given the 'Cure of Souls' for a parish or parishes which is shared with the Diocesan Bishop).
- The closure of a consecrated church building⁶ which was no longer required for regular public worship.
- The disposal and re-use of a consecrated church building which was no longer required for regular public worship.
- The establishment of the Churches Conservation Trust (CCT)⁷ to hold in trust for the nation the most historically significant and important closed church buildings.
- Later amendments added the ability for Bishops to introduce new mission initiatives through Bishop's Mission Orders (BMO).

6. The Measure uses various legal instruments, known as schemes and orders, to enact the decisions when change is required. A legal process is required because property rights may be affected if there

are changes to mission structures. For example, if one benefice is merged with another, then the incumbent, who technically owns the church building, will change and parishioners' and patrons' rights may also be affected. It is important to note that changes to the underlying ownership structure were not in scope for this review.

7. At present, the Measure functions by setting out what consultation processes are needed in for a decision to be made on a particular order or scheme. It operates in a similar way to the secular planning system, and generally requires draft proposals to be published, after consultation, at which point people can make written submissions in favour of, or against, the proposals. If there are no submissions against, then the relevant legal instrument is made and comes into effect. If there are submissions against those come to the Church Commissioners' Mission, Pastoral and Church Property Committee (MPCPC) for consideration.

8. The committee is chaired by the Third Church Estates Commissioner and the members are lay and clergy people drawn from across the Church and a range of traditions. Working together, they take a broad perspective on whether the proposals will further the mission of the Church. There is a right to appeal the MPCPC decisions in some instances to the Judicial Committee of the Privy Council (JCPC), but the appeal has to be based on a point of law or merit, not merely because of disagreement with the outcome.

9. The 1968 Measure was amended and consolidated in the Pastoral Measure 1983, which was further amended in 2007, consolidated in 2011 and amended again in 2018. The last substantial review, the Toyne report⁸, was published almost twenty years ago in 2004, and so it is timely to consider the Measure afresh.

⁴ The Mission and Pastoral Measure 2011

⁵ The MPM and its history is summarised in more detail in GS2222 – or see Parish reorganisation and church property | The Church of England.

⁶ The disposal processes for unconsecrated Licenced Places of Worship are different.

⁷ Visitchurches.org.uk

⁸ 'A Measure for Measures: In mission and ministry', GS1528, Church House Publishing.

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Reviewing the Mission and Pastoral Measure

10. Over the last 10 years, the Church has started a process of legislative reform, to ensure that its legal structures are simplified to support its mission and ministry more effectively. The Legislative Reform Committee (LRC) of the Archbishops' Council has been asked to consider primary legislation, and in 2020 it recommended that the MPM should be reviewed. This recommendation was endorsed by the House of Bishops and later supported by General Synod in July 2021. The Church Commissioners were asked to lead the review, as they have the governance and management responsibility for the operation of the legislation. (It is the Church Commissioners' Board of Governors who have the overarching responsibility for the legislation and they act on the advice of the MPCPC).

11. The programme of work for the review was initially considered by MPCPC and the LRC in October 2020, and concluded when this paper was approved by the Board of Governors in April 2023 and endorsed by the LRC and House of Bishops in May. The review has consisted primarily of a listening exercise and a technical review of the legislation itself, and the initial ideas were presented to General Synod for debate in July 2021 in GS2222⁹ (Mission in Revision). The motion to continue the work was approved¹⁰ and a period of public consultation began. The feedback from the consultation exercise was reported to General Synod in February 2022 in GS Miscellaneous 1312¹¹. After that session, an informal General Synod Reference Group was also established to enable Synod members to feed directly into the development of proposals.

12. The House of Bishops received an update in November 2021 and proposed that draft legislation should be brought forward to Synod. The Commissioners decided that further consultation work was required in 2022 to assist the development of proposals, with the intention that draft proposals should be brought forward for Synod



to debate in February 2023. This date was subsequently deferred until July 2023, in light of the busy Synod agenda in February.

13. As part of the extended consultation period, in 2022 a series of visits and consultative conversations were held to gather experiences of the present Measure and its operation from representatives of parishes, deaneries and diocesan teams.

14. It is important to note that the scope of the review has been strictly limited to changes to the MPM and has not made recommendations on related areas including parish and diocesan governance, the policy framework for the deployment and recruitment of clergy, or the operation of the patronage system, none of which are covered by the MPM nor are they the direct governance responsibility of the Church Commissioners.

⁹ GS 2222 – Mission in Revision – A Review of the Mission and Pastoral Measure 2011.pdf (churchofengland.org)

¹⁰ General Synod motion: That this Synod a) welcome the consultation paper Mission in Revision: A Review of the Mission and Pastoral Measure 2011 (GS 2222); b) commend it for discussion; and c) invite the Archbishops' Council, the Legislative Reform Committee and the Church Commissioners to bring forward draft legislation for consideration by the Synod no later than July 2022.' This was carried following a counted vote of the whole Synod. The voting was as follows: In favour – 278, Against – 2 Abstentions – 7.

¹¹ GS Misc. 1312 MPM review update.pdf (churchofengland.org)

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Informal General Synod Reference Group

15. The informal General Synod Reference Group has played an important role in helping the Commissioners to receive and test suggestions and ideas, to build trust through conversation and to consider issues, as part of our work to seek consensus. Its wide membership, which includes clergy and lay members and representatives from the MPCPC and LRC, meant there was lively debate and a wide range of viewpoints expressed.

16. The Commissioners are extremely grateful to all those who participated, and particularly appreciate those members who took time to write up their ideas and proposals for the Reference Group, and those who helped to organise the local church visits. There were a number of key themes which were raised during discussion, which included:

- How to give more agency to parishes and clergy in the MPM processes?
- How to make the processes more accessible and culturally sensitive?
- How to make the MPM more flexible in relation to ecumenical working?
- How to make sure that what works well in the current MPM is retained?

17. Many members of the group repeatedly raised trust issues as their primary concern, particularly in regard to the way the relationship between some diocesan teams and parish communities plays out when the Measure's processes are being used. The decisions reached under the Measure can be very difficult to make, as people often care very deeply about the areas where change is being considered and the conversations can be unwelcome.



18. At their best, when done well, there is a shared consensus and an agreed way forward evolves but, if poorly handled, they can lead to damaged pastoral relations, and have a long-term adverse impact on that local church community¹². Some members thought these issues should be addressed through the national Governance Review – for example there was a suggestion that a 'Parishes Commission' similar in design and scope to the Dioceses Commission could be established to oversee MPM-type functions. Some thought the Commissioners' MPM review terms of reference should be broadened to address such broader issues, but after careful consideration, the Commissioners concluded they should complete the task they had been set by the Legislative Reform Committee and keep to the original scope.

19. However, the Commissioners have taken these views into account and deliberately developed the proposals for a new MPM in a way that will help improve transparency and accountability and encourage better trust among the parties involved.

¹² This issue of trust was set out in more detail in GS Misc. 1312, the response to the MPM consultation. See [GS Misc 1312 MPM review update.pdf \(churchofengland.org\)](#).

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Engagement and visits

20. The public consultation on the initial ideas for the Measure showed that more listening needed to be done to inform the development of consensus on what needed to change in the MPM and how that might best happen. So, as well as working with the General Synod Reference Group, the Commissioners have completed a substantial programme of engagement with representatives from parishes, deaneries and diocesan teams from across different parts of the country, and from a range of ministry contexts. That has been a fruitful and rich conversation and the Commissioners wish to record their thanks to all who have taken part. The process included online meetings as well as a series of visits to parishes and dioceses to explore different experiences of using the Measure in a local context. The people and organisations who engaged with these conversations are summarised below:

- Representatives from parishes and deaneries, including clergy and lay people and patrons and members of General Synod.
- Representatives from diocesan teams, including archdeacons and members of Diocesan Mission and Pastoral Committees and Area Mission and Pastoral Committees, diocesan and suffragan bishops and diocesan secretaries.
- The House of Bishops.
- Representatives from various church related organisations including; the Association of Festival Churches, the Deaneries Network, the DAC (Diocesan Advisory Committee) secretaries (at their annual conference).
- Presentations were made to the Inter-Diocesan Finance Forum, which includes chairs of Diocesan Boards of Finance, Diocesan Secretaries and Finance Directors.
- Members of the House of Commons and the House of Lords.
- Wider partners involved with church buildings including the Church Conservation Trust Board, Historic England, the Amenity Societies and the Department of Culture of Media and Sport (DCMS).

21. The on-site visits were particularly helpful and included visits to the following places:

- Diocese of Carlisle – exploration of ecumenical ministry models in a rural diocese.
- Diocese of Exeter – exploration of the rural church and models of ministry.
- Diocese of Hereford – exploration of festival churches and a community bakery project in a closed church.
- Diocese of St Edmundsbury and Ipswich – exploration of a rural Bishop’s Mission Order initiative with local church groups.
- Diocese of Lincoln – exploration of three ministry areas in Grimsby, Louth and Stowe with local church communities, including discussions on church buildings.
- Diocese of London – visits to BMOs including KXC and St Francis at the Engine Room. There was also a parish visit to St Mark’s Bush Hill Park and the Sheriff Centre which has an interesting mixed use church building model.
- Diocese of Liverpool – learning from ‘Transforming Wigan’ and other projects.
- Diocese of Winchester – exploration of a deanery’s experience of pastoral re-organisation.
- The feedback and learning from this engagement is reflected throughout the document and illustrative case studies are included.



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Main findings of the MPM review

22. In developing their main findings, the Commissioners have considered what aspects of the current MPM system work well, what aspects could be improved, and what changes are required to make that happen. These were summarised in a SWOT (strengths, weaknesses, opportunities and threat) analysis in GS Miscellaneous 1312¹³. There was broad consensus that the following aspects worked well:

- The overall purpose of the Measure – with its emphasis on the ‘cure of souls’ and supporting the wider mission of the Church.
- Having an independent body, currently the Church Commissioners, to adjudicate between the views of the different parties on contested decisions. The core processes of consultation, publication and adjudication by the MPCPC and appeal to the JCPC worked well in principle. The right to make written submissions in relation to proposals was valued.
- The need to consider the particular needs, characteristics and traditions of parishes in the decision making.
- The ability to balance a range of factors in decision making, including resources (e.g. volunteers, church buildings and finances).

There was also broad consensus on what aspects of the current regime do not work so well:

- The current MPM system gives little sense of agency to parish clergy and PCCs and others in the decision making. There can be a lack of transparency about the rationale for change, and unless there is an intentional effort to sustain good relationships and effective conversations for consultation and developing proposals together, it can feel ‘top down’ in terms of culture.

- The system is overly complicated with too many repetitive rounds of consultation and too many different processes, which can create mistrust.
- There can be a significant disparity between the dioceses and the parishes in terms of understanding and operating the MPM processes. Dioceses tend to be more familiar with the MPM because they manage a lot of the processes. However, there can be a lack of specific and dedicated support and advice for parishes and local clergy who need to engage with the MPM as well, which can make individuals and parish communities feel they are at a disadvantage in the process. This effect can be magnified in poorer or more marginalised communities, which means there could be scope for a disproportionate impact. Some diocesan teams do provide resources to help parishes engage, particularly archdeacons, as they see this as part of their support role, but for some in the parish this can be seen as a potential area of conflict, as it is often the diocese that initiates proposals.
- The Measure is hard to understand and use in practice – it is seen as inflexible and not sufficiently agile to meet the current needs of parishes and dioceses.
- The approach to the status of church buildings in the present Measure is binary, as it only recognises a legal status of a church as either in use primarily for regular public worship or closed and there are no other options. This does not support a more flexible approach, where buildings are increasingly used for partial and occasional worship, and there is a desire to work with the long-term ebb and flow of church lifecycles more easily.
- Overall, that the processing of casework under the Measure takes too long, duplicates itself in places, and imposes too much of an administrative burden on parishes and dioceses.

¹³ GS Misc 1312 – [GS Misc 1312 MPM review update.pdf \(churchofengland.org\)](#)

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The Commissioners have used these findings to guide the development of proposals which are set out in the rest of this document. The proposals have been developed by focussing on those areas where there was both a sufficiently shared consensus about change being needed along with a sufficient consensus about how to make that change. Those ideas have then been tested with the MPCPC, LRC, General Synod Reference Group, National Church Institutions (NCIs) teams, diocesan teams and during the local visits. The Commissioners have sought to develop proposals which are sensible, careful and considered and which will stand the test of time.



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Governance context and the MPM regulatory system

23. Before considering the detailed recommendations for a new Measure, it is first necessary to consider the nature of the regulatory system and what it is trying to achieve in the context of the life and ministry in the Church of England.

24. The Church of England recognises the distinct roles of the Bishop as Ordinary¹⁴ and chief pastor in a diocese, the role of the Church as the people of God in the diocese (including the parishes), the autonomy of the parish clergy (incumbent or priest-in-charge), the autonomy of the Parochial Church Council (PCC), and the role of patrons in supporting the recruitment of clergy and parish life more generally. Leadership is exercised by individuals at all those levels. As the Church of England is also the established church, individuals have certain rights in relation to the Church of England, which are also relevant and include:

- The right to be baptised.¹⁵
- The right to be married in the parish church.
- The right to be buried.
- The right to attend services.

25. This ecclesiology and autonomy is reflected in the modern legal structure and disaggregated system of governance, at national, diocesan and parish level. The Diocesan Boards of Finance (DBF) are independent charities, as are individual PCCs (either registered or unregistered), and parish clergy are generally officeholders, not employees. The charities operate with their own boards of trustees and the trustees are strictly speaking ultimately accountable to the charity, not the wider church as a whole, albeit with a shared mission.

26. The various ecclesiastical roles and responsibilities of these bodies are set out in a number of different church measures and the trustees and officers must have due regard to those requirements. In practice, this means that although there is clear regulation, one church body, such as the DBF, is not usually the formal regulator of another church body, such as a PCC, as it might be in a comparable secular system, such as education or local government. There are also overlapping secular requirements in relation to the charity legal regime and other civil law.

27. This is important to understand, because when it comes to exercising functions under the Measure, the interests of all the different parties are held in tension with each other, and those parties are often juggling different, and sometimes contradictory, sets of responsibilities depending on their role. To give some examples, the diocesan bishop and senior clergy have pastoral responsibility for their clergy and people in the parishes, but at the same time they have to organise ministry provision such as the deployment of stipendiary clergy, taking account of finance, capacity and other issues. The Bishop may also be the patron of the parish which brings another dimension to decision making. The incumbent in a parish, has a shared ministry with the Bishop in the cure of souls, but also shares responsibility in their benefice with the PCC on local matters.

¹⁴ Ordinary – this means that the bishop has jurisdiction in the diocese to exercise powers which are attached to the office of bishop.

¹⁵ The rights derive from common law and Canon law.

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28. At its best this can be a positive, creative tension, which leads to good outcomes and sensible compromise across the different interests, but it can also lead to the interests of parties clashing, resulting in poor outcomes and damaged pastoral relations. Church life has always had to change and adapt. The Measure provides the legal framework and reasonable technical way to achieve many of the necessary decisions on local worship, mission and ministry, but the effectiveness of the Measure is also dependent on how it is operated.

