

GENERAL SYNOD

Chelmsford Diocesan Synod Motion: CODE OF CONDUCT FOR PCCs

...to move on behalf of Chelmsford Diocesan Synod

That this Synod request that the Archbishops' Council carry out a review to consider:

- a. the possibility of drawing up a Code of Conduct for PCC members and lay volunteers,
- b. the issues required to put in place a disciplinary process for their removal from the PCC in cases where this is not followed,
- c. the resources required at national, diocesan and parish level to bring this about.

Summary

This motion seeks to address the imbalance of accountability in relationships where lay volunteers face no significant consequences for persistent departures from acceptable standards of behaviour. PCC members as trustees work within the parameters of charity law with key duties to perform; they are also invited into a collaborative decision making process in co-operation with the minister. Persistent low standards of behaviour may breach these duties without liability, impact on safeguarding and be detrimental to the church's mission. PCC meetings become psychologically unsafe environments for all participants, lay and ordained. The imperative to forgiveness can sometimes normalise bad behaviour when it is seen to be consequence free. Guidance on acceptable conduct which transparently translated the fruits of the spirit into a working document would begin to provide a safety net for all involved in the service of Christ.

Background

1. The motion before Synod originated in Braintree Deanery Synod, a rural deanery in the heart of Essex. In February 2020 it passed unanimously in both Houses. It passed unamended in Chelmsford Diocesan Synod two years later in February 2022. The motion was proposed by churchwardens in the Deanery who found themselves unable to remove a PCC¹ member whose behaviour repeatedly fell far short of acceptable standards. This specific situation – which is not unique to one benefice in Essex – highlighted the imbalance of accountability in relationships. Whereas clergy are subject to the CDM process, there remains no proportionate and accessible means by which laity can be held to account for their actions. Archdeacons and Bishops have limited actions available to them. The request to the Archbishops' Council to undertake a review to consider a code of conduct, with the ability to remove PCC members, is a modest request to seek equitable accountability. It is important to note that the motivation for this motion came not from clergy, but lay members wanting to care for their benefice, and for their incumbent.

¹ The motion as presented refers to PCCs. It is noted that there are other forms of governance for parishes, such as Guild Councils or DCCs, plus communities under a BMO may have alternative charitable status and governing documents. Cathedral chapters also have separate arrangements.

2. This paper sets out the wider context for seeking this review, and includes examples of the kinds of behaviours the code of conduct could address that have been experienced in a number of different parishes across England.

Legal context: PCC members are trustees governed by charity law

3. PCC members are charity trustees. This legal status could, in theory, provide two ways to remove a PCC member. The first is automatic, should it ever apply - there are a number of legal reasons why individuals can be barred from acting as trustees² which are mainly concerned with criminal or terrorist offences.
4. The removal or disqualification for other reasons hinges on breaches of acceptable behaviours – if these have been defined with a code of conduct which has been adopted by the trustees. A vote of no confidence holds no legal power if it isn't explicitly part of a charity's rules or procedures³ – so even if every other member of a PCC voted to show no confidence in an individual, they would not be able to remove that individual. As charities, the vast majority of PCCs are governed by the *Church Representation Rules* and there is no such provision within this document.
5. The Charity Commission sets out the key duties for trustees in its guide, *The Essential Trustee*⁴ These are to:
 - Ensure your charity is carrying out its purposes for the public benefit
 - Comply with your charity's governing document and the law
 - Act in your charity's best interests
 - Manage your charity's resources responsibly
 - Act with reasonable care and skill
 - Ensure your charity is accountable

Accountability in this last point is not just related to financial reporting. It includes accountability to the law, the parish and the wider purposes of the charity.

6. There is a strong argument that a level of behaviour that would lead to a disciplinary action, if one were available, would indicate that a trustee was not meeting these key duties. By way of examples - repeatedly emailing parish organisations in a way that the police considered prosecutable harassment is clearly not in the best interests of the charity; neither is it acting with reasonable care to repeatedly miss meetings or attend them when drunk or under the influence of drugs.

Ecclesiastical context (i) Decision making and co-operation with the minister

7. Collective decision making does not work in an environment where one individual consistently dominates the discussion or threatens consequences if their preferred outcome is voted down. In one example provided for the purposes of this paper, a PCC voted to exclude specific issues in the wider parish during its meeting. One member repeatedly attempted to force a discussion by bringing it as AOB including contacting the Diocesan Bishop to request them to require the PCC to put the item on the agenda. An effective and proportionate code of conduct would not create an

² <https://www.gov.uk/guidance/automatic-disqualification-rule-changes-guidance-for-charities>, accessed 30 December 2023

³ <https://www.gov.uk/guidance/charity-trustees-resignation-and-removal>, accessed 30 December 2023

⁴ <https://www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3/the-essential-trustee-what-you-need-to-know-what-you-need-to-do#act-in-your-charitys-best-interests-1> accessed 30 December 2023

environment where the minister can shut down disagreement and effectively silence criticism. That is not a healthy environment for good decision-making. Collective decision making requires that disagreement is aired and considered thoughtfully and prayerfully. PCC members must be able to ask for more information on proposals, for example, in order to be able to act in best interests.

