

GS 2222

**CHURCH OF ENGLAND
MISSION IN REVISION:
A review of the Mission and Pastoral
Measure 2011**

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Foreword

Synod will recall that I first worked for the Church Commissioners as a graduate in 1993, as part of the team that supported the Commissioners' statutory functions under the then Pastoral Measure 1983. A bit like being a local authority planning officer, we were often nobbled at parties to be lobbied about cases and told off about bureaucracy!

While there have been revisions to this Measure since, it still feels unwieldy. Some regulatory process will always be inevitable because - like the much-traduced Faculty System - it is part of our agreement with the state under the Ecclesiastical Exemption, but many of the provisions the current Measure contains should arguably be settled locally, particularly given our new commitment to being a church which is Simpler Humbler Bolder.

One option of course has always been to hand back the Exemption to the state, but I fear the experience we have all had of local planning, and the resourcing constraints that affect local authorities, would make this an extremely unpopular move. This is therefore our chance to get this right, by paring the primary legislation back to its essentials, to uphold our part of the bargain while reducing bureaucracy. But we know that applying weed killer to the whole garden willy-nilly kills the flowers as well as the weeds, so it is important to take a moment to understand the complex ecosystem before we make our choices.

This Green Paper is a labour of love that seeks to provide you with that briefing. We have deliberately kept it long and detailed for that purpose but have included a brief summary to assist with orientation. The questions we pose are many and varied and will be explored in detail during the formal consultations, but we would be grateful for any views you have on any of them at this formative stage.

We know that the ongoing Governance Review may change the nature of the NCIs so in some ways this long-awaited review may now feel premature, but we petitioned the Business Committee to include this item on the July agenda because we particularly wanted to seek the wise counsel of this seasoned Synod. We hope it will provoke a rich discussion because we really want to get this right, and are very grateful for this opportunity to consult with Synod at an early stage.

Eve Poole

Third Church Estates Commissioner

14 June 2021

Introduction

In recent years, the Church of England has recognised that its complex legal systems and processes need reform and simplification in order to further the mission of the Church more effectively. In 2020 the Archbishops' Council re-established the Legislative Reform Committee to oversee a programme of simplification, and following discussion with dioceses, they identified a review of the Mission and Pastoral Measure 2011 (MPM) as a priority for action. So, in October 2020, the Church Commissioners were asked to lead a short review of the legislation and present a consultation paper to the July 2021 session of General Synod. The MPM is an administrative piece of legislation which enables bishops and their diocesan teams, with the support of the Church Commissioners, to organise certain aspects of ministry and mission in their dioceses, to enable greater flexibility in the use of church buildings, and to manage the disposal of churches no longer needed for regular public worship.

The Covid-19 pandemic has only emphasised the need for the review, as dioceses and parishes struggle with increased social, demographic and financial pressures. In 2020 the Emerging Church programme was established to set the road map for the next decade. The review is important in this context because it is about how we translate our historic commitment to the cure of souls and being a Christian presence in every community, for which the MPM provides the legal underpinning, into a twenty first century, post-Covid, missional context.

This paper is offered to begin a process of formal consultation in the anticipation that detailed legislative proposals will follow. The questions raised throughout the document range from high level matters of policy to detailed points seeking to simplify complex process. In all of this we have sought to keep the general duty of the existing measure in our minds, that all of this work is undertaken to ensure 'the furtherance of the mission of the Church of England'.

Wendy Matthews

Head of Pastoral and Closed Churches
Church Commissioners

Executive summary

Parts 1 and 2 of the Paper set out in some detail the historic and legal background to the Mission and Pastoral Measure and the current Church of England context which adds impetus to calls for its reform. These show the complex nexus of rights and expectations in which the Measure needs to be considered and also include a summary of data (Paragraphs 17-18) and of initial consultations with diocese (Paragraphs 27-29).