29. It is also important to understand the role of the Commissioners in relation to the Measure, which is not a standard regulatory role as might be seen in industry or the public sector. It is not the role of the Commissioners to set policy in the context of the Measure, but rather to act primarily as the neutral arbiter or independent third party, holding the system on behalf of the other actors, taking a fair and impartial approach to the management of the relevant processes, to help ensure the best outcomes overall. The MPCPC is required to exercise sophisticated judgement when it weighs the roles, responsibilities and factors set out above.



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Simpler, humbler, bolder

30. Within this context of church life post-Covid, the Church has set a new vision and strategy for the next decade which emphasises key objectives and bold outcomes¹⁶ which it seeks to achieve, and challenges the Church to be simpler, humbler and bolder. The Commissioners have considered how the MPM review can support that aspiration:

- **Simpler** – making the MPM legal framework simpler and the processes more nimble and proportionate, to help achieve shared outcomes.
- **Humbler** – there needs to be greater recognition of the power structures and dynamics that play out in MPM conversations, which unless exercised with care can damage trust and pastoral relations. The MPM should encourage more equal participation and a greater sense of agency in the processes, leading to solutions and outcomes which are mutually beneficial.
- **Bolder** – creating a framework that enables church life to evolve, embrace local innovation and suggestions and adapt to changing circumstances more effectively. Ideally, creativity and innovation should be shared endeavours as much as possible, leading to mutually beneficial outcomes.

31. The overwhelming consensus of the consultation, is that how the MPM processes are completed often matters as much as, or sometimes more than, what change is enacted. If the processes are done poorly the outcomes can be detrimental. It is important not to under-estimate how challenging that is in our current circumstances, for example with pressure on finances at parish and diocesan level. The conclusion is that the MPM process should not just be seen as an operational exercise making decisions about structures or church buildings. Rather, it should be seen fundamentally as a pastoral exercise, where the mutual aim is to reach the best outcomes that can be achieved together.

32. There should then be sufficient regulation to ensure that the legal transfer of property and assets follows the decisions made. The compliance and financial requirements, for example in relation to historic church buildings, should be met in a way that is proportionate. Being simpler and humbler in the way set out above should also help to grow trust between all those who participate in the decision-making processes under the Measure. The other aspect of the vision and strategy that is particularly relevant to the MPM is the focus on the revitalisation of the parish for mission, and these proposals should be consistent with the emerging thinking on this priority.

Governance review

33. The Church's national Governance Review is also taking place in parallel with the review of the MPM, and the National Church Governance Project Board has made recommendations for a new structure for the National Church Institutions (NCIs). The draft proposals were initially put to General Synod in November 2021 (GS2239) and then further developed leading to the (adjourned) debate (GS2290) in February 2023¹⁷. There will be a further debate on the proposals in July 2023, so the final outcome is not yet known, but it would have implications for the Commissioners' role in relation to the MPM function.

34. In this report, for simplicity, we will continue to refer to the Commissioners as the NCI with responsibility for the MPM, as they currently have the responsibility for the legislation. The proposals in this document would not be affected by any change in governance structure, and so any future decisions can be made in parallel.

¹⁶ Vision and Strategy – Vision and Strategy | The Church of England

¹⁷ GS 2290 Governance Review.pdf (churchofengland.org)

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Shared pastoral outcomes

35. Various sectors are debating about how modern regulatory systems should evolve in fast-paced, technology-driven, modern contexts. Current thinking emphasises the need for outcome-driven approaches, rather than prescriptive approaches which can hinder the capacity of systems to adapt to changing circumstances in a timely manner. It is a strength of the current MPM that it is already outcome-focussed (around mission and the cure of souls), but it would be sensible to take that one step further by articulating what the outcomes of changes under the Measure should broadly be in relation to people, place (parish/benefice) and church buildings, within the context of the more pastoral approach the Commissioners are advocating.

36. The benefit of an outcomes-led approach is that it can be designed to fit with the Church's ecclesiology and values, and although the language of 'outcomes' may not feel appropriate to some, it can reflect pastoral and spiritual themes, and different church traditions. For example, change outcomes in a church context could include 'a community which can reach out to young people more effectively'.



37. Outcomes can also be practical. For example, pastoral scheme outcomes could include parishes becoming more sustainable in terms of governance and finance. An approach that articulates outcomes also has the benefit of simplicity because, if done well, it will be clear and easy to understand, and that will help build trust in the decision making processes, by improving transparency and accountability. If you can articulate what the outcome should or will be, you can then better consider if proposals for change brought forward under the Measure are likely to achieve that end. You can also identify the factors, or risks, that would make it harder for those positive outcomes to be achieved and what actions, if any, should be taken to avoid that, or mitigate adverse impacts. The Commissioners could develop an outcome, learning and risk framework as part of the MPM changes which would articulate the different risks to the different parties, which could inform how pastoral conversations are structured and developed, and help identify lessons as practice develops. This could be included within the statutory guidance provided under the Measure (see below). The factors the Commissioners could take into account in the future include the following:

- clergy and volunteer wellbeing
- the sustainability of the parish
- the care of church and parish buildings

38. The case study below shows how diocesan teams are already doing this work. Some dioceses have developed toolkits which help local church communities understand their roles and responsibilities in relation to church buildings, how they can look after their buildings better, and where they can go for support and advice, which is likely to lead to better outcomes for the people and the place. The Commissioners would take care not to duplicate existing provision in terms of guidance.

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CASE STUDY:

Toolkits

Some dioceses are already providing resources to help parishes proactively manage their risks in relation to volunteers and church buildings. See:

- **Growing the Rural Church toolkit** – Diocese of Exeter.
This toolkit provides helpful information and resources to grow the rural church, but as part of that it provides advice on how parish communities can lighten the load and improve governance. [See Growing The Rural Church.](#)
- **The Mission and Mortar toolkit** – Diocese of Hereford.
This toolkit also provides resources and includes advice on fundraising and training. [See Mission and Mortar Tool – Diocese of Hereford \(anglican.org\).](#)
- **The Volunteers toolkit** – Diocese of Lincoln.
This toolkit has been provided as part of the 'Time to Change' programme. [See Church Buildings | Lincoln Diocesan Trust and Board of Finance \(anglican.org\).](#)

Pictured right: Knitted image is from St James's Louth in the Diocese of Lincoln



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Learning from the listening exercise and visits

39. Our visits and the consultation showed that there are lots of different models and approaches to change in the Church. The Commissioners saw some of these approaches in action and there were some excellent examples of positive engagement between local church communities and their diocesan teams who all wanted to see parishes re-vitalised for mission and were keen to discuss how changes to the Measure could help. The Commissioners also see in casework and hear in other conversations about situations where the dynamics were more difficult and contested.

40. The visits were also a particularly useful way of seeing how models for local worship, mission and ministry and change processes vary in rural and urban settings. The MPM processes need to work in all those different contexts and with the differing dynamics and challenges. The Commissioners also heard much about the challenges in these communities and for many there was a strong desire to see change move more quickly in the Church to address concerns.

41. The General Synod Reference Group picked up the themes around mission models, particularly in relation to the role of deaneries, where there was a strong divergence of views about their utility. Some members were not supportive of deanery structures, which are not a corporate entity, and did not consider them a useful forum. Others strongly held that deaneries were vital to mission and would be an increasingly important way of coordinating local worship, mission and ministry in the future. The Commissioners' team met with members from the Deaneries Network who help members of deanery synods to support each other and share good practice.¹⁸

42. There has been a debate about whether it is helpful to have a corporate body to fulfil deanery functions, which was explored during the discussions. The Diocese of Oxford has already

established a limited company to work at deanery level, and others are investing in staffing at deanery level to support parishes which are struggling to recruit volunteers, for example, by appointing a deanery treasurer or administrative support. Some dioceses place a lot of emphasis on deanery plans, and in the Diocese of Portsmouth, for example, deaneries have recently been asked to update their plans to reflect the priorities of the new Bishop which will then become the basis of the diocesan plan. Planning can be bottom up, as well as top down.

43. Some of the members of the General Synod Reference Group were concerned about dioceses who had undertaken large scale changes to their deanery structures and there was confusion about what is and is not permissible under the MPM, particularly when more than one legal instrument was being used (e.g. a Bishops' Mission Order alongside a Bishop's Pastoral Order). As part of their recommendations, the Commissioners have suggested moving to a system where statutory guidance is provided, which would include better, more transparent, guidance on how the various MPM legal instruments should be used.

44. It is not the role of the Commissioners to be prescriptive about models, but rather to ensure that the Measure is flexible enough to work well with all the different contexts and approaches across the Church, encouraging the development of processes which will proactively build trust and relationship. It is also important that we share learning from these exercises and disseminate good practice. The case studies below have come from the local visits. The case study from the Diocese of Lincoln¹⁹ is an example of a strategic and consultative approach being taken to pastoral and church building matters by one diocese. The case study from the Diocese of Liverpool is a reflection on the learning from the Wigan pastoral re-organisation.

¹⁸ The National Deaneries Network – Supporting Deaneries in Mission

¹⁹ A Time to Change Together | Lincoln Diocesan Trust and Board of Finance (anglican.org)

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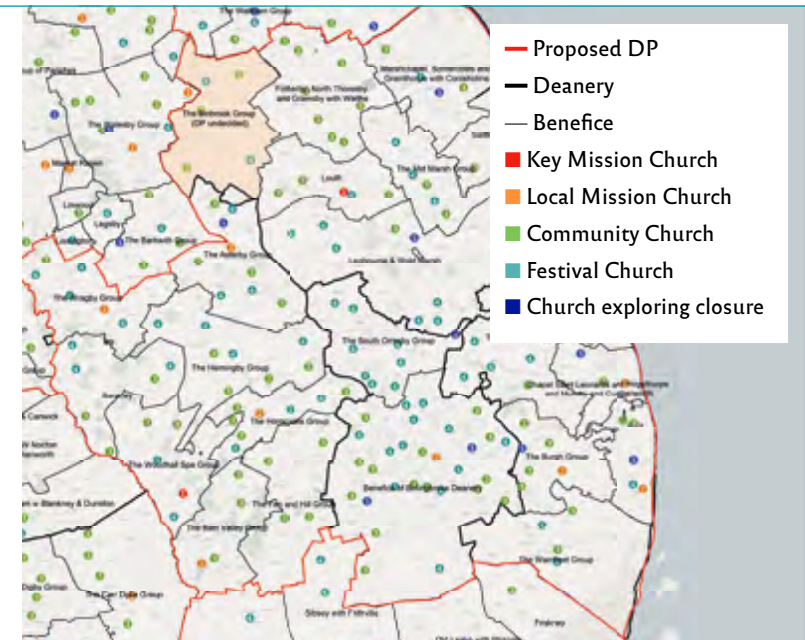
Fallow time: A breathing space

CASE STUDY:

Diocese of Lincoln – A Time to Change Together

The Diocese of Lincoln has established 'A Time to Change Together' to help churches to flourish. Their "whole approach is to resource local churches to be the best they can possibly be as they seek to serve the people of their community with the good news of God's love for them". As part of their approach the diocesan team asked every church to complete a self-assessment exercise and rank themselves as either; a key mission church, a local mission church, a community church, a festival church or a church exploring closure. There was a very high rate of return and the responses for each church have been set out on a map, so it is possible at a glance to see the picture across the diocese. This data is now being used to inform many different diocesan conversations, including how better to structure worship, mission and ministry within the new missional partnership structures as they are established.

In the 2010s the then diocesan bishop made a commitment to increase the number of stipendiary clergy, in order to address declining attendance and financial giving. This approach did slow decline, but it did not lead directly to growth and the overall financial situation became unsustainable. A review exercise was put in place and a report, 'Resourcing Sustainable Church' was developed, predominantly over Zoom during Covid, and approved by the Diocesan Synod in 2021. The report's recommendations are now being implemented. There are five areas of action; better use of assets (including housing), reducing central costs and directing staff towards parish support, significantly enhancing training for lay and ordained ministry teams by creating the College of St Hugh, and moving to a new parish pledge system.



As part of the programme of change nine Deanery Mission Partnerships, largely coterminous with the local authority boundaries, have been established across Lincoln's 22 deaneries, each guided by a Partnership Dean (often one of the rural or area deans for the area) and a Lay Co-lead, were commissioned by the Bishop. Within each Deanery Mission Partnership, parishes have worked together and agreed to group together as Local Mission Partnerships, in which benefices and their ministers (ordained and lay) will work collaboratively. LINC funding, directly applied to the areas of greatest income deprivation to supplement pledged parish giving towards the cost of ministry, is being used to support the approach in each Local Mission Partnership. Underpinning the approach is the concept of not everyone trying to do everything, but rather seeing where there are existing gifts and expertise that can be developed further and applied more effectively.

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CASE STUDY:

Diocese of Liverpool – Wigan pastoral reorganisation

In our initial Synod paper, 'Mission in Revision', the Wigan project was quoted as a case study. As part of the reference group conversations, the Archdeacon of St Helens and Warrington updated the group with progress during and after the Wigan project, and some learning from it.

The main points were:

- Pastoral reorganisation was set in the wider context of local challenges and issues and the 7-year Transforming Wigan SDF (Strategic Development Fund) funded project intended to address them.
- Wigan is a post-industrial town and working-class area. Historically it had high level of church attendance but in the last 20 years, attendance had been declining faster than the diocesan average (1.5% in Liverpool, compared with 2.5% in Wigan). Giving was very low compared to diocesan comparators and financial resilience is low.
- The aim of the project was "to turn around missional and financial strength" – local leaders would say that it has succeeded in improving missional strength but has not addressed financial strength.
- The re-organisation was large-scale – creating a single benefice with a large team ministry and Joint Council; 15 clergy and 30 church buildings. Closure of buildings were not addressed in the first phase but is being considered now.
- The 29 parishes were reduced to 7, in clusters of 3-5 churches per parish. A move to a single parish was discussed but felt like too big a step at the time.

What had worked well:

- Doing the spade work – it is really important that the preparatory work and conversations are done and done well before a scheme is brought forward. The people who liked and supported the scheme are the ones who have made it work.
- Clergy wellbeing – the larger team ministry model was working well, and clergy were able to be proactive about supporting each other. Clergy retain dedicated responsibility for local areas so they can develop pastoral relationships in the usual way.
- The development of lay leaders was going well, with 60 people trained and engaged, and local vocations were up.
- The geographical alignment of the benefice with the local borough boundaries had been particularly effective. The borough was now funding school chaplains, food ministry work and were housing homeless people in church halls.
- Covid had an impact, but the rate of decline has slowed in traditional worshipping communities compared to the rest of the diocese. Meanwhile there are substantial numbers of people (maybe 20-25% of the total) who are members of newly started worshipping communities.

What had worked less well:

- Three parishes, who did not relate to the town of Wigan in the same way as the other church communities, were not in favour of the scheme but were still part of it. It would have been less divisive to leave them out and might have made the new benefice work more happily.
- Financial problems have not yet been addressed in any significant way.

Case study continues on the next page

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CASE STUDY: *continued*

Other lessons learnt:

- A diocesan staff member (not connected to the project) ran the original consultation including talking people through the pastoral reorganisation process and helping people to formulate responses. Such a broker (if genuinely neutral and trusted) could be very beneficial.
- With a complex reorganisation supporting a large-scale and radical revitalisation project, some flexibility might have been helpful to enable churches to try out new arrangements, or to review the working of the scheme and either unwind elements of it, or to go further, without starting all over again.