8. The National Council for Voluntary Organisations (NCVO) recognise that disagreement is a healthy part of decision making, and recommends that charities should use a code of conduct for their trustees. It provides a template to member organisations for this purpose.
9. Section 2 of the PCC Measure 1956⁵ creates the duty of the minister and the PCC to consult together, and in S2(a) requires “co-operation with the minister in promoting in the parish the whole mission of the Church, pastoral, evangelistic, social and ecumenical.” Again, co-operation does not necessarily arise from a place of complete agreement. It is clear, however, that once a willingness to co-operate is absent, there is no formal mechanism to rebalance proceedings. The recent amendment to the *Church Representation Rules* (SI 2023/86)³⁶ - allowing for a vote to be called in what would otherwise be an uncontested election – has provided a mechanism by which automatic re-election is no longer guaranteed.
10. A code of conduct would recognise the difference between a one-off disagreement or conflict over a specific matter, which will happen from time to time, and repeated patterns of damaging behaviour.

(ii) Impact on mission

11. Good PCC meetings cover legal governance and also look outwards to their community, setting budgets and priorities for sharing the gospel. PCCs are already under pressure, particularly in multi-parish benefices.
12. Repeatedly poor behaviours sidetrack meetings, waste the time and energy of all participants, and detract from the church’s ability to share the gospel and nurture disciples. In one parish, a PCC member refused to share the keys to the cupboard that stored all the resources for children’s work. Thus, whilst the dispute was ongoing, no children’s work was able to happen.

(iii) Safeguarding

13. A PCC meeting should not be a psychologically damaging or physically threatening environment for any participant. Aggressive behaviour in meetings (slamming fists on tables and continually interrupting when others speak) or outside meetings (emailing repeatedly, and when blocked on email, printing and delivering copies of a message). Our duty to safeguard vulnerable people is one; and we also have a responsibility to protect bystanders from potentially harmful behaviours. For example, if a PCC member is acting in a way that leads to police intervention for harassment of a churchwarden, but no mechanism exists for the PCC member to be removed; current rules force the churchwarden to meet their harasser on a regular basis. Likewise, when a PCC member makes vexatious complaints about others – who are then

⁵ <https://www.legislation.gov.uk/ukcm/Eliz2/4-5/3/section/2> accessed 31 December 2023

⁶ <https://www.legislation.gov.uk/uksi/2023/863/made> accessed 31 December 2023

required to either resign, or continue working with that individual – an unsafe situation is created.

14. PCC members who persistently refuse to undertake safeguarding training – putting themselves and others at risk – are able to continue to serve as a trustee. This is another example where this is a clear breach of the trustees' duties of accountability or acting in the best interests of the organisation.

(iv) Power

15. The *Guidelines for the Professional Conduct of the Clergy* state that clergy are often in positions of power over church members, particularly in pastoral relationships. PCC membership and a pastoral relationship are not mutually exclusive – it is noted that the point at which a code of conduct needs to be invoked, there will almost certainly have been a breakdown of both pastoral and legal relationships which is to be lamented.
16. However, PCC members do hold power and that needs to be acknowledged. It may not be positional power, but there is a great deal of relational power held – especially within small communities. In many parishes, the shortage of enthusiastic and able volunteers means that one individual may have multiple responsibilities. Specific officers' withdrawal of co-operation can have devastating effects on a parish's ability to function, and the willingness of other volunteers to step forward.
17. One final aspect of power to note is the power to withdraw. A PCC member can make the difficult choice to resign, or even move to a different church if others' behaviour is having a detrimental impact. For an incumbent, resignation is an option but at the cost of having to leave the parish completely.

Serving together as children of God

18. Disagreement in the church predates the written gospels (1 Cor 1:11). St Paul repeatedly wrote to churches and leaders to settle disputes of procedure and governance. We may hold to an ideal that we forgive seventy seven times, but Matthew 18 also suggests there is a precedent for a church effectively removing people from fellowship. Human sin mars all aspects of life; and we should not be afraid to recognise its effects on our formal structures. Codifying patience, kindness, gentleness, self control and other fruits of the spirit into a conduct document does not undermine the role of scripture in shaping our behaviour as Christians – it enables us to translate it transparently in a way that encourages co-operation, collaboration and love for each other.
19. Grace and forgiveness need also to be considered. Grace is, in one understanding, looking for the best in each other. Forgiveness from God is assured when we repent and are in love and charity with our neighbours. We are also called to forgive others – a desire we repeat frequently in the Lord's Prayer. Yet forgiveness does not entail a lack of consequence for those we forgive. The sins we forgive have had an impact. Emphasising grace and forgiveness risks normalising acceptance of bad behaviour and an unwillingness to uphold consequences - stifling mission, leading to people leaving church, decreasing love and justice.
20. Clergy and PCC members are mutual partners in the gospel. We are all fallible people who are imperfect and it is recognised that no mechanism can cover all eventualities.

A small rural deanery in Essex recognised that problems it witnessed were not an isolated event. It has been supported by the Diocese in bringing forward this motion, which seeks to ask the Archbishops' Council for a review of the issues around a code of conduct. This motion does not anticipate specific legislation or implementation mechanisms – but it is hoped progress can be made towards provision of a safety net for both laity and clergy, honouring and empowering all participants in the life of our churches.

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