

GENERAL SYNOD**National Church Governance Programme Board****Update on the Preparation of Draft Legislation
and the Implementation of GS 2307****Summary**

In July 2023, the National Church Governance Programme Board (Programme Board) committed to bringing the Governance Measure to the February 2024 General Synod for First Consideration. The Programme Board was informed by the Archbishops' Council in December 2023 that they would be unable to introduce the Governance Measure as planned, as there was considerable uncertainty in relation to future national safeguarding arrangements and how they might impact any future governance framework. The Archbishops' Council has not yet confirmed that legislation can be introduced in July 2024, but the Programme Board is continuing to work towards this date.

It is disappointing not to bring forward legislation in line with the timetable agreed by the General Synod, but the Programme Board believes that there are some potential benefits here, allowing further time to develop the Governance Measure and the supporting policy documentation. However, to delay the introduction of legislation beyond July 2024 would mean that the proposed changes could not be implemented until at least 2027. The impetus behind reform would be lost, issues of mistrust would persist, and Church staff would be asked to live with uncertainty for even longer.

Background

1. GS 2307 was largely silent on national safeguarding arrangements except for Recommendation 11, which stated that 'the National Church's safeguarding activities should be monitored by a body separate from and clearly independent of the governance structures of the National Church Institutions and the General Synod.'
2. At the time GS 2307 was written, the Archbishops' Council was already undertaking significant work in relation to the governance of safeguarding and members of Synod will be aware of the subsequent decisions which led to the commissioning of the Wilkinson and Jay Reviews.
3. In December 2023, *the Independent Review into the Church's Independent Safeguarding Board* by Sarah Wilkinson was published. At the time of writing this paper, the Archbishops' Council is awaiting the outcome of the Jay Review into future national safeguarding arrangements. This may recommend further structural changes to the National Church Institutions, which would need to be factored into the Governance Measure.
4. These uncertainties around safeguarding, and the possibility of resulting structural and legislative changes, prompted the Archbishops' Council's decision to defer the introduction of the Governance Measure until a later date when these issues were clearer.

Progress Made

5. Since the July 2023 Synod the Programme Board has itself, in consultation with both Archbishops, reviewed its membership and Terms of Reference. The work of the Programme Board is now focused on the implementation of the proposals in GS 2307.
6. The following work has been undertaken:

a) Drafting of the Enabling Legislation

Following the overwhelming support in General Synod for GS 2307, the Programme Team has been working closely with the Legal Office to develop draft legislation in a way which would have enabled its introduction in February 2024.

The Programme Board has considered whether it would be preferable to use the existing powers contained in the National Institutions Measure 1998 to amend the constitution of the Archbishops' Council now, ahead of the wider legislative reform. It was agreed that this option, although simpler, did not provide the clear change in governance structure and culture welcomed by the General Synod.

The process of drafting legislation is time-consuming, as it raises detailed and granular questions which require iterative policy discussions, to ensure that the legislation being developed properly aligns with the proposal agreed by the General Synod.

The delay in the introduction of the enabling legislation provides the Programme Board with an opportunity to produce further drafts of the legislation and to set out in more detail the proposed future governance arrangements.

b) Diversity and Inclusion

GS 2307 made a commitment to be open and transparent about the diversity of NCI Boards and Committees. Recommendation 12 proposed that 'the NCIs should establish a Diversity Charter for their boards and committees and should be subject to a statutory duty to monitor and report annually to the General Synod progress made towards the objectives in the Charter'. Whilst it is possible to provide for this in legislation, the detailed work of developing a framework against which to report requires development and consultation. Initial discussions have begun with the Racial Justice Unit and others to develop a draft Diversity Charter.

c) Synodical Scrutiny and Oversight

A key recommendation within GS 2307 was to consider additional mechanisms for synodical oversight of the National Church Institutions. Whilst it is relatively simple to provide the enabling power in legislation it will be for the Synod itself to agree on the most appropriate mechanisms. Rather than seeking to get this right untested, the Programme Board hopes to carry out trials of various oversight models ahead of any reform, so that collective agreement can be sought about which model works

best. The Business Committee trialled one potential model of oversight in July 2023.

A joint working group has been established between the Programme Board and the Business Committee to consider different models and to trial various arrangements. It is hoped that these can begin to be tested during 2024, and the Synod consulted on what mechanisms will best provide the approach set out in GS 2307; a body that can independently examine how specific decisions of the NCIs were taken and make recommendations for future improvement.

d) Financial Implications

The Programme Board has also commissioned a high-level review of the tax implications of the structural re-organisation, with particular focus on joint employment arrangements. The primary aim of the review is to ensure that the new structure does not inadvertently create liabilities in relation to the provision of shared services and to determine whether the new structure provides opportunities to streamline tax processes further.

e) Other Consultations

During the Autumn, the Programme Board provided a briefing at an informal session of the Ecclesiastical Committee of Parliament and have continued to engage widely with Trustee Bodies.

Alongside this we have begun to explore how the changes in governance will impact the organisational design of the National Church Institutions.

The Programme Team has also ensured that regular briefings have continued to be provided to the staff.

Conclusion

7. A delay in the programme is regrettable, and will no doubt be of concern to some in Synod. We share this concern but hope the information in this brief report explains why we have been unable to introduce the legislation at this time. We remain committed to bringing these changes forward for the scrutiny of Synod at the earliest possible date.
8. We will be arranging for there to be a fringe meeting during the February Group of Sessions to provide members with the opportunity to discuss the issues raised in this paper and the progress made to date.

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