“Loving God, we give you thanks for Romsey Deanery – for its diversity and richness. We thank you for those faithful people who have built, sustained and shared the faith over countless centuries. Grant to us your wisdom as we seek to continue to share your gospel, and expand our outreach to all who live in this deanery. Give us grace and help us to seek your face and heart, that all we do will be to the advancement of your kingdom and the Glory of your name. We ask this through Jesus Christ our Lord. Amen.”²⁰



²⁰ A prayer for the Romsey Deanery, from the local visit to Winchester Diocese.

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Good conversations: A pastoral priority

45. Many respondents to the consultation mentioned the importance of having better, more equal, Measure-related conversations and of encouraging more initiatives to come from the parish and benefice. There was strong support for a more 'co-design, co-production' approach to the development of proposals. For this to happen there needs to be attentive conversation and active listening within a context of prayer. Done well, a conversation about responding to the changing needs of mission and ministry, developing structures and the fruitful and creative use of buildings should be an essential part of how a local church shares the creative and redemptive tasks to which God has called the Church. There are examples of good practice already available but more needs to be done to make the learning more accessible. New practice guidance could promote shared models for collaborative decision making. Examples could include:

- Having in-person conversations at the early stages in an informal way. This can be a good method of including people who might not want to participate in complex, formal meetings. The discussion can be captured properly, but not in the formality of official minutes, so people can see their views have been heard.
- Helping people to make oral or video responses to proposals, as well as written submissions.
- Having conversations which start with a discussion of the deanery or local church and mission context first to assess need and opportunities. One member of the General Synod Reference Group suggested the 'statements of need' concept could be adapted for this purpose. These are used when parish clergy are recruited to set out the needs and opportunities within the parish setting.

- Having a 'neutral' person who can work with the local church and be seen as an independent figure. Some dioceses offer support staff already to help with this, but it does need to be clear that those people are different to those making the decisions in the Diocesan Mission and Pastoral Committee (DMPC).
- Drawing on good practice in dispute resolution and conflict management, using formal mediation meetings when conversations around a potential scheme have got difficult or contested. Dioceses might want to consider specific training for their staff to help them design their processes in way that maximises engagement and participation and mitigates the risks of a pastoral breakdown in communications. Consideration could also be given as to how best to provide parishes with advice on the legal processes.
- Having processes in place to escalate a difficult conversation – for example, a parish being able to ask for a formal mediation meeting as part of the consultation process.

CASE STUDY:

Good conversations

The Diocese of Oxford has found that they get better pastoral outcomes when greater attention is paid to the earlier, informal stages of the MPM process – where the diocesan team is acting as a partner alongside the deanery. They have piloted simple templates for structured conversations and those have worked well. When parishes ask for help, they can look at their local planning with the support of Parish Development Advisors, and proposals can grow from those conversations where that is a good way forward.

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MPCPC hearings

46. When the MPCPC considers a contested MPM scheme, members already have the option of making the decision on the basis of the papers, or holding an oral hearing to allow the committee to gather further information to inform their decision or, where they think fairness to the representors requires it, based on a consideration of all relevant facts and circumstances. Hearings can be an important way to test the proposals and gather more information about the participants' experiences of the consultation process. Subject to the completion of the legislative passage of the Miscellaneous Provisions Measure²¹, the Commissioners hope that they will be able to take decisions by a sub-committee and, thereby allow panels to consider cases, hold hearings and make decisions on the outcomes, or refer them to the full committee when appropriate. In this way the hearings could be used more flexibly to support decision making. Where the Committee decides that they should hear oral representations, full face-to-face hearings will be retained, but in some cases shorter, on-line sessions may also be an appropriate and more accessible way for the Committee to gather information to inform its decision making.

Clergy and volunteer wellbeing

47. When proposals for schemes come to the Commissioners, one of the factors they consider is whether the change proposed will lead to a manageable workload for clergy, and volunteers. Good proposals will set out the range of ministerial support which will be provided, for example including readers, Licensed Lay Ministers, commissioned ministers, retired clergy etc., as well as the self-supporting and stipendiary clergy support. The statutory guidance under the new MPM could be much more explicit about supporting the Clergy Covenant²² for wellbeing, and a new pro-forma that diocesan teams would be asked to complete would include a question on clergy workload and volunteer wellbeing, to ensure those factors had

been considered. The Commissioners have not made any specific recommendations for changes in the way that dispossession processes are handled under the Measure, as there was little appetite from clergy who responded to the consultation for change in that area. There will be no change to the provisions on compensation and the rights to compensation will be retained in primary legislation.

Encouraging partnerships, dialogue and ecumenical working

48. It is also important to think about the concept of the parish as a neighbourhood as well as the specific church community, and the possible need to proactively develop new conversations and ways of working with the local community. Although there is scope to make the processes for agreeing schemes and orders simpler, it is also important that the local community is engaged much earlier with conversations about church and community life, for example in relation to buildings. Practice guidance could signpost and set out good practice on community engagement and suggest ways to engage civic parish councils and other bodies and organisations. This could include various informal and formal ecumenical structures, including Churches Together groups. Again, this may be more about sharing existing knowledge and good practice, than creating new materials.



²¹ [newbook.book \(churchofengland.org\)](http://newbook.book.churchofengland.org)

²² www.churchofengland.org/resources/clergy-resources/national-clergy-hr/supporting-clergy-health-and-wellbeing/covenant

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49. There is general agreement across the Church that there are some factors which can impede parishes' ability to flourish and fulfil their worship, mission and ministry. The most significant factors flagged by respondents in the MPM consultation were the demands of parish governance, compliance and the management of church buildings.

50. The Church has recognised for some time that the administrative and compliance burden for PCCs, Churchwardens and volunteers has grown significantly and that at the same time in some areas the numbers of volunteers have been decreasing, for many different reasons. Although worship and ministry continue, it is increasingly difficult in some areas for PCCs to fulfil their legal duties and functions. If they are without churchwardens, secretary or treasurer, PCCs may no longer be quorate and are at risk of compliance failure.

51. Many fed back that they wanted the governance and buildings arrangements to flex more easily to work with the ebb and flow of church life cycles. When it was challenging there needed to be ways to make the practical tasks easier to avoid premature decision making because there were short term issues to address. There was a strong sense that the Church needed to maintain hope in these kind of circumstances and consider the longer term and new possibilities for mission in a way, and at a time, when it was manageable and sensible to have discussions and make decisions. When the MPM is being used properly it should facilitate these kind of forward thinking conversations in a positive way that is open to change at an earlier stage, rather than as a last resort after a PCC has ceased to function, sometimes for lack of members.

52. The policy conclusion was that people would like to see some kind of 'breathing spaces' in order to hold and stabilise a parish church community when it is fragile, and enable the church and community to remain open to new opportunities for witness and service as circumstances change. We have called this the '**fallow time**' – drawing on the theological idea of Jubilee, a period of rest and recuperation to enable people to re-group and move forward again once the time is right. More specifically, people showed very clearly in the consultation how much they care about their church buildings, both listed and unlisted, and there was much support for retaining them in use whenever possible, so they could fulfil their role in creating a sense of neighbourhood, place and parish, even if they are not used at present for regular worship. For many, church buildings continue to be a sacramental sign of God's presence and of the commitment to a Christian presence in every community.

53. Once a church is closed and disposed of, it's rarely possible to reclaim it for ministry (although closed churches are sometimes brought back into use). The church building is something that is valued and has a missional quality, even if it is in a more indirect way than previously. Finding a way for church buildings to be 'fallow' for a time could help parishes to sustain that mission and ministry in the medium and long term, through the variations in lifecycle of a parish, including taking into account planned new housing developments or other changes in local communities. More work needs to be done about how that could be achieved in the longer term, as the legal issues are complex.

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Shared governance, ownership and mixed use arrangements

54. The concept of the Anglican parish system is something that has evolved over a long period of time and because parish has always been rooted in neighbourhood and place and because the Church is established, there has always been the sense that church life is a shared community endeavour which includes everyone whether they have some belief or none. Many see a future where there is a new kind of partnership approach with local communities to support a different pattern of church life, with partial and occasional worship in church buildings which are used more often for other community and wider mission related activities. The Association of Festival Churches, for example, wants to see much greater flexibility to allow more inclusive shared governance and ownership structures so that church life can be maintained, particularly in rural areas, where there is often a strong desire among the local community to retain the church building as a focal point of rural life.



55. The Diocese of Carlisle, which has the most advanced ecumenical model of mission and ministry, would like to be able to have shared governance structures and ownership to avoid having to keep separate systems running which takes up precious time and people resource. At the moment it is not possible for an ecumenical partnership to jointly own an open Anglican parish church for example. These kind of arrangements do not fit easily into the Church's concept of 'parish' and the current structure of governance and ownership and there needs to be a broader debate to establish if there is a consensus for change and what that change could be which goes beyond the confines of the MPM review.

56. These kind of debates play into a broader conversation about what kind of support packages and mechanisms should be available to help parishes cope with the multiplicity of challenges they face. In the buildings area as part of the 2023-2025 triennium funding plans the Commissioners have provided £11m for the Buildings for Mission programme. This will enable diocesan staff teams to provide more support on buildings issues generally and to facilitate the development of Church Buildings Management Partnerships, including some funding for minor repairs²³. The Cathedrals and Church Buildings Division also provide support to struggling parishes more generally and there is more joint work needed to consider how this approach could provide solutions for some of the challenges summarised above.

²³ A Church Building Management Partnership is a charitable incorporate organisation (CIO) which is set up by the dioceses with trustees to enable parishes to benefit from a joint procurement approach which includes a shared maintenance offer for church buildings and a reduction in insurance premiums. The CIO secures an 'insurable interest' in the church building through a lease to enable the PCC to benefit from the procurement offer.

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Temporary governance arrangements for church buildings

57. In the MPM consultation diocesan teams highlighted their concerns about the risk of fragile PCCs and suggested that there needs to be a mechanism for a governance and compliance safety net, which would provide support for a temporary period until longer term solutions could be worked out and put in place. These kinds of options would need to be initiated by the parish clergy and the PCC (even if non quorate) and the role and time periods would need to be strictly defined. If there was no PCC, consultation would be needed with members of the electoral roll. If there was parish support for these approaches they could help in a crisis situation, for example where a single churchwarden has a long period of illness and there is no other support available locally. There would need to be shared oversight of such arrangements from the DBF/DMPC and the parish clergy and clarity about the use of any local funding. It might be possible to enable dioceses to use funding from the Diocesan Pastoral Account (DPA) to support such initiatives, along with parish funds where they might be available, but each diocese would need to decide its own approach and set that out in their MPM framework. Following our review of the Measure, it is our present view that there may be four options which could meet this challenge (the high-level detail of which is set out below), but we do not bring forward a recommendation at this time because more work is needed both to ascertain whether there is any consensus within the Church, and because we would wish to ensure that any option was legal and practicable.

Proxy PCC – The Measure could allow a statutory proxy PCC to come into existence for a time limited period to fulfil the fabric and church maintenance responsibilities in the event that a PCC could not function properly, had no members or ceased to operate. The parish would need to make the request and the diocesan team would need to help put the provision in place. The proxy PCC could be

made up of suitable volunteers, or possibly even paid professionals, depending on the circumstances. The role would be strictly limited and it would only be allowed for a temporary period. It would not be empowered to make critical decisions about matters relating to worship (e.g. resolutions or forms of service) or the future structure of the benefice or parish. Such a model could work well with an Interim Minister for example, where there is a need to stabilise a parish community before any future plans are made. There could be scope to include support from the deanery, for example, a deanery lay chair could be a suitable chair for a proxy PCC.

Authorised administrator – An authorised administrator would be a suitable individual who would be able to fulfil the fabric and church maintenance responsibilities for a temporary period and who would work closely with the parish clergy and church community.

Temporary holding body – another option would be to formalise an arrangement where the DBF, diocesan trust, or the CCT temporarily take the responsibility for fabric and church maintenance without there being an underlying change in the ownership of the church building. This option could also be extended to other third party groups who might be willing to look after a building, for example local community trusts or friends groups. In those cases that might become a longer term or permanent option and the ownership of the building could be addressed later. (If the CCT were involved, funding implications for this work over and above existing Church Commissioners funding would need to be considered).

Joint Councils – It is already possible for the fabric and church maintenance responsibilities to be delegated to a Joint Council, but more could be done to promote that option in the event of a PCC crisis. If Synod approves the preparation of draft legislation these options will be looked at in more detail and be included if they could work in practice and there is sufficient consensus about the approach.

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Review recommendations for the legal framework

1. Having set out the background and context to the review and the headline recommendations, this section focuses on the proposals for legal change.

2. The Commissioners' main findings were that the essential legal architecture of the current MPM still works well. The framework of legal schemes and orders provides a structured way for agreeing decisions with the necessary checks and balances to ensure fair outcomes. There is also a level of trust in the current system which needs to be retained and built upon. However, the Commissioners also concluded that the Measure could benefit from being updated and so recommend that the existing Measure should be replaced with a new suite of legislation in order to:

- Evolve the legal framework. The aim is to retain the best elements of the MPM, but to improve it and address issues which were raised in the consultation and around which there is consensus.
- Create an enabling model for shared decision making, which is critical to growing trust in the processes, encouraging better engagement and improved outcomes.
- Update the legislation to ensure it is consistent with good legal and Church practice and that the new measure is fit for purpose as a technical legal document.
- Re-focus of the national support offered to parishes and dioceses to give more dedicated support to the different groups involved in the processes, which is better tailored to their needs.

3. The overall aim and outcome of a new MPM would be to help parishes, dioceses and patrons to realise their shared mission and ministry together.

More specifically, the purpose of the MPM legal system should be as follows:

- To provide a legislative framework to support the local provision of worship, mission and ministry.
- To provide a fair decision-making framework which allows parties to be more equal participants in the development of proposals.
- To provide a framework which can balance mission, resources (people, finance, buildings etc.) and statutory obligations (such as those having an impact upon church buildings).
- To help the Church identify and manage the systemic (and inter-connected) long-term risks associated with our shared work.



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4. As the MPM involves some quasi-judicial processes, and administrative law processes, it is important to understand that there are broader legal principles underpinning the approach. Those principles were particularly well expressed by the late Lord Bingham who set them out in his book *The Rule of Law* which have been adapted below to the Church's context:

- That the law must be accessible and, in so far as possible, intelligible, clear and predictable²⁴.
- That questions of legal right and liability should ordinarily be resolved by application of the law and not the exercise of discretion.
- That the law should apply equally to all, save to the extent that objective differences justify differentiation.
- That those officers at all levels within the Church must exercise the powers conferred on them in good faith, fairly for the purpose for which the powers were conferred, without exceeding the limits of such powers and not acting unreasonably.
- That means must be provided for resolving, without prohibitive cost or inordinate delay, the disputes which parties are unable to resolve independently.
- Quasi-judicial/adjudicative procedures provided by the Church should be fair.
- The Church should comply with any legal requirements that apply where it is relevant to the processes, particularly in relation to church buildings.