Parts 3, 4 and 5 explore in more depth the issues around pastoral reorganisation, particularly in relation to units of mission (Paragraphs 34-38) and parish governance (Paragraphs 39-40); church buildings, particularly regarding alternatives to the current binary “open” or “closed” options which might facilitate more community or ecumenical partnerships; and consultation processes.

Proposals for reform are set out in Part 6. The overarching recommendation is for a modernisation of the Measure by splitting it into primary and secondary legislation so that the processes set out in the secondary legislation can more easily be changed over time by a simpler mechanism. This would be accompanied by a reordering of the structure and simplification of the text to make it easier to understand.

Specific options for change, in the shorter or longer term, are:-

- Possible changes to where decision making, review and appellate functions should lie
- Reduction in the number of different processes
- Reducing the number of consultation stages
- Possible limitations of rights of representation or appeal
- Omitting the requirement for CBC reports ahead of church closure proposals
- Providing for an interim or alternative status to churches being “open” or “closed”
- Simplification of the requirements around the future use of closed churches and dealing with disturbance of human remains
- The processes around clergy dispossession
- A single simpler provision for suspending/restricting rights of presentation
- More limited options for patronage provisions for new benefices
- Abolition of sequestration

Further background material and consultation papers are being made available through the MPM2011 review page Church of England web-site at:

<https://www.churchofengland.org/resources/parish-reorganisation-and-closed-church-buildings/review-mission-and-pastoral-measure>

The text of the Mission and Pastoral Measure 2011 and the current Code of Practice to the Measure are available at:

<https://www.churchofengland.org/resources/parish-reorganisation-and-church-property/mission-and-pastoral-measure-2011-and-code>

Summary of consultation questions

Pastoral Reorganisation – paragraphs 29-39

- Question 1. Is there a need for a fundamental review of parish governance at the current time?
- Question 2. Should provision for joint councils be included in pastoral reforms, and if yes, how should that be done?

Church Buildings – paragraphs 40-69

- Question 3. How important is it to control the future use of the church building?
- Question 4. Is there support for greater powers to lease or vest churches in use or in the use-seeking period in the CCT or other trust bodies for maintenance purposes or during use-seeking?

Financial models – paragraphs 72-80

- Question 5. In what ways do you believe simplifying financial arrangements can better support the Church in undertaking these functions?

Consultation and Decision Making – paragraphs 81-89

- Question 6. What kind of pastoral conversation should diocese and clergy have with parish and church communities and how could that be managed better?

Reforming the Measure – paragraphs 90-96

- Question 7. Do you support dividing any new legislation replacing the MPM into primary and secondary legislation in the way proposed?

Decision making and the appellate function – paragraphs 97-99

- Question 8. Where should the decision-making, review and appellate functions lie for pastoral schemes?

Governance – paragraph 100

- Question 9. Are any changes needed to the arrangements for DMPCs?

Schemes and Orders – paragraphs 100-103

- Question 10. Do you support the reduction in the number of instruments available to achieve pastoral reorganisation?
- Question 11. Do you support the Commissioners having greater flexibility to amend schemes?

Deanery Planning – paragraphs 104-105

- Question 12. Do you favour removing the statutory provisions which relate to deanery plans?

Cross-Boundary Working – paragraph 106

- Question 13. Should diocesan cross-boundary working be made easier, and if so, how?

Church Closures – paragraph 107-108

- Question 14. Should the requirement to obtain a CBC report before proposing closure be removed?
- Question 15. Should it be possible to designate a church as having an interim status between “open” and “closed” and what might this mean in practical terms?

Closed Churches - Alternative Use and Disposal Processes – paragraph 109

- Question 16. Would it be helpful to be able to spend from the CCBSA pre-closure?
- Question 17. Do you agree that a closed church during the use-seeking process should only be subject to the secular planning system?
- Question 18. Do you think that there should continue to be a consultation on the future of unlisted churches not in a conservation area?

Repair of church buildings – paragraph 110

- Question 19. Do dioceses need powers to ensure the repair of church buildings in use?