5. It is proposed that the new legislation would consist of a new Mission and Pastoral Measure and secondary legislation with associated statutory guidance. Modernising the legislation in this way is standard administrative law practice and would follow the good practice Synod has already established in relation to safeguarding and the faculty system.

6. Replacing the current MPM would be beneficial from a purely practical point of view, because all the existing processes are set out in primary legislation which means that even minor process changes cannot be easily approved as it requires the Synod and Parliament to give substantial legislative time to make it happen. To give some practical examples, there was no provision for electronic working during Covid, so scheme publication had to be suspended which delayed decision making. The Measure also currently requires that as part of the process of making pastoral schemes and orders hard copy notices must be put on church doors when schemes are published, and that cannot be changed because the requirement is specified in primary legislation. The legal system and processes should be proportionate and process change should be possible over time, as long as it is done with appropriate scrutiny.

7. If these proposals are approved, the draft legislation would include both the new Measure and the headlines of the draft secondary legislation so that Synod can be comfortable they have seen the detailed proposals as part of the synodical process. An outline of the structure for a new Measure and secondary legislation is included at Annex A. (Note – this is for illustrative purposes partly to give reassurance on the rights which would be retained in the primary legislation).

Recommendation 1: *That a suite of legislation is brought forward to modernise the MPM. This would consist of a new Measure and secondary legislation.*

²⁴ Drawn from 'The Rule of Law', Tom Bingham, Penguin 2011.

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Statutory guidance framework

8. Under the Measure, the Commissioners are empowered to give advice on the operation of the legislation. They do that through a Code of Practice, to which the diocesan teams must have due regard when they bring proposals forward. The Code sets out how the various legal processes should be managed, but it would be helpful to evolve the documentation into guidance which can be used more easily as a benchmark for Commissioners' decision making. This would improve transparency and accountability. The guidance also needs to be much more accessible and user friendly.

9. Therefore, the Commissioners' recommendation is that the code should be replaced with statutory guidance, to which diocesan teams would have due regard. A duty to have 'due regard' means that the person subject to the duty must consciously consider the need to do the things set out and should only depart from it where there are cogent and compelling reasons. The statutory guidance would provide clearer, overarching thematic advice on the various aspects of a new Measure. This would strengthen governance because it would set clearer expectations for all parties, and it would be easier for proposals to be compared with that advice by the MPCPC. However, it is important to note that it would not be appropriate for the guidance to be policy advice, telling parishes and dioceses what they must seek to achieve, as that is not how the MPM governance works. Rather, it would set out the expectations for how the schemes and orders should be used. This guidance would flow from and be consistent with the overarching outcomes mentioned earlier. The framework could also ensure that national shared priorities, such as net zero, racial justice and social housing were referenced in MPM practice where appropriate.

Recommendation 2: *That the new framework includes a requirement for the Church Commissioners to provide Statutory Guidance for all parties. Those undertaking activities under the Measure would be required to pay due regard to the guidance.*

Recommendation 3: *That a new learning, outcome and risk framework is developed by the Church Commissioners to underpin the statutory guidance.*

Closed churches buildings policy

10. As part of this approach to statutory guidance, there would be a much greater policy emphasis on the care of historic listed buildings. This is because the majority of the roughly 16,000 consecrated church buildings are listed; 8,600 Grade I and II* and 4,000 Grade II. The original Pastoral Measure had two key processes, pastoral change and buildings change, but the pastoral change has not tended to make much reference to the impact of pastoral schemes on church buildings, although they are sometimes mentioned. In the future, the Commissioners would seek more contextual information from diocesan teams to inform their consideration of representations. This could include questions on how the scheme might help PCCs and others to meet their church and parish building responsibilities.

Church Building Council (CBC) and Statutory Advisory Committee (SAC)

11. The Dioceses, Pastoral and Mission Measure 2007 (DPMM) and the MPM set out the roles and responsibilities of the Church Buildings Council (CBC) and the Council's Statutory Advisory Committee (SAC) in relation to the MPM processes. These bodies (or their predecessors) were set up at a time when there was a lack of formal mechanisms to provide heritage advice and guidance and there was far less information available about the historic environment. Their focus has been to ensure that where the future of listed church buildings is being considered there is a regime of advice to inform decision making.

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12. The Commissioners have had some initial conversations with the CBC and the SAC about the way the arrangements could evolve in future, but more joint work needs to be done before the recommendations are fully finalised. This is partly because various government and statutory bodies and amenity societies would need to support the recommendations, including the Department for Culture, Media and Sport and Historic England. The Commissioners' plan is to agree a shared approach, initially with the CBC and SAC, and then have a joint discussion with government. That would take place during the rest of 2023, prior to any draft legislation being brought to Synod.

13. There are some issues in the way the current committee structure works, which reflects their different roles and responsibilities. The CBC is primarily concerned about 'open' churches. It is initially engaged with a church that might close when it issues a Church Buildings Report that is taken into account by the diocese to inform a closure decision. These reports are shared with the Commissioners' team to inform closure conversations. When it is clear that the building will be closed the SAC role gives advice around closed churches. This includes Early Advice on suitable new uses and an opinion on vesting in the Churches Conservation Trust (CCT) or demolition. They also provide advice on Plans, during the development of a new use, and final advice on the future of the building. This plays into a broader conversation about the stages parishes and then the diocese go through in relation to their buildings (sometimes called the lifecycle approach) and what support is needed particularly for fragile parishes. As part of the wider MPM reforms, it would be helpful to re-consider the lifecycle and what advice is needed at what stages.

14. The areas where recommendations could be considered include:

- Improving the policy support for the MPCPC.
- Evolving the framework for CBC reports to work better with the lifecycle approach to buildings.
- Exploring ways to reduce the administrative burden by making greater use of staff delegation.
- More effective arrangements for working with Diocesan Advisory Committees (DACs).

Mission and Pastoral Measure framework

15. As part of the MPM evolution the new Measure would also require dioceses to agree a Mission and Pastoral Measure framework ("MPM framework"), providing a long-term approach and context for their work under the Measure, which would have due regard to the statutory guidance (see above). The Commissioners would consult with dioceses on the framework ahead of providing a template document, so there was a consistent approach and to save duplication of effort. Each diocese would have its own framework, which would allow some flexibility, to reflect the different way they operate. The diocesan teams would be asked to consult on the framework with deanery and diocesan synods, and sign-off would be required from the Bishop's Council. The Commissioners' staff team would check that the framework was consistent with the statutory guidance.

16. These frameworks would strengthen the governance around the MPM, as they would enable parishes and others to understand the diocese's approach to the statutory guidance, for example the broad criteria used for decision making and possibly key metrics around the Measure. Members of deanery and diocesan synods could use the church governance structure to ask questions about the approach and implementation. There is diocesan support

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for the introduction of these plans because it would enable the diocese to set out the context for MPM decision making, and it would make it easier for the Commissioners to assess their proposals against the framework in a more structured way. It is important to say that these would be designed as high-level documents and would not be intended to lead to an overly rigid approach to pastoral or church building change. Each scheme would still be considered on its merits to make sure that the traditions, needs and characteristics of a particular benefice or parish were sufficiently taken into account, as they are now.

17. As part of the commitment to becoming humbler and bolder, dioceses could use the process of consulting on the framework to see if there are better ways to manage the MPM processes, for example, by devolving the development of proposals to deanery or benefice level where there is capacity to work in that way. The deanery could be given the ministry deployment parameters and be asked to come up with outline options which would be developed through local conversation and then explored with the diocesan team. This could facilitate the co-design/co-production approach to proposals mentioned earlier.



18. The other advantage of having a framework is that it would act as an important yardstick against which consultees could make representations as part of the consultation process. The framework could include:

- The diocesan approach to pastoral and church building change with typical key metrics.
- How the DMPC would encourage initiatives to come from parishes, benefices and deaneries. (In dioceses which use local mission plans and deanery plans there would be scope to show how MPM issues could be addressed through those existing mechanisms).
- How it would make consultation a pastoral priority, build formal mediation into its approach and support the wellbeing of clergy and volunteers.
- The governance of its decision making in relation to DMPCs, Area MPCs etc.
- How the diocese identifies and mitigates the factors which would lead to adverse outcomes in relation to the Measure.

19. As part of non-legislative practice changes, the Commissioners intend to use new pro-forma when asking diocesan teams for standard contextual information for the cases which come to MPCPC to make it easier for the Committee to consider representations in their context. The MPM framework would dovetail with the outcome, learning and risk framework to support future evaluation. The framework would include review points to assess progress.

Recommendation 4: *That the new Measure includes a requirement for dioceses to produce Mission and Pastoral Measure frameworks, having due regard to statutory guidance.*

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Current MPM – legal instruments

20. Before setting out the recommendations for the detailed arrangements in a new Measure, this section provides an overview on how the legal instruments are currently used to make it easier to illustrate what would change if new legislation is approved.

Pastoral change – relates primarily to the administrative geography of worship, mission and ministry

21. All worship, mission and ministry in the Church takes place within legally defined geographical areas within the diocese²⁵. The diocese is the whole area and the largest sub-divisions within the diocese are the archdeaconries (overseen by an archdeacon), and the archdeaconries are then sub-divided into deaneries, and the deaneries are sub-divided into parishes. At the end of 2022 there were 12,225 parishes in the Church.

22. In the Measure it is possible to alter the boundaries of parishes, deaneries and archdeaconries and it is also possible to dissolve them and create new ones and to change the names of the various entities. It is the diocese who are usually responsible for order matters (e.g. a name change), and the Bishop usually approves an order on the recommendation of the DMPC. It is the Commissioners who approve the publication of schemes and the decisions on any contested schemes.

Ministry provision change – relates primarily to the people resource that is needed for local worship, mission and ministry

23. Technically the benefice is an ‘ecclesiastical office’ which is a held by a priest, but the scope of that responsibility is defined by the geography of the parish or parishes within the benefice. At the end of 2022 there were 6,630 benefices in the Church. The Measure primarily deals with legal changes that directly affect office holders under Common Tenure, freehold incumbents and certain others. It is understood that readers, retired clergy, lay workers and others will also support local worship, mission and ministry and they will be affected by any changes to pastoral arrangements, but the Measure does not directly affect their legal status as it does for other clergy.

24. In the Measure it is possible to alter the boundaries of the benefice, and it is also possible to dissolve benefices or create new ones and to change the names of the various entities. Provision can also be made for certain kinds of ministry structures, such as team and group ministries and to enable parish clergy to have responsibility for more than one benefice at a time (a plurality). It is possible for clergy to be dispossessed of their office under the Measure and compensation is payable in certain circumstance. For example an incumbent would receive compensation if their benefice was dissolved and they were not appointed to another equivalent post in the scheme. It is the diocese which are usually responsible for order matters (e.g. a name change), and the Bishop usually approves an order on the recommendation of the DMPC. It is the Commissioners who approve the publication of schemes

²⁵ There are various jurisdictions which are separate from the parish including; extra parochial places, conventional districts and peculiars but they all have a legal status.

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and the decisions on any contested schemes. The patrons play a key role in the recruitment of incumbents to their benefice and that is governed by separate legislation.²⁶

Building provision change – relates to the buildings which are needed to provide a home for local worship, mission and ministry

25. There are several kinds of property which are relevant to the MPM. In these cases the Commissioners are responsible for the publication of schemes and the decisions on any contested schemes:

Consecrated church building – which is vested in the incumbent (but not the priest-in-charge). There can also be other designations of church buildings including a chapel of ease (which is also consecrated) or a licenced place of worship which is un-consecrated and may be a church building or other building (e.g. a local school).

26. In the Measure it is possible to change the designation of the church building – from parish church to a chapel of ease²⁷ or vice versa, including making provision for there to be more than one parish church in a parish. The Measure also allows a consecrated church building to be closed for regular public worship, an alternative use to be found for the building and the disposal of the building for that use.

Graveyard – the churchyard and detached burial grounds are vested in the incumbent but the PCC are responsible for their care and maintenance. The maintenance responsibility can pass from the PCC through a formal process to the Local Authority when it is closed under an Order in Council, but it remains vested in the PCC²⁸. Family members own the tombstones or memorials. The Measure allows for the disposal of open churchyards or Parts of an open churchyard.

Parish buildings – these include parish church halls for example which are held by the Diocesan Board of Finance as the custodian trustee, and the PCC are the managing trustees.

27. In the Measure, if the geographical boundaries of the parish or benefice change, then the parish property will automatically be transferred into the new mission structure. The parish buildings may also be sold separately as part of finding a new use for a closed church or site which has been sold.

Parsonages – there is one house which is designated as the parsonage house in each benefice which is used by the priest to further their duties. It is vested in the incumbent (not the parish) but the Bishop acts in place of the incumbent if there is a priest-in-charge.

28. In the Measure it is possible to change which house is designated as the parsonage in the benefice and for the status of the parsonage to be changed, transferred to the diocese for other uses, or be sold by the diocese if it is no longer required. This process can also be achieved under the Church Property Measure 2018.

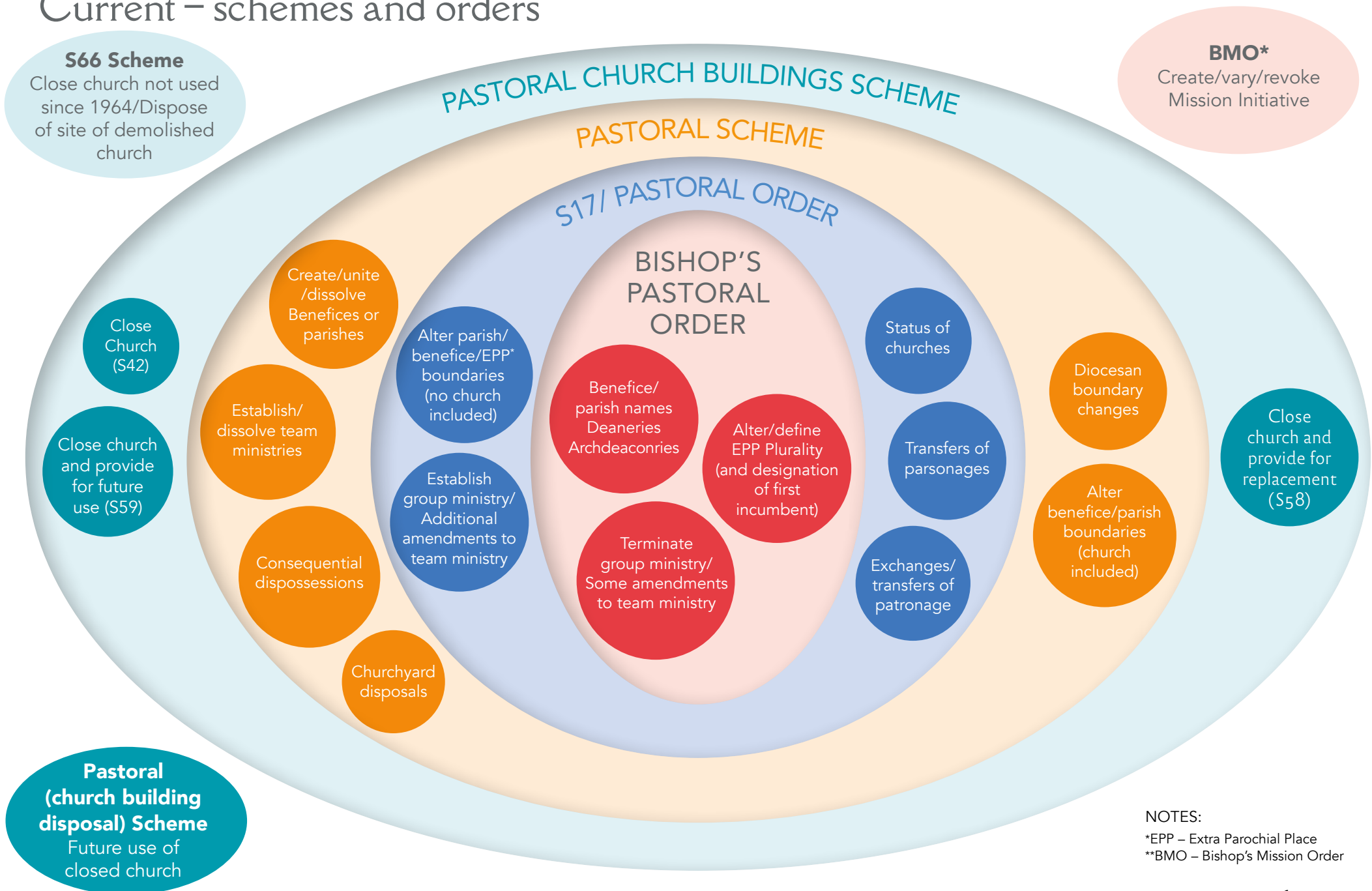
29. The diagram below summarises the various legal instruments which are used to make changes to the pastoral, ministry provision or building arrangements in the current Measure. Note – in terms of pastoral matters, the Measure works like an ‘onion’ because the decisions which can be made under a Bishop’s Pastoral Order, a Pastoral Order or Section 17 order, can also be included in a Pastoral Scheme.

²⁶ Patronage (Benefices) Measure 1986

²⁷ Chapel of Ease – Legal name sometimes used in a parish to describe an additional CofE church other than the parish church.

²⁸ Local Government Act 1972, s.215

Current – schemes and orders



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Current MPM arrangements – consultation processes and representation rights

30. In the current Measure, in order for a change to be made a consultation process has to take place which is then enacted through the relevant scheme or order as set out above. There is case law and precedent which states that in order for consultation to be fair, a person subject to a statutory duty to consult must ensure:²⁹

- That the consultation must be at a time when proposals are still at a formative stage.
- That the proposer must give sufficient reasons for any proposal to elicit intelligent consideration and response.
- That adequate time is given for consideration and response.
- That the product of consultation is conscientiously taken into account when finalising the decision.

31. Before making a recommendation to the bishop for a pastoral scheme or order, the diocesan mission and pastoral committee (DMPC) must so far as practicable seek the views of interested parties. The form of consultation required is determined by the nature of the instrument and as matters stand consultation can be undertaken by the DMPC (for example under s. 6), or the bishop (under s. 17), with the right to make additional representations in some cases to the Church Commissioners, depending on the procedure used. The Measure identifies statutory ‘interested parties’ who must be consulted as part of the process. These are currently; the parish clergy, PCC (as a body), the patron(s), the area or rural dean, the deanery lay chair and the archdeacon. There is always a period of informal (unregulated) consultation which is not governed by the Measure and happens in advance of the formal stages. Once a recommendation is brought forward, individuals and bodies have a right to make a written submission for or against a particular instrument (this is formally known as making a ‘representation’). The MPCPC and General Synod

Reference Group both emphasised the importance of having an inclusive process and a broad right to comment on proposals, which was supported by parishes and diocesan teams in the visits.

32. As part of the technical review of the current arrangements, the Commissioners have considered an analysis of the cases which have been decided by the MPCPC over the last ten years which was completed as part of the technical review of the legislation. The research looked at how many representations had been made in a case, who had made them and the themes of the representations. The findings showed that the issues which exercised the members of the public most were changes related to the use of a church buildings (often planning type comments), and churchyards which are highly sensitive. They commented least on changes relating to ministry provision (e.g. in relation to the structure of benefices, teams and group ministries), and they rarely commented on their common law and Canon law rights (e.g. in relation to marriage and burial). The people who tend to respond most to the consultations under the Measure were usually church people from the relevant parish(es), benefice(s) or deanery. They tended to comment much more on changes to parishes and ministry provision than other members of the public. They also commented on church building issues and churchyards.



²⁹ As a matter of general law (see Coughlan [2001] Q.B. 213 at [108] per Lord Woolf; and Gunning (1985) 84 L.G.R. 168, recently reaffirmed by the Supreme Court in Moseley [2014] UKSC 56)

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The table below summarises the arrangements for the main instruments which are used in the current Measure.

Matter ▼	Instrument ▼	Consultation and representation rights ▼	Decision making body ▼	Right of JCPC appeal ▼
Pastoral & Ministry provision	Bishop's Pastoral Order	The Bishop consults as they see fit and there are no rights of representation.	Bishop	No
	Pastoral Order or Section 17 order	The interested parties are consulted, and if there is consensus the order is made, but if there are objections the order is published and anyone can comment on the proposals and if there are objections those are considered by the Commissioners.	Bishop/DMPC if consensus, but Commissioners if contested	No
	Pastoral Scheme	The interested parties are consulted first and then the scheme is published and anyone can make a representation.	Church Commissioners	Yes
Bishop's mission initiative	Bishop's Mission Order (for new mission initiatives)	There is a code of practice which has been approved by General Synod which sets out the consultation requirements – the Bishop must consult those who have an interest in the matter, and that always includes any person with (a share of) the cure of souls, the PCCs and patrons of the relevant parish(es).	Bishop	No
Building provision	Pastoral (Church Buildings) Scheme	The interested parties are consulted first and then the scheme is published and anyone can make a representation.	Church Commissioners	Yes
	Pastoral (Church Building disposal) Scheme ³⁰	The interested parties are consulted first and then the scheme is published and anyone can make a representation.	Church Commissioners	No

³⁰ A Pastoral (Church Buildings disposals) Scheme deals only with the future use of a church that is already closed

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New MPM arrangements – legal instruments

33. There are several different kinds of legal instrument which are used in the Measure. In some cases there is more than one instrument which can be used to achieve the same outcomes, but the governance and consultation requirements vary from instrument to instrument. This complexity makes the processes both challenging to manage and difficult to understand for those in the parishes who need to comment on draft proposals.

34. It is important that the Church is transparent when changes are being considered and discussed. Therefore, the Commissioners' recommendation is that the current regime of schemes and order should be re-engineered to place the focus on the **matters** being decided (i.e. the change required), rather than the instrument being used as it is currently. In the future, the Measure would set out whether a particular matter or change needed to be enacted through a scheme or order and what the consultation requirements would be for that particular instrument. This would simplify the arrangements and make the governance and decision making clearer and the Measure much easier to understand, and would reduce the overlap between the different kinds of instrument.

35. It is important to say that in the revised model there is no change proposed to **what** changes can be decided through the legal instruments, but whether a particular matter requires a scheme or order would vary in some cases, and the process for **how** the decisions are made would also be amended to make them more consistent and easier to understand, to help build trust. In terms of the specific changes, the Commissioners recommend:

- That what can currently be changed under a Bishop's Pastoral Order (BPO), a Pastoral Order (PO) and a Section 17 order will become a single form of order, with the consultation requirements based on the process for completing a Section 17 Order, which has a shorter consultation process than the Pastoral Order, and which is therefore more streamlined. There is currently no right of JCPC appeal on order changes and that would remain.
- Deemed consent would operate in relation to orders, which means that if the interested parties did not reply to the consultation they would be deemed to have consented to the proposal. This is necessary to avoid proposals stalling for a prolonged period because people do not respond.
- That matters relating to ministry provision will be dealt with mainly by orders. Representations about some changes to benefices, group and team ministries, would be considered by the DMPC, but some would still be considered by the Commissioners including changes to the benefice area which involved changes to the vesting of benefice or parish property, to avoid a financial conflict of interest for the diocesan team. In the future there would not be such a strong requirement to consult outside the church community on ministry provision matters, but there would be a more inclusive consultation within the church community. The policy rationale for that change is driven by the legal distinction that individual legal rights attach to parishes, rather than benefices, and that the organisation and deployment of ministry resources is largely a Church matter. However, the Commissioners recognise that some benefice decisions are sensitive so they would continue to consider objections to some benefice changes (e.g. a union of benefices) to ensure there are sufficient checks and balances within the system. There is currently no right of JCPC appeal on order matters but, in addition, there would also be no right of appeal on benefice and team ministry matters (where there is no dispossession or non-parsonage related property transfer).

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- That Bishop's Mission Orders (BMOs) will be retained as a separate category within the order regime. (BMOs are used when a Bishop wants to give permission for a new kind of mission initiative within the diocese. Examples could include new worshipping communities who do not meet in church buildings, church plants or provision to meet a particular pastoral need).
- That schemes will be retained for matters relating to changes in parishes, parish boundaries or parish property (e.g. church hall), and for most church building matters which include the closure and disposal of church buildings for an alternative use and graveyards, where broader consultation is required with the public and statutory bodies. This is necessary because changes to the parish do affect the rights of the individual in relation to the Church. Schemes would also be retained for matters where an incumbent or a priest-in-charge and any other common tenure office holder might be dispossessed of office. The right to appeal to the JCPC would be retained for schemes.

36. The Commissioners would also recommend that a power is provided to vary and/or add to, the list of matters dealt with under the MPM in future in order to ensure it remains fit for purpose in the longer term. Such changes would be made by secondary legislation and include proper oversight, to ensure the power was used appropriately.

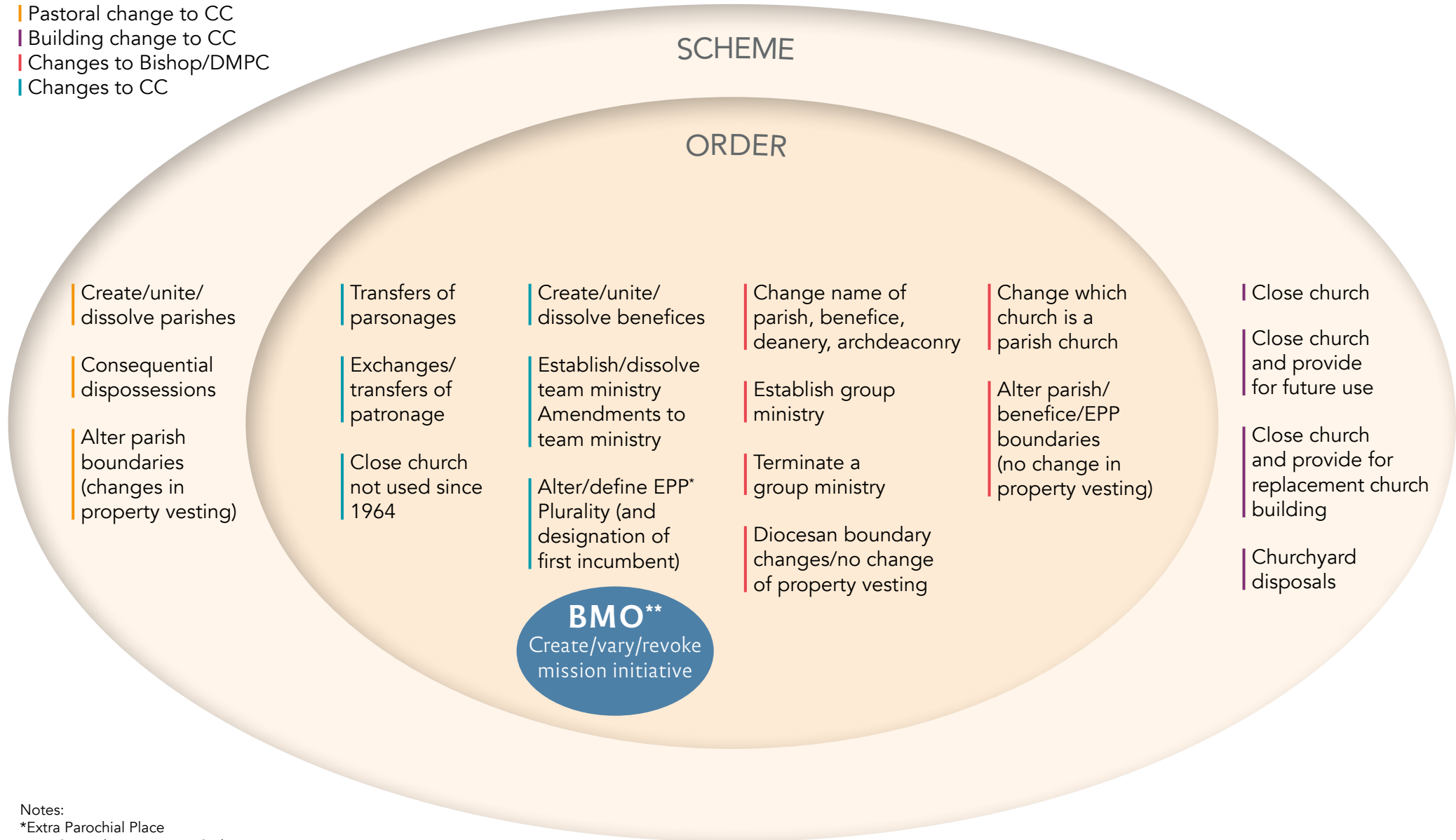
Recommendation 5: *That a new MPM is organised around the matter (i.e. the change) required and the legal instruments simplified to orders or schemes. A new MPM would also make provision for new matters to be added to the MPM over time, if that was required.*



Future – schemes and orders

KEY

- | Pastoral change to CC
- | Building change to CC
- | Changes to Bishop/DMPC
- | Changes to CC



Notes:

*Extra Parochial Place

**BMO – Bishop's Mission Order

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New MPM arrangements – consultation processes and representation rights

37. In a new Measure it is the matter (or change required) which would become the determinant of which legal instrument is used. The same would apply in relation to the consultation processes and representation rights required to enact the legal instrument to ensure a simpler and more consistent approach.

38. Regulation of the initial consultation, when proposals are at a formative stage, would be governed by the requirements of the statutory guidance which would set minimum requirements for the various matters. The diocesan team would then set out the way they would manage the initial consultation and required processes in their MPM framework. There would be a trigger for the initial discussions (e.g. an email/letter) so everyone is clear that an MPM conversation would be taking place. Diocesan teams would be required to meet the legal minimum requirements in terms of consultation but, as now, this would not preclude wider, more inclusive, initial conversations if they were felt to be appropriate. This approach will strengthen the governance and accountability in relation to consultation, because it will be clearer to people in the parishes what they can expect from the diocesan team and the early stages of the conversation will then happen within a regulatory context.

39. The Measure currently distinguishes between the statutory “interested parties”, the public, and statutory bodies in relation to consultation rights. The Commissioners recommend that a new additional category of permitted representor is added, which will vary by matter. The “interested parties” will remain the same the parish clergy, PCCs (as a body), patron(s), rural or area dean, the deanery lay chair and the archdeacon.