Diocesan leases of closed church buildings – paragraph 111

- Question 20. Would you support ways of better enabling closed church buildings to be leased in certain circumstances without needing wide consultation?

Statutory Consultee Role – paragraphs 112-114

- Question 21. Do you believe that there continue to be benefits in the Church retaining the SAC to provide separate independent advice in dealing with the future of closed church buildings?
- Question 22. Do you consider that the arrangements for consultation with Historic England might better align with the secular planning system?

Human Remains – paragraph 115

- Question 23. Do you support a change to the way Ministry of Justice procedures with respect to burials are managed?

Parsonages – paragraph 116

- Question 24. Would you favour restricting rights of representations on parsonage provisions in schemes?

Long Term Changes – paragraph 117

- Question 25. Do you support any of these options for changes to representation rights? And if yes, why?

Clergy dispossession and mediation paragraphs 118-120

- Question 26. Do you support the development of an appeal route for dispossession cases under the Measure, and introducing a dispute resolution or mediation mechanism?
- Question 27. Should clergy be able to retain a right to JCPC appeal on dispossessions?

Suspension and restriction of presentation – paragraphs 124-127

Question 28. Do you support the simplifying of the provisions for suspension and restriction of presentation?

Patronage in new benefices – paragraph 128

Question 29. Do you support the requirement for a patronage board for new benefices?

Question 30. Do you support provision for removing patrons rights to consent to changes in patronage

Sequestration – paragraphs 129-135

Question 31. Do you support the abolition of sequestration?

I. Context

Review of the Mission and Pastoral Measure

1. The Church Commissioners were asked by the Legislative Reform Committee to complete a short in-house review of the Mission and Pastoral Measure 2011 (MPM), and to provide a consultation paper for the July 2021 sessions of General Synod.
2. This paper summarises the outcomes from the review, explores the strategic context and challenges that need to be considered, and puts forward some ideas for reform through a series of consultation questions. In brief, the review consisted of:
 - Group meetings with representatives from each diocese to talk about the Measure and how it could be reformed.
 - Meetings with a wide range of representatives from across the Church especially Diocesan partners, National Church Institutions (NCIs) and external partners.
 - A desk-based review of academic literature and previous reviews of the Measure.
 - In-house research on pastoral reorganisation, church closure and the re-use of church buildings.
 - A detailed staff review of the Measure and its processes.
 - A knowledge transfer project with Oxford University to gain insights from people outside the Church of England.

Historical, constitutional, and legal context for the review

3. It was in the Anglo-Saxon period that a network of localised churches first developed, and they were gradually supplemented by churches serving individual communities, at first mostly chapels subservient to a Minster (mother) church, but increasingly after the Norman Conquest each serving a village in what we would now understand as a formal parish system. “The parish was but the village or township to which a priest ministered. The incumbent with a cure of souls was a natural development...”¹ Stone built churches began appearing in the eleventh century and were extended from the twelfth century onwards. The system for the care and maintenance of church buildings developed in the Anglo-Saxon period and was retained by the Normans. In 1237 the Papal Legate of Pope Gregory IX forbade “Rectors of churches to pull down ancient, consecrated churches without the consent and licence of the bishop of the diocese under pretence of raising a more ample and fair fabric”².
4. By the thirteenth century the priest and the congregation shared the responsibility for the repair and maintenance of the church, with the priest looking after the chancel and the laity the nave, until the parishioners were given responsibility for the whole church after 1923. It was also in the medieval period that the role of Church Wardens and the concept of advowsons and patronage developed. The organisation of ministry and mission today reflects these original arrangements and patterns of responsibility.