Recommendation 6: *That a new category of ‘permitted representors’ is added in relation to consultation rights.*

40. As part of the secondary MPM changes, the Commissioners would also recommend that the consultation processes are modernised by allowing modern electronic methods for communication. For example, in future PCCs could flag potential changes on their websites and through social media, rather than posting physical church door notices or there being a need to publish notices in newspapers. Having said that, it will still be important to consider those who may not have ready access to digital technology and to make sure that congregation members who do not use e-mail can engage. Having pulpit announcements, community meetings and drop-in sessions can help with those kinds of issues.

Recommendation 7: *That the consultation processes would be modernised in a new Measure to allow the use of electronic methods of communication and dissemination.*



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41. The consultation arrangements in relation to the revised schemes and orders would then work as follows:

- For order matters, the interested parties would be consulted, as now, but only they would be able to make representations, which would either be considered by the Bishop/DMPC or Commissioners. This would enable the consultation process to be streamlined for more straight forward matters, but the Commissioners would still consider representations relating to certain benefice matters (e.g. a union of benefices), as they can be more sensitive. As it is usually the interested parties who represent against benefice changes, this retains a reasonable balance between the interests of the different parties but enables consensual decision making to move more quickly. The statutory guidance would encourage a wide conversation at the initial stage to ensure that all voices were heard in the process.
- If the parish clergy and PCC want to initiate changes requiring orders, they could submit their decision in writing to the DMPC together with the written consents of any other interested parties. If the DMPC agreed, the order could be made without further consultation. Where there is a strong consensus and agreement around the desired outcome, this would speed up decision making and would give parish clergy and PCC a greater sense of agency.
- For scheme matters, publication to the wider public would still follow the initial consultation with the interested parties, and anyone would have representation rights.

42. By organising the process around the matter, rather the instrument, we could also ensure that the Commissioners would not consider representations about matters that would usually be dealt with without their involvement (e.g. changing the name of a parish). For example, there are currently matters which a bishop can approve as stand-alone matters under a Bishop's Pastoral Order (BPO), but which could be considered by the Commissioners and the JCPC if they were included as part of a scheme. Making this change would help the processes to be more proportionate to the matter and would avoid confused governance.

43. Annex B sets out the full list of matters and the detailed consultation process and representation rights for each matter. It shows both what happens currently and gives an indicative and illustrative idea of what the changes could look like in a new Measure. The details would need to be resolved as part of the legislative process if the proposals are approved.

Recommendation 8: *That the details of the revised MPM consultation process and representation rights would be agreed as part of the legislative process.*



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The table below gives a headline view on what the new arrangements could look like:

Matter (change required) ▼	Instrument ▼	Consultation process and representation rights ▼	Decision making body ▼	Right of JCPC appeal ▼
Pastoral provision	Order	Some or all of the interested parties are consulted and only they have the rights to make a representation.	Bishop/DMPC	No
	Scheme	The interested parties are consulted first and then the scheme is published and anyone can make a representation – no change.	Church Commissioners	Yes
Ministry provision	Order	Some or all of the interested parties are consulted and they and members of the electoral roll have the rights to make a representation.	Bishop/DMPC or Church Commissioners. It varies depending on the matter	No
	Scheme	The interested parties are consulted first and then the scheme is published and anyone can make a representation – no change.	Church Commissioners	Yes
Bishop's Mission Order	Order	Follows the code of practice (as above, see page 48).	Bishop	No
Building provision ³¹	Orders (where property transactions)	The interested parties and public are consulted, but only the interested parties and the electoral roll members have the right to make a representation (this relates to parish property transactions).	Church Commissioners	No
	Orders (parsonage transactions)	The interested parties are consulted and have rights of representation.	Church Commissioners	No
	Church building schemes	The interested parties are consulted first and then the scheme is published and anyone can make a representation – no change.	Church Commissioners	Yes for closure but no for disposal (no change)

³¹ Buildings provisions includes church buildings, parsonages and parish property

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Examples

Some examples of the changes to the legal instruments and consultation processes in a new Measure are set out below for illustrative purposes.

Example 1:

Pastoral scheme – a scheme has been published and the Commissioners have received one representation against it. The respondent does not like the proposed name of the new parish as they do not think it reflects the local history of the area. In the current Measure this case would come to the MPCPC for a decision. Under a new Measure the name matter would be referred back for the Bishop or DMPC to decide and to communicate the decision, as naming matters are the responsibility of the diocese.



Example 2:

Pastoral scheme – there is a benefice with two rural parishes. After a period of working together more closely, the PCCs and relevant parties decide they want to merge into a single parish. Under the current Measure the diocese would need to complete a formal consultation (under s6) with the parties who have already agreed what they wanted to do. Under the new Measure the relevant parish clergy and PCCs would be able to request a scheme from the DMPC without the need for a further round of consultation, before publication by the Commissioners.

Example 3:

Pastoral order – there is a proposal to dissolve a team ministry which does not involve any clergy dispossession. In the current Measure the consultation would be with the interested parties and everyone would have a right to make a representation. In the new Measure the consultation would also include the electoral roll members who would have the right to make a representation. As part of the process the parish clergy decide they will post a notice on the parish website to say the change was being considered, giving people the opportunity to feed in views which the PCC then reflected in their representation. If there were objections to this order the Commissioners would consider the representations, and there would be no right of appeal to the JCPC.

Example 4:

Pastoral order – there is a proposal to create a union of benefices without dispossession. Under the current Measure everyone would be consulted and anyone could make a representation and the case would be considered by the Commissioners if there were objections, and an appeal to the JCPC would also be possible. Under the new Measure, the interested parties would be consulted and they and the electoral roll members have the right to make a representation. The case would still be considered by the Commissioners, but there would be no right of JCPC appeal.

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Example 5:

Pastoral scheme – there are three rural parishes within a benefice. A draft scheme proposes that they be merged. The Commissioners receive a significant number of representations which are considered by the MPCPC and a decision is made. The representors would be able to seek leave to appeal against the MPCPC's decision. There would be no change to these processes under a new Measure.

Example 6:

Pastoral scheme – there is a pastoral scheme which would merge two parishes and as a result one clergy person would be dispossessed of their office. Under the current Measure everyone would have the right to be consulted and to make representations in relation to the scheme. Any representations would be considered by the Commissioners, and there would be a right of JCPC appeal. This would not change under a new Measure. The compensation arrangements would be the same if the scheme was approved.



Example 7:

Church building scheme – a scheme is published for the closure of a church building. Under the current Measure the statutory interested parties would be consulted and anyone can make a representation and that would stay the same in a new Measure. The Commissioners would continue to consider representations and the right to JCPC appeal would be retained. One year later, a disposal scheme is published for the use of the building by another Christian denomination for worship. Under the current Measure the statutory interested parties would be consulted and anyone could make a representation and that would stay the same in a new Measure. The Commissioners would continue to consider representations but, as now, there would no right of JCPC appeal.

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Changes relating to mission and ministry

This section summarises the detailed changes that are recommended in relation to patronage, pluralities and Bishop's Mission Orders (BMOs).

Patronage³²

44. Before the advent of Common Tenure, it was common practice for the diocesan bishop to suspend or restrict the patron's right to appoint to a benefice vacancy for long periods of time by extending the initial five year period to ten years or more. When a benefice was suspended the bishop could appoint a priest-in-charge, as opposed to an incumbent, and if there was pastoral reorganisation under the Measure the priest-in-charge was not entitled to compensation. However, this was changed when Common Tenure came in and priests-in-charge and other holders of ecclesiastical offices were entitled the same compensation payments as incumbents if they lost their office as a result of pastoral reorganisation. This has meant that in practice there is much less need now for the right to appoint to benefices to be suspended, but it still happens, and it became clear in the MPM consultation that this a matter of concern for patrons and parishes.

45. The other issue which came through strongly in the consultation was the complexity of dealing with some patronage changes where the patrons' consent was required and they did not respond, particularly in relation to transferring parishes from one benefice to another and establishing special patronage boards. It would make sense as part of the overall simplification to harmonise these administrative arrangements in a new Measure. Examples from MPM casework are illustrate the issues.

- A diocese wished to publish a scheme to transfer some parishes from a benefice being dissolved into other benefices. In one case, the registered patron wished to transfer their interest to the bishop, as they felt they no longer had a meaningful relationship with the benefice, having inherited their patronage interest from a relative. All but one of the other patrons of the affected benefices agreed to the proposals. However, the last (a major national charity) did not provide written consent and would not respond to the diocese despite repeated attempts. Therefore the scheme could not proceed as intended and the patron's interest could not be transferred.



³² There are no proposals to change the current arrangements relating to Crown patronage.

³³ MPM Section 46 (4) – A special patronage board is a mechanism which avoids the need for patrons to appoint in turn, which in practice means they may not get opportunities to exercise their patronage. Every member of the board is allocated a certain number of votes at each presentation which reflects their historic patronage, and usually it is one vote each with the Chair retaining the casting vote.

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- Similarly, where a diocese wished to establish a special patronage board³³ for a new benefice, which means that the patrons vote on an appointment together through the board, it is necessary for all the patrons to agree in writing to the establishment of the board before the scheme can be published. It sometimes happens that one patron refuses to consent, which means that the draft pastoral scheme cannot be published for consultation.

46. The Commissioners agree that both these concerns should be addressed and have made the following recommendations:

- That following on from the House of Bishops' statement in June 1992³⁴ the new legislation should define when and how a pause in presentation can be used, and that the pause should usually be limited to a single, non-renewable, period of not more than 5 years. However, the Commissioners would make sure that other appropriate uses of suspension could continue, for example where an interim minister is serving two three-years terms prior to the future of a parish being settled. Transition processes would be needed for dioceses where there are parishes which have been suspended for longer than five years which would be set out in the statutory guidance. Further work would be undertaken with diocesan teams to review current practice to inform the legislation and future guidance.
- That the terminology of 'suspension' and 'restriction' should be changed to 'pause' which is more modern, neutral and sounds less punitive (which was another concern strongly raised in the consultation).
- That the requirement for written consents from existing patrons for creating special patronage boards for non-team ministry benefices should be removed. Patrons would be able to make representations if they objected and the proviso that the patronage provisions for new benefices should have regard to existing patronage rights would continue to apply.

- That the requirement for patrons' written consent to transfers of patronage would be replaced by a right of representation in certain circumstances. Where a parish is transferred from one benefice to another, the requirement for written consent would be replaced by a right of representation. The diocese would be obliged to take into account any such representations but if a patron did not make any representations the transfer could go ahead. The normal position would, as now, be that patrons would 'follow' their parish and there would need to be a caveat that a transfer of patronage could not be used to remove a right of patronage, unless that is what the patron wished.

47. These last two changes would still allow any of the patrons to make a representation against the proposals but not completely prevent the publication of a pastoral scheme.

48. These recommendations have been developed following some initial consultation with patrons, but further consultation work will need to be done during 2023 before draft legislation is brought forward.

Recommendation 9: *That the new Measure limits the usual period of suspension of presentation to a benefice to a single period of up to five years and changes the terminology from 'suspension' to 'pause'.*

Recommendation 10: *That patronage changes currently requiring written consent, should be replaced with a right of representation.*

34 In June 1992, the House of Bishops passed a resolution: "That this House: (a) resolves to continue to act within the limits of the (then) Pastoral Measure 1983 (now the 2011 Measure) and its associated Code of Practice; (b) notes that sector ministry posts which are coupled with a suspended benefice come within the scope of pastoral reorganisation envisaged by the Measure; (c) confirms its intention to work with and take account of the views of the registered patron and the parish even when presentation to a benefice is suspended."

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Pluralities

49. Pluralities are a useful device to allow clergy to hold more than one benefice in order to ensure coverage in terms of ministry provision. They can be established by a Bishop's Pastoral Order, are currently open-ended and are not subject to a specific review. That can be unsatisfactory in some respects, as the arrangement can become a de facto union of benefices without any consultation being completed. Therefore, the Commissioners propose that plurality orders should be reviewed in the 5th year, and pastoral re-organisation taken forward after that where that is appropriate within a reasonable time frame. The review process would need to be agreed, but it is likely that it would be the responsibility of the Archdeacon. There are examples where an open-ended arrangement is justified, for example where a priest holds two benefices in plurality in order to provide appropriately for parishes which have passed resolutions under the House of Bishops' Declaration on the Ministry of Bishops and Priests³⁵ but where the union of benefices would not be appropriate. These kind of arrangements would be able to remain open-ended.

Recommendation 11: *That the new Measure has a provision requiring that pluralities should be reviewed within 5 years of the start date.*

Bishop's Mission Orders (BMOs)

50. The use of Bishop's Mission Orders (BMOs) has been raised in the consultation discussions as an area where there are issues about the way they are operated and managed. They provide a mechanism for Bishops to authorise innovative new mission initiatives. There is a widespread acceptance that it is appropriate for Bishops to be able to do that, but there can be sometimes tensions around the type of BMO introduced. They are generally uncontroversial where they are used to address a cross-cutting

ministry need, or to target a particular group of people and they often add value to existing church provision. Examples would include a BMO established to support the survivors of domestic abuse, or the rural BMO in the diocese of St Edmundsbury and Ipswich which also caters to particular pastoral needs, as seen in the case study below. There is also a positive outcome when they result in the creation of a new parish, for example, as part of ministry outreach to an urban estate, or for forms of church which do not use traditional buildings, for example because they meet in a pub.

51. BMOs can also be successful if they involve church planting or resource church models. However, this is the area where there can be relationship issues with the parish community if another church is inserted alongside existing parish provision and some local church communities will object to an incoming resource church. Part 7 of the Measure clearly states that the Bishop must consult those who have an interest in the matter and that always includes any person with (a share of) the cure of souls, the PCCs and patrons of the relevant parish(es). This is backed up by the Code of Practice for BMOs³⁶ which gives process advice and was approved by the House of Bishops and the General Synod. It is therefore not necessary to make any further provision in relation to consultation, but the Commissioners would recommend that BMOs are reviewed within five years of their start date to ensure there is a conversation about the long-term trajectory of the initiative and account is taken of local views in that conversation. The review would facilitate any decision making required and that could then be taken forward within a reasonable timeframe. There is no intention to create a hard stop around administrative arrangements, such as clergy housing.

Recommendation 12: *That the new Measure has a provision requiring that BMOs are reviewed within 5 years of the start date.*

³⁵ [GS Misc 1076 \(GS Misc 1076 Women in the Episcopate.pdf \(churchofengland.org\)\)](#)

³⁶ [GS 2109 – Code of Practice on Mission Initiatives \(churchofengland.org\)](#)

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CASE STUDY:

Lightwave BMO in St Edmundsbury and Ipswich

The Lightwave BMO has developed out of Fresh Expressions work and has resulted in the development of the Suffolk Discipleship pathway; sowing, nurturing, flowering and fruit. It is a Christian community that meets in small groups in homes, pubs, offices, schools and other venues. It is designed to be complementary to other forms of Church. Its focus is “shining the light of Jesus in Suffolk through acts of kindness and practical service”. Its core values are:

- A – all involved
- B – becoming disciples
- C – creating community
- D – doing evangelism
- E – encountering God

The initiative includes support for Rural and Agricultural Chaplains who work directly with the farming communities as they are often unable to attend regular services, due to commitments like feeding livestock, lambing, or harvesting. Farmers are often isolated and can struggle with mental health issues, and the Chaplains are able to contact them directly and offer support. The Chaplains also attend agricultural shows and events as part of their outreach. For more information see www.lightwave.community.