¹ *The Archbishop’s Committee on Church and State, SPCK, London, 1916, p22*

² Johnson’s *Ecclesiastical Law, Vol II MCCXXVII*, quoted in *The report on the Archbishop’s Commission of Redundant Churches 1958-60, p16.*

5. After the Reformation the establishment relationship between Church and State began to develop, which is sometimes described as ‘high’ and ‘low’ establishment. Low establishment finds its expression at the local level. Virtually everybody living in England is a parishioner, and as such they are entitled to the ministrations of the Church, and the priest with the cure of souls has a corresponding duty to minister to the people. As 1916 Archbishop’s Commission on Church and State observed, and as remains the case today:

“The incumbent has from early times been under obligation to baptise infants, to admit parishioners...to Holy Communion, to solemnize their marriages, to visit their sick, and to bury the dead dying within the district in the churchyard or other parochial cemetery. Parishioners have a legal right to demand from their parson these and all other ministrations belonging to the cure of souls”.³
6. Low establishment also manifests itself in the provision of community schools and military and prison chaplains by the Church of England. This reflects the idea that the “Church understands itself to be called to serve all the people of the nation and not just its own committed members”⁴ that is “embracing quite explicitly the vocation of ministering to – providing active service for and on behalf of – every citizen of the country regardless of faith”⁵. This understanding, coupled with Common law rights that evolved in the pre-Reformation period, mean that every citizen in the country has certain rights in relation to the Church of England, which are set out in the Canons:
 - The right to be baptised.
 - The right to be married in the parish church.
 - The right to be buried
 - The right to attend services.
7. Like the rest of English law, ecclesiastical law comprises a complex mixture of common law, which has developed over centuries, and statute law, largely from the nineteenth and twentieth centuries, as well as what is more specifically termed ‘canon law’. Changing and reforming deep-seated concepts and understandings is a considerable undertaking. The way that the nature of parish life and office holding developed over time means we have a system which is intertwined with property law and that has an impact on the way the legal framework for pastoral reorganisation has to operate.
8. The modern system for managing the geographical organisation of ministry and mission, known as pastoral reorganisation, took shape in the latter part of the nineteenth century. Up until the 1830s it took an Act of Parliament to change a parish boundary, partly because it was a political unit of government, but over the course of the nineteenth century the State gradually gave the Church more control over its own affairs. This can first be seen in the Pluralities Act of 1838 which gave the Archbishops the power to approve schemes from bishops to sub-divide old parishes, and through various Union of Benefice measures which came later that century. Until 2006 all schemes still had to be approved by Order in Council. The link still remains today, as there is a limited right of appeal by representors to the Judicial Committee of the Privy Council (JCPC), which includes Supreme Court Justices, in relation to decisions made under the MPM.

³ *The Archbishop’s Commission on Church and State, SPCK, London, 1916, p22*

⁴ *Ibid.* p4

⁵ *Ibid.* p4

9. It was not until after World War II that more serious thought was given to alternative uses for churches which were no longer needed for regular public worship; the presumption until then being that they would be, in the jargon of the day, “pulled down”. There were various government reviews which culminated in the Bridges review of 1958, which eventually led to the new Pastoral Measure in 1968, which combined the arrangements for pastoral reorganisation with the closure and re-use of church buildings. The legislation has continued to be reviewed with significant amendments leading to new Measures in the Pastoral Measure 1983 and then the Mission and Pastoral Measure 2011. There have been numerous reviews including the Wilding Report in 1990 (which was government led and focussed on closed churches and their care) and the 2003 review of the Dioceses and Pastoral Measures, the Toyne Report, (which was church led). It is this last review which led to the 2011 Measure and although there have long been calls for further reform, it has been 18 years since the last significant discussion.
10. It was the predecessor bodies of the Church Commissioners who were originally given responsibility for managing the processes related to pastoral reorganisation. Today, it is the Mission, Pastoral and Church Property Committee (MPCPC) which exercises the Commissioners’ decision-making functions under the Measure. The MPCPC is chaired by the Third Church Estates Commissioner and is supported by the Pastoral and Closed Churches (P&CC) staff team.

The Mission and Pastoral Measure 2011 (MPM)

11. The MPM provides an administrative framework to enable bishops and diocesan teams to organise certain aspects of ministry and mission in their dioceses. The purpose of the Measure is set out in its long title as being “to make better provision for the cure of souls” and the Measure imposes a duty on any person or body carrying out the functions to have due regard “to the furtherance of the mission of the Church of England”, which is defined as “the whole mission of the Church of England, pastoral, evangelistic, social and ecumenical”.⁶ Briefly, the Measure allows bishops⁷ to:
 - Change and re-define the administrative areas for mission, which is formally known as pastoral reorganisation. This can include creating, uniting, altering or dissolving parishes, benefices, deaneries and archdeaconries. This is managed through the legal mechanism of pastoral schemes or, in some cases, pastoral orders. These are published either by the diocese or the Commissioners for consultation and are legally made by the Commissioners (in the case of schemes) or by the bishop (in the case of orders) once they have been approved. (Note: the legislation for substantial changes to the diocesan structure and the Dioceses Commission is included in the Dioceses, Pastoral and Mission Measure 2007).

⁶ This definition is drawn from that which applies to all PCCs under s.2 of the PCC (Powers) Measure 1956.

⁷ It should be noted that the MPM reserves the need to seek the consent of the Crown's representative when it is proposed to apply any provision of the Measure in a scheme and order affecting a benefice of which the Crown is a patron. Although consent is almost invariably given the Crown has an absolute discretion.

- Set up new mission initiatives and ministry structures, which can include team and group ministries. Mission initiatives are established through a Bishop's Mission Order. Team and Group ministries may be established by Pastoral Schemes made by the Commissioners or, in the case of Group ministries, by Pastoral Orders which are made by the bishop following the same procedure as for changes to parishes and benefices.
 - Make less significant changes such as changing the name of a parish or the area of an archdeaconry by means of Bishop's Pastoral Orders. These do not involve the Church Commissioners, with the process being light-touch and dealt with entirely within the diocese and requiring limited consultation.
 - Share the space within a church with another user through the granting of a lease under faculty from the Consistory Court, as long as the building taken as a whole retains worship as its primary function.
 - Close a church building for regular public worship. This is managed with a Pastoral Church Buildings Scheme which is published for consultation by the Commissioners (and includes notice in local newspapers) and legally made by the Commissioners once it has been approved.
 - Provide a new use for a church building that has been closed for regular public worship. This is managed either as part of the process of closure, or at a later stage, with a separate Pastoral (Church Buildings Disposal) Scheme for the new use of a church building and annexed land, which is published by the Commissioners for consultation (including notice in local newspapers) and legally made by the Commissioners once it has been approved.
 - Provide for the appropriation and disposal of parts of churchyards. This is managed with a Pastoral Scheme following the same procedure as for changes to parishes and benefices but does also include notice in a local newspaper.
 - Changes to parsonages and patronage. Pastoral Schemes may include designating which house shall be the parsonage of a new benefice, transferring surplus houses for diocesan use or disposal and making patronage arrangements for new benefices
12. The 1968 Pastoral Measure also provided for the creation of the Churches Conservation Trust (CCT) which is jointly funded by government (DCMS) and the Commissioners. Its task is to look after the most architecturally and historically significant and important churches and it currently has 356 churches which are open to the public and used for occasional worship and other activities. (See visitchurches.org.uk).

Wider legal framework

13. The Measure is part of a broad, complex ecosystem of laws and practice. The Code of Practice to the Measure refers to over forty pieces of connected legislation and has 1,000 pages of guidance which all have an impact on how easy (or not) it is to organise and manage pastoral reorganisation. The main areas of legislation, other than the MPM itself, which have an impact on local decision making are:
- The appointment processes for office holders under the Patronage (Benefices) Measure 1986.
 - The legislation for clergy office holding, i.e. the Ecclesiastical Offices (Terms of Service) Measure 2009 and the regulations made under it.
 - A number of Measures relating to buildings and other land, including the Church Property Measure 2018, the Sharing of Church Buildings Act 1969, the Repair of Benefice Buildings Measure 1972, and various Burial Acts.