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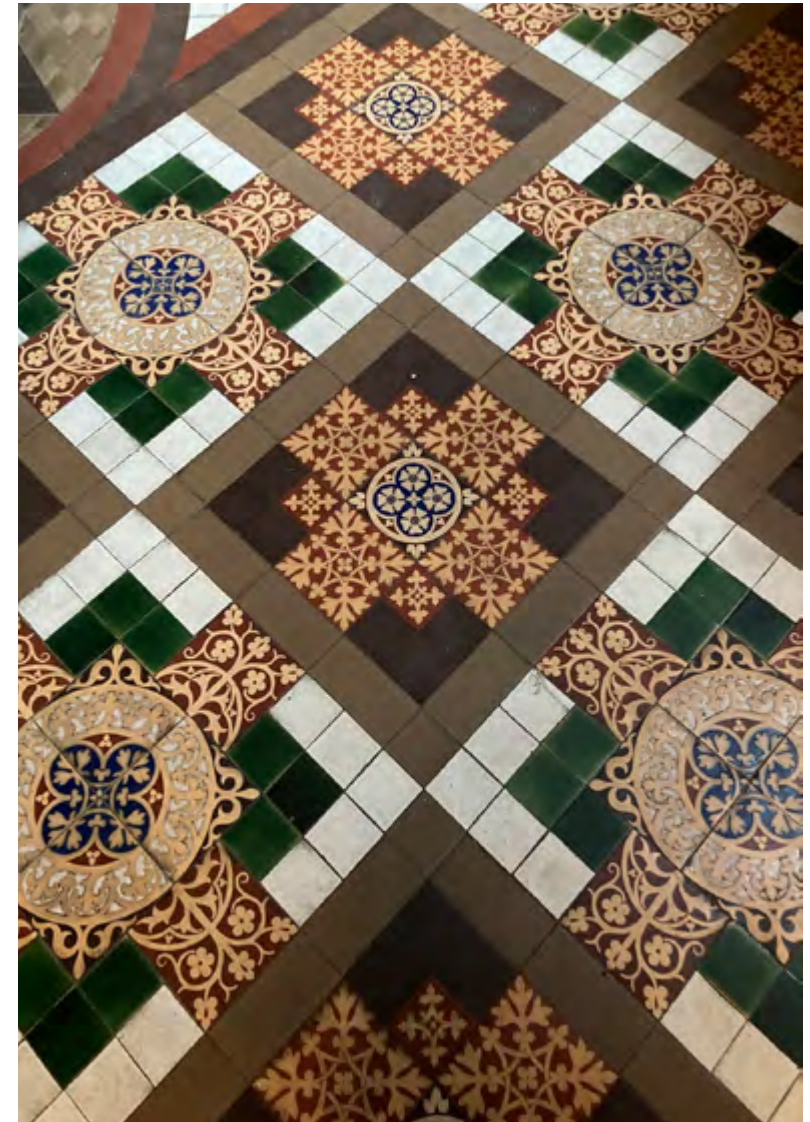
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Sequestration

52. Sequestration is the current technical name for the process that is used during a benefice vacancy when the Churchwardens act jointly with the area or rural dean – in co-operation as necessary with the diocesan team – to manage day-to-day administrative matters until the new parish clergy arrive. These include responsibility for making arrangements for worship but also include legal responsibility for the parsonage and any other benefice property. As part of the modernisation of the MPM it would be helpful to update the term ‘sequestration’ with a more modern name and to harmonise the legal arrangements so that the diocesan team can act in property matters during a vacancy in a benefice (which includes when there is a priest-in-charge, as opposed to an incumbent). Currently, while a benefice is vacant (even when there is priest-in-charge) it falls to the churchwardens to act if there are legal issues in relation to the parsonage.

53. This could include any boundary disputes with neighbours, or other issues if the property is rented out and that is an unsatisfactory situation. The MPM would be changed to allow the Diocesan Parsonage Board to act in relation to property matters, but there would be no change to the current rights or processes in relation to parsonage disposal. The role of the Churchwarden in vacancy will not otherwise change.

Recommendation 13: *To make provision in a new MPM for the Diocesan Parsonage Board to be able to act in relation to certain parsonage matters and to modernise the terminology of sequestration.*



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Legal instruments and processes relating to closed church buildings

54. Following our review of the Measure the Commissioners do want to consider changes to the processes relating to closed church buildings, but more work needs to be done to ascertain the level of consensus around the areas set out below and if they would be legal and practical to implement. The Commissioners plan to consult further in 2023 with diocesan teams, the CBC/SAC, Historic England, the Department of Culture, Media and Sport and amenity societies and any proposals would be considered as part of the legislative process.

Scheme and order matters

55. All church building processes are currently dealt with by scheme but there could be scope for some to become an order matter, particularly where the new use for a closed church building is a preservation, ruin or monument use. These cases do not tend to attract representations against the proposals and therefore could be dealt with more expediently as an order. Examples could include cases where the closed church building would pass into the ownership of a diocesan trust, another preservation trust, or an ecumenical body or BMO body, such as a Charitable Incorporated Organisation (CIO) or a Community Interest Company (CIC). A new Measure could also give dioceses more flexibility by giving them a choice of where the building is vested on closure for care and maintenance, during the use seeking process. The DBF could choose a diocesan trust, or the CCT (if additional funding were provided). There are already a range of models for trust bodies which could look after a church building, so no additional provision is needed in the Measure to create a legal framework for special purpose vehicles.



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Simplifying the process for finding an alternative use for a church building

56. There are currently two different ways to manage the process of finding an alternative use for a church building. It can be closed first under a section 42 scheme and a further scheme is published when a new use is identified, or the closure and disposal can happen as an all-in-one scheme under section 59. The rules around the process are not consistent, as seeking expressions of interest in advance of a decision is allowed under section 59 but not under section 42, as it is seen as pre-judging the outcome of the scheme. In practice some marketing happens for section 42 schemes but it is an ambiguous situation. In future the Commissioners would like the approach to be more consistent and more flexible so that expressions of interest could be sought to inform better decision making at the most appropriate time without the risk of it being considered inappropriate. To support these changes the Commissioners' staff team would be able to access the resources from the Closed Church Buildings Support Account (CCBSA) at an earlier point in the process and new items could be added to approved expenditure such as building condition reports and access audits. Alongside that the Commissioners would also like to introduce the concept of alternative uses which are approved in principle, subject to planning and any listed building consents, as that could help reduce the complexity of the current disposal scheme process. After over 50 years of operation there is plenty of evidence about which alternative uses can work best in church buildings, but also which are the most sustainable.³⁷

57. Any new, novel or contentious uses would require a fuller process. The consultation requirements on graveyard disposal would be retained, as they are often the most sensitive part of the local discussions.

Making it easier for closed churches to return to a worship use

58. Currently if a church building is closed under the Measure a separate scheme has to be published to bring it back into use, which can be problematic and take a prolonged period of time. Although it does not happen very often, it does occur occasionally and it should be much easier to reverse closure, even after a scheme is made and the building has not yet been sold, if the Church wishes to return it to use. This could be done either by including clauses within a scheme which allow it to be reversed at the request of the bishop or through another simple instrument, such as an order, with parish clergy and PCC consent.



³⁷ See related research – [MPCP\(20\)31 – An analysis of use types and sustainability 1969-2019.pdf \(churchofengland.org\)](#)

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Making it easier to lease a closed church building

59. It is already possible to lease a closed church building whilst it is vested in the DBF during the process of finding a new use for the building. However, it is a complicated process because it requires a scheme. It would be helpful to give dioceses more flexibility by making it easier for a lease to be granted by order for shorter term periods³⁸ where there is little need for any alteration to the building.

Extending lease options for unlisted open church buildings

60. The current MPM includes provision for partial leases in listed and unlisted open church buildings, and a new Measure could extend that provision to allow greater options for leasing in unlisted church buildings. It could be possible to lease the whole of an open unlisted building to another Christian denomination for worship use, or to other users with some, or no Anglican, worship. The ability to lease in this way could be useful in cases where there is a desire to retain the building in Church ownership over the longer term but there is no immediate pastoral need for the building. Examples could include suburban or rural places where a housing development is planned but is not yet built, or urban areas where perhaps an expanding university may want to establish new chaplaincy provision.

Re-distributing sales proceeds

61. Under the current Measure when a church building is closed it automatically vests in the DBF and the diocesan team becomes responsible for keeping it wind and watertight and dealing with insurance and health and safety issues. When the building is sold the diocese receives two-thirds of the proceeds and the Commissioners receive one-third, which is applied to support the Churches Conservation Trust and provide funds for the CCBSA. It is often the

case that once costs have been taken into account there are no net proceeds left to distribute. If there are net proceeds, some dioceses then choose to give some funding back to the relevant deanery or benefice for mission purposes, but others retain the whole of the two-thirds share. We recommend that this issue is considered as part of the process of developing the diocesan MPM framework and a policy set so there is a clearer, more transparent approach. For parishes this was an issue which came up strongly during the consultation, with a view that some portion of proceeds should be returned to the parish as they had the long term responsibility for raising funds for repairs and maintenance and looking after the building. For dioceses, net proceeds on some disposals can help to offset the losses which are sometimes generated when church buildings are sold, which can happen for example when a preservation trust needs a grant to take the building, or when the diocese has paid for repairs and maintenance but the building was sold for nil proceeds.

Reducing duplication with the planning system

62. The Commissioners have had some initial discussion with HE about the scope to reduce the shared administrative burden around the current processes. The aim is to consider the sequencing around the formal points at which HE is notified about proposals for church buildings and at what stages they can best be involved in the conversations as part of the lifecycle model mentioned earlier. If there is agreement on process changes these would be included in the draft legislation. There are no plans to make significant changes to the processes of notifying specialist bodies, like the Commonwealth War Graves Commission, but if there are ways to make the administrative processes easier they will be considered jointly.

³⁸ The statutory guidance would give more specific advice on the appropriate time frames for leasing. 'Short' could include up to 20-25 years, as opposed to long leases which would usually be over 99 years or longer.

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Churches Conservation Trust (CCT) and other Trusts

63. As mentioned before, the CCT was established under the Pastoral Measure 1968 and is an independent charity, which is also an arms-length government body, jointly funded by the Church Commissioners and DCMS³⁹. Its task is to hold in trust for the nation the most significant listed Church of England buildings which are no longer needed for regular public worship. It currently looks after 356 churches which remain open to the public and available for private prayer. (See visitchurches.org.uk).

64. As part of the review there have been substantive discussions with the CCT about its role going forward and the scope for it to provide services and support to the Church of England. The aim is to develop a more strategic, collaborative, partnership style relationship, recognising the CCT's distinctive strengths and areas of expertise.



65. In terms of the specifics, the Commissioners would like to explore the options for changing the process for the way buildings are vested in the CCT. The CCT funding orders are approved by General Synod and government every three years. The funding orders currently include provision for a £2m vesting budget per triennium. This is mainly spent on repairing the churches which will be vested, as once vested the CCT has to raise the funds for future repair and maintenance from fundraising, grants and other charitable activities. The aim would be to improve the forward planning for identifying the churches which might be vested in the Trust and to make the decision making more collaborative.

66. Consideration could also be given to supporting direct vesting into the trust where there is local funding available for an endowment and the church is no longer required for regular public worship. Other areas where the legislation needs to be updated includes provision for the CCT's commercial functions so that the CCT can meet the requirements of the DCMS funding settlement, which requires the CCT to diversify and maximise its capacity to raise funds from external sources.

67. More generally, the Commissioners would support the proactive development of a Trust ecosystem, to help grow new models and partnerships which can help look after our most valued church buildings and secure their long term future. Legal models already exist, but more could be done to provide guidance and case studies to help church communities identify options and find local solutions. The Commissioners will consider if there are further changes to a new Measure which could help facilitate the development of diocesan or cross-diocesan Trusts and other models.

³⁹ The DCMS funding is empowered by the Redundant Churches and Other Religious Buildings Act 1969

PART IV

National Church support services

Proposed next steps

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Proposed next steps

National Church support services

1. As part of the overall package of reform, there is a need to re-focus and improve the support services provided by the Commissioners' teams, ensuring these services are tailored to the different needs of the various parties who undertake activities under the Measure. This includes:

- Parish clergy
- Churchwardens and PCCs, volunteers etc.
- Bishops, Archdeacons and Diocesan staff teams
- Diocesan Mission and Pastoral Committees (DMPC), and Area Mission and Pastoral Committees (AMPC).
- Institutional and individual patrons
- Statutory partners (e.g. Historic England)
- The purchasers of closed church buildings

2. The feedback from the consultation was clear that the lack of understanding that people have round the Measure can stop them from feeling a sense of agency in the processes and hamper their ability to bring forward new ideas and proposals to the DMPCs and AMPCs. What could help address these issues is for guidance to be provided by the Commissioners (or national body) in the future which is explicitly designed for the different parties involved. For example, Churchwardens could access guidance and training materials tailored to their needs. This would be an important way to ensure that parish clergy and church communities can use the decision-making tools under the Measure to take forward their own plans and initiatives, in concert with the deanery (where that is relevant) and the DMPC.



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3. There is a number of other practical changes which are needed to update the way the MPM system is managed. New measures would include:

- **Data system** – a new data system for processing casework. This would be similar to a secular planning portal and the online faculty system. Eventually it would include online access to digitised maps and past schemes. (This would be integrated with other National Church data projects).
- **Basic information** – a new suite of easy-to-understand guides with diagrams and visuals to explain the Measure for different audiences including parish clergy, PCCs and other parties. This would include the use of scenarios to show the full potential of the Measure – there is a common perception that the legislation prevents desirable change, but this is often because there is a lack of understanding of what change can be achieved. These should be in a range of accessible formats to meet differing equality needs and be in Plain English.
- **Statutory guidance** – to be re-written and simplified and presented in formats more suitable for electronic searching.
- **Legal documentation** – provide templates for schemes and orders, draft leases, heads of terms, and any other legal requirements.
- **Data protection** – a privacy notice around the consultation processes and other changes would be needed to update the MPM processes to ensure they are consistent with data protection legislation.



- **Training materials** – short videos and online training sessions would be developed and made readily available. These could be used by all those who would be involved in the change processes, including Incumbents, Church Wardens etc., as well as officers. Specialist and technical materials also need to be provided for the statutory partners who support the work on church buildings.

4. As part of the process of bringing forward legislation an assessment is made of the financial and administrative impacts of new legislation. A transition programme would be necessary, which would provide additional staff resource and budget to put the new arrangements in place. This additional resourcing would wind down once that work was completed. The scope and costs of the transition programme would be worked up in more detail if General Synod approves the recommendation to take forward this work to the legislation and implementation stage.

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General Synod will be asked to debate this report and consider the proposal that new legislation is developed consistent with the recommendations set out. If the motion is approved, then a new Measure and secondary legislation would be brought forward to Synod in 2024. Further consultation would be undertaken in order to finalise the recommendations around church buildings.