- The legislation relating to Parish Church Councils (PCCs) and parish governance including the Parochial Church Councils (Powers) Measure 1956 and the Church Representation Rules (2020).
14. PCCs became subject to the regulatory jurisdiction of the Charity Commission in the twentieth century. As a result, parishes and dioceses have, to some extent, a dual system of regulation and that adds to the complexity of managing processes.
 15. The ecclesiastical exemption, which gives the Church of England and other denominations exemption from listed building control, is also relevant. The secular legal regime for looking after historical buildings developed from the 1850s onward, with the passing of the 1882 Ancient Monuments Protection Act and other legislation in the twentieth century, including the requirements to list buildings of architectural and historical significance. Historic England and local planning authorities oversee the secular heritage systems and are involved where changes are made to church buildings.
 16. In terms of the Measure the exemption is mainly relevant because it makes provision for the demolition of closed church buildings for which no suitable use can be found. In 1986, as part of the state aid discussions, the Commissioners agreed to consult the Secretary of State for the Environment before ordering the demolition of a listed church, or an unlisted church in a conservation area, and to participate in a non-statutory public enquiry where the Secretary of State decided that such an inquiry was necessary (the 'Skelmersdale agreement'). The exemption was last reviewed by government (DCMS) in 2004/05⁸ and the current rules date from 2010. Once a closed church building has been appropriated to a new use the legal effects of consecration are normally removed and it is then no longer subject to the faculty system. Any future changes to listed buildings then require listed building consent. At present, in the period between the formal closure of a church building and a new use being implemented the building is subject to the dual jurisdiction of both faculty and secular planning law.

Data and trends

17. As part of this review we have completed some in-house analysis on the:
 - Trends in relation to pastoral reorganisation and the closure and re-use of church buildings.
 - Trends in relation to casework decisions made by the MPCPC.
 - Reasons for church closure⁹.
 - Re-use and sustainability of closed churches¹⁰
18. The key messages are:
 - Although there is church growth in the Global South, there is a strong trend of decline in Western Europe and America, which is mirrored in the UK. The challenge is understanding how to reverse that trend in the local context.

⁸ DCMS, *The Ecclesiastical Exemption : The Way Forward*, (2005) available from https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7846

⁹ See MPM Review 2011 website page at: <https://www.churchofengland.org/resources/parish-reorganisation-and-closed-church-buildings/review-mission-and-pastoral-measureNK>

¹⁰ See MPM Review 2011 website page

- Since 1960 there has been a 15% drop in the number of parishes and a more significant 46% drop in the number of benefices.
- The ratio of clergy to population has also shifted significantly. In 1960, with a population of just under 43 million and just over 13,000 parochial clergy, there would have been on average 3,288 people to one clergy person.¹¹ In 2021, with a population of just under 56 million and just under 8,000 stipendiary clergy, that gives on average 7,197 people to one clergy person. However, when self-supporting ministers are also included that ratio falls to 5,258 people per clergy person.
- A strong cultural shift away from the Anglican faith is demonstrated by large drops in the numbers recorded on church rolls, a measure of membership rather than attendance, for example from highs of over a million in the dioceses of Durham, Liverpool and London in 1960 to much lower figures today. (Note: electoral rolls were not reviewed regularly during this period).
- The definition of a church building has changed over time, which makes absolute comparisons difficult, but broadly speaking, the number of church buildings rose steadily in the nineteenth and twentieth centuries, from 11,379 in 1801, to a peak of 18,666 in 1941. After that, the trend reversed and today there are approximately 16,000 church buildings¹². The impact of WWII on the built environment led to serious consideration of how the disposal of church buildings could be managed and what uses would be suitable. Essentially, the 1968 Measure made closure practical as an option in pastoral reorganisation. Once the 1968 Pastoral Measure came into operation there was a spike in the number of church closures, but since the 1990s the closure rate has remained at roughly 20-25 per annum. Between 1969 and 2019 the Commissioners settled the future of 1,972 churches and in the majority of cases (57%) an alternative use was found, and by 2021 that number had risen to 2,013.
- In terms of casework, the number of cases attracting representations and needing to come to the MPCPC has stayed quite steady over the last decade. The average number of pastoral schemes coming forward each year is 150, and approximately 10% of schemes attract adverse representations, which need to come to the MPCPC for consideration. Of those, the vast majority are approved unamended (on average over 90%) and some others with amendments. Another 7% attract adverse representations which are resolved without the need for a decision by the MPCPC (sometimes by being amended in response to the representations). Although significantly fewer schemes for the re-use of closed churches are published, these do tend to attract representations, but generally on matters to do with the specific development proposals.
- The numbers of people making representations vary widely. Approximately two-thirds of cases have fewer than 20 representations. The vast majority of those will be from the wider church community, including parishioners, patrons and deanery representatives, and in only 10 cases in the last five years did residents from the non-Church going community make representations, and it was always fewer than 5 people in total. However, there are some occasions where cases will attract a large number of responses, with the largest number of responses for one case in the last five years being 321.