ANNEXES

ANNEX A : Outline of the proposed new Measure and secondary legislation

ANNEX B: Proposed legal instruments, consultation process and representation rights

ANNEX C: Committee Membership

Acronyms

ANNEXES

ANNEX A : Outline of the proposed new Measure and secondary legislation

ANNEX B: Proposed legal instruments, consultation process and representation rights

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ANNEX A : Outline of the proposed new Measure and secondary legislation

This is an outline for illustrative purposes only, to show that the key rights that are in the existing legislation will stay in the primary legislation. The actual ordering and structure of the legislation may vary if the proposals are approved by Synod.

New Measure – primary legislation

- General duty, including overarching outcomes
- Diocese: Mission and Pastoral Committee
- Diocese: Mission and Pastoral Measure Framework
- Consultation
 - Statutory consultees
 - Interested parties
- Orders and schemes
 - Purpose
 - Effect
 - Patronage
 - Plurality
 - Church buildings
 - Compensation for loss of office
- Bishop's Mission Orders
- Churches Conservation Trust
- Special purpose vehicles
- Statutory advice and guidance
- Consequential and transitional provisions

Secondary legislation – procedural detail

- Diocesan Mission and Pastoral Committee procedure
- Content of Mission and Pastoral Measure Framework
- Consultation requirements by matter
- Orders and schemes procedure
- Procedure for creating new type of instrument
- Procedure for approval, review and revision of advice and guidance
- Forms and templates (or possibly in guidance)

Note – secondary legislation can only be drawn from the powers that are set out in the primary legislation, which means that the scope for any secondary legislation is tightly drawn. A new Measure would include strong approval mechanisms for any secondary legislation so there would be procedures for making changes or amendments. The intention would be to present the new draft primary Measure and indicative secondary legislation at a headline level at the same time.

ANNEXES

ANNEX A : Outline of the proposed new Measure and secondary legislation

ANNEX B: Proposed legal instruments, consultation process and representation rights

ANNEX C: Committee Membership

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ANNEX B: Proposed legal instruments, consultation process and representation rights

The table below summarises the current processes required in relation to the existing MPM and gives an indication of how the details could change in a new Measure. It is for illustrative purposes only.

The following definitions are used through the table:

Key:

IPs – Interested parties would remain the same as in the current Measure, i.e. parish clergy (incumbent/priest-in-charge), PCCs, patrons, rural/area deans and deanery lay chairs and archdeacons

PC – parish clergy – incumbents or priests-in-charge

ARD– area or rural dean

DLC – deanery lay chair

ER – Electoral Roll members

+B – Bishop

Stat bods – statutory bodies such as Historic England, the Commonwealth War Graves Commission, Amenity societies and others – usually for church buildings

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ANNEX A : Outline of the proposed new Measure and secondary legislation

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ORDER MATTERS

Matter	Consultations		Right to make a representation		Determining Body		JCPC Appeal	
	Current ▼	Proposed ▼	Current ▼	Proposed ▼	Current ▼	Proposed ▼	Current ▼	Proposed ▼
Name Changes								
Parish	+B sees fit ⁴⁰	PC/PCC	None	PC/PCC	None ⁴¹	+B	No	No
Benefice	+B sees fit	PC/PCC	None	PC/PCC	None	+B	No	No
Deanery	+B sees fit	ARD/DLC	None	ARD/DLC	None	+B	No	No
Archdeaconry	+B sees fit	ARD/DLC	None	ARD/DLC	None	+B	No	No
Alteration of Areas								
EPP ⁴²	+B sees fit	PC/PCC	None	PC/PCC	None	+B	No	No
Parish (no property) ⁴³	+B sees fit	PC/PCC	None	PC/PCC	None	+B	No	No
Benefice (by transfer of parish)	IPs /Public	IPs	Anyone	IPs	CC	CC	Yes	No
Deanery (by transferring benefices/parishes)	+B sees fit	ARD/DLC	None	ARD/DLC	None	+B	No	No
Archdeaconry (by transferring benefices/parishes or deaneries)	+B sees fit	ARD/DLC Archdeacon	None	ARD/DLC	None	+B	No	No
Create/Unite/Dissolve								
Benefices (No dispossession)	IPs /Public	IPs	Anyone	IPs/ER	CC	CC	Yes	No
Deaneries (No dispossession) ⁴⁴	+B sees fit	ARD/DLC	None	ARD/DLC	+B	+B	No	No

⁴⁰ In practice the DMPC is generally responsible for initiating proposals and seeking the assent of the diocesan bishop. In the event of parish led requests then the DMPC would usually recommend them to the Bishop.

⁴¹ At present no formal representation rights as such but Bishop decides after consultation which in effect means representations by consultees are made to and adjudicated by the Bishop

⁴² Extra Parochial Place

⁴³ Currently limited to a church but proposing to widen to include PCC property.

⁴⁴ There is clearly a difference between large-scale strategic alteration of many deaneries in one Order and a more local amalgamation of for example two small deaneries. The statutory guidance would set out proportionate consultation requirements to show the difference between the strategic/more operational changes and smaller scale local alterations.

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Acronyms

Matter	Consultations		Right to make a representation		Determining Body		JCPC Appeal	
	Current ▼	Proposed ▼	Current ▼	Proposed ▼	Current ▼	Proposed ▼	Current ▼	Proposed ▼
Team Ministry								
Establish (no dispossession)	IPs /public	IPs	anyone	IPs/ER	CC	CC	Yes	No
Vary (no dispossession)	IPs /+B sees fit ⁴⁵	IPs	SIPs ⁴⁶ /anyone	IPs/ER	CC/None	+B	No	No
Dissolve (no dispossession)	IPs /public	IPs	anyone	IPs/ER	CC	CC	Yes	No
Group Ministry								
Establish (No dispossession)	IPs	IPs	SIPs+	IPs	CC	+B	No	No
Vary	IPs	IPs	SIPs+	IPs	CC	+B	No	No
Dissolve	+B sees fit	PC/PCC	None	PC/PCC	None	+B	No	No
Plurality								
Establish (no dispossession) ⁴⁷	+B sees fit	PC/PCCs/ Patron	None	PC/PCCs/ Patron	None	+B	No	No
Designate/Select first office holder								
Incumbent/Team Rector	IPs /public	IPs	Anyone	IPs	CC	CC	Yes	No ⁴⁸
Team Vicar	IPs /public	IPs	Anyone	IPs	CC	CC	Yes	No
Incumbent of plurality	+B sees fit	PCC/Patron	None	PCC/patron	None	+B	No	No
Holder of benefice in a Group ⁴⁹	IPs	IPs	SIPs+	n/a – will change	CC	n/a – will change	No	
Patronage								
Designate for new benefice	IPs /public	IPs	Anyone	IPs	CC	CC	Yes	No

⁴⁵ Currently abolishing a vacant TV post is by a +BO but other variations are by Pastoral Order

⁴⁶ IPs + means that if all SIPs consent there are no representation rights for any others but if any SIP does not consent then, anyone else may also make representations.

⁴⁷ Pluralities are treated differently – they can be dissolved without a legal instrument at a vacancy, or with a legal instrument when part of wider pastoral re-organisation.

⁴⁸ But “yes” if CC amended the Order to make it a dispossession Scheme as a result of representations.

⁴⁹ Retain the provision, but remove the requirement to name individuals to avoid any technical dispossession.

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	Current ▼	Proposed ▼	Current ▼	Proposed ▼	Current ▼	Proposed ▼	Current ▼	Proposed ▼
Special Patronage Board	IPs /public	IPs	Anyone ⁵⁰	IPs	CC	CC	Yes	No
Team Patronage Board	IPs /public	IPs	Anyone	IPs	CC	CC	Yes	No
Transfer/ Exchange	IPs	PC/PCCs/ patron	SIPs+	PC/PCCs/ patron	CC	CC	No	No
How exercised for plurality	+B sees fit	PCCs/Patron	None	PCCs/Patron	+B	+B	No	No
Parsonage								
Designate for new benefice/team	IPs /public	IPs	Anyone	IPs	CC	CC	Yes	No
Transfer for Diocesan purposes (including the EOTS)	IPs	IPs	SIPs+	IPs	CC	CC	No	No
Transfer for Diocesan glebe	IPs	IPs	SIPs+	IPs	CC	CC	No	No
Transfer for Disposal	IPs	IPs	SIPs+	IPs	CC	CC	No	No
Church not used since 1964								
Closure	PC/PCC/Patron	PC/PCC/ Patron	None (as consent required)	PC/PCC/ Patron	N/A	DMPC	N/A	No
Status of Church								
To be a parish church	IPs and DMPC/ DAC agree	PC/PCC	SIPs+	PC/PCC	CC	+B	No	No
To cease to be a parish church (become chapel of ease)	IPs	IPs	SIPs+	IPs	CC	+B	No	No
Mission Initiatives								
BMOs	+B sees fit	+B sees fit	None	None	+B	+B	No	No

⁵⁰ But patrons must consent. We are proposing that they would only have rights of representation as with team patronage boards.

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SCHEME MATTERS

Matter	Consultations		Right to make a representation		Determining Body		JCPC Appeal	
	Current ▼	Proposed ▼	Current ▼	Proposed ▼	Current ▼	Proposed ▼	Current ▼	Proposed ▼
Alteration of areas								
Parish (affecting property vesting) ⁵¹	IPs /Public	IPs/public	Anyone	IPs/ER	CC	CC	Yes	yes
Create/Unite/Dissolve								
Parishes	IPs /public	IPs/public	Anyone	IPs/ER	CC	CC	Yes	Yes
Benefices (with dispossession)	IPs /public	IPs/public	Anyone	IPs/ER	CC	CC	Yes	Yes
Deaneries (with dispossession ⁵²)	+B sees fit	ARD/DLC PCs	None	A/R dean/ Lay Chair	None	CC	No	Yes
Archdeaonries (with dispossession)	IPs /public	Archdeacon/ ARD/DLC	Anyone	Archdeacon	CC	CC	Yes	Yes
Team ministry								
Establish, Vary or Dissolve with dispossession	IPs /public	IPs	Anyone	IPs/ER	CC	CC	Yes	Yes
Group ministry								
Establish (with dispossession) ⁵³	IPs /public	PCs/PCC	Anyone	PCs/PCC	CC	CC	Yes	Yes
Church Closures								
Close	IPs /public ⁵⁴ / Stat bods	IPs/public/ stat bods	Anyone	Anyone	CC	CC	Yes	Yes
Close and provide for demolition or future use	IPs /public/stat bods	IPs/public/ stat bods	Anyone	Anyone	CC	CC	Yes	Yes but only in relation to the closure. ⁵⁵
Close and replace with a new place of worship	IPs /public/stat bods	IPs/public/ stat bods	Anyone	Anyone	CC	CC	Yes	Yes

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Matter	Consultations		Right to make a representation		Determining Body		JCPC Appeal	
	Current ▼	Proposed ▼	Current ▼	Proposed ▼	Current ▼	Proposed ▼	Current ▼	Proposed ▼
Churchyards								
Transfer all or part for disposal	IPs /public	IPs/public	Anyone	Anyone	CC	CC	Yes	Yes
Patronage								
Where a patron would be deprived of a patronage interest without acquiring a new one ⁵⁶	IPs /public	IPs	Anyone	IPs	CC	CC	Yes	Yes
Closed Churches								
Future use (any)	IPs /public/stat bods	IPs/public/stat bods	Anyone	Anyone	CC	CC	No	No
Demolition (listed or in conservation area)	IPs /public/stat bods	IPs/public/stat bods	Anyone	Anyone	CC	CC	No (but possible NSPI) ⁵⁷	No (but possible NSPI)
Demolition (not listed or in conservation area)	IPs /public/stat bods	IPs/public/stat bods	Anyone	IPs	CC	CC	No	No
CCT	IPs /public	None	Anyone	None	CC	None	No	No
Approved Trust Body	N/A	None	N/A	None	N/A	None	N/A	No

⁵¹ This concerns church buildings and parish property (e.g. church halls etc), not parsonages, which if a standalone matter would usually be dealt with under the Church Property Measure.

⁵² Currently no representation or compensation rights but we are proposing that there should be if the Area dean post is stipendiary.

⁵³ But we hope to remove possibility of dispossession (see note 7)

⁵⁴ SIPs for church closures and churchyard disposals include additional statutory bodies and others e.g. (Local Planning Authority, EH, Amenity societies etc.)

⁵⁵ This is proposed in order to better align with the position where the two issues are separate schemes. A closure scheme can be appealed to the JCPC, but the pastoral (church buildings disposal) schemes cannot.

⁵⁶ This is usually a matter which only arises where a patron has already expressed a wish to no longer have patronage interest in the affected benefice(s), without having to transfer their interest elsewhere.

⁵⁷ Non-statutory Public Inquiry – when the case is referred to the Secretary of State (DLUHC).

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Membership Mission, Pastoral and Church Property Committee (MPCPC)

- The Reverend Canon Dr Flora Winfield (Chair)
- Lay Canon Peter Bruinvels (Deputy Chair)
- The Right Reverend Sarah Clarke
- The Right Worshipful Morag Ellis KC
- The Venerable Simon Fisher
- Jay Greene
- The Reverend Prebendary Dr Amatu Christian-Iwuagwu
- The Reverend Canon Clare MacLaren
- The Reverend Christopher Smith
- The Reverend Anne Stevens
- The Reverend Stephen Trott
- The Right Reverend Graham Usher
- Canon Shane Waddle
- Garth Watkins
- Wendy Matthews (Secretary)

Membership informal General Synod Reference Group

- The Reverend Canon Dr Flora Winfield (Chair)
- Dr Chris Angus
- Lay Canon Nigel Bacon
- Jonathan Baird
- Lay Canon Peter Bruinvels
- The Reverend Canon Simon Butler
- Wendy Coombey
- Prudence Dailey
- The Venerable Douglas Dettmer
- Julie Dziegiel
- The Right Worshipful Morag Ellis KC
- The Reverend Canon Tim Goode
- Andrew Gray
- Professor Roy Faulkner
- Timothy Hamilton
- The Reverend Prebendary Dr Amatu Christian-Iwuagwu
- Dr. Ian Johnston
- Neil Logan-Green
- Andrew Orange
- The Reverend Sam Maginnis
- The Reverend James Pitkin
- Paul Ronson
- The Reverend Marcus Walker

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Acronyms

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AMPC: Area Mission and Pastoral Committees

BMO: Bishop's Mission Order

BPO: Bishop's Pastoral Order

CBC: Church Buildings Council

CCT: Churches Conservation Trust

DAC: Diocesan Advisory Committee

DBF: Diocesan Boards of Finance

DCMS: Department of Culture Media and Sport

DMPC: Diocesan Mission and Pastoral Committee

DPA: Diocesan Pastoral Account

DPMM: Dioceses, Pastoral and Mission Measure 2007

HE: Historic England

JCPC: Judicial Committee of the Privy Council

LRC: Legislative Reform Committee

MPCPC: Mission, Pastoral and Church Property Committee

MPM: Mission and Pastoral Measure 2011

NCIs: National Church Institutions

PCC: Parochial Church Council

PO: Pastoral Order

SAC: Statutory Advisory Committee of the Church Buildings Council

SDF: Strategic Development Fund

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CHURCH COMMISSIONERS *for* ENGLAND