¹¹ Facts and Figures about the Church of England, Statistical Unit Central Board of Finance, 1960.

¹² *Facts and Figures about the Church of England*, Statistical Unit Central Board of Finance, 1960.

2. Strategic context

Emerging church

19. In 2020, partly as a response to the Covid-19 pandemic, the Emerging Church programme was launched to set out a road map for the next decade and beyond. It consists of three strands:
- Vision and Strategy led by the Archbishop of York.
 - National church governance review led by the Bishop of Leeds.
 - Transforming effectiveness review led by the Bishop of St Edmundsbury and Ipswich.

In addition, there are reviews on clergy terms of service and remuneration and mutuality in finance, both also being reported to this Synod.

Vision and strategy

20. The review of the MPM has been framed in the context of the Emerging Church vision, and can support an approach which is **simpler, humbler, and bolder** by:
- Helping to simplify the systems for the provision of ministry and mission.
 - Making it easier for the Church to work with ecumenical partners in mission.
 - Creating structures which help create the environment for growth and to address the challenges of our age.
21. The Bishop of Oxford said in his theological reflection on the vision that the changes must not “increase the burden on clergy and congregations without a corresponding increase in resources: a command to build more bricks without straw.”¹³ He also emphasised the role of the parish saying that “the most vibrant and creative new expressions of church life nearly always arise out of a healthy flourishing parish ministry. There is therefore no conflict between parish ministry and becoming a more mixed ecology church.”¹⁴ But, he also acknowledged that “the parish system we have inherited was itself the consequence of missionary endeavour by a church that was formed and ministered in very different ways....”¹⁵
22. The concept of the mixed ecology model is important in relation to the MPM because the processes for pastoral organisation need to support all the different forms of church that might emerge in coming decades, and dioceses take a range of approaches to the way they organise ministry and mission.
23. At the time of writing, the pandemic has not yet been overcome, so it is too soon to say what the impact of Covid-19 will be in the next few years. We know that patterns of churchgoing may be affected post-pandemic, and that there will be much pastoral work required to care for people who have suffered the bereavements and collective trauma of

¹³ *Salt for the earth, light for the world*, Bishop of Oxford, p2

¹⁴ *A Vision for the Church of England in the 2020s*, Archbishop of York. p2

¹⁵ *Ibid.* p2

this last year. But there may also be some new opportunities, for example from people re-connecting to their local place and local community and re-evaluating how they live and work.

24. As part of the response at the current time, the Transforming Effectiveness review is relevant in this context because it has a focus on creating simpler NCIs. Work is already underway as part of the simpler NCI discussions about how teams work across the church on these issues, particularly in relation to church buildings. A new Measure, if it is taken forward, may also have implications for the work of the P&CC and other NCI teams and on the appropriate location of national and diocesan functions.

Improving the service offer to dioceses and parishes

25. In that context, as well as looking at how the Measure itself could be reformed, we are also working with colleagues across the NCIs on how we can improve the service offer to dioceses and parishes in relation to the legislative framework and particularly in terms of how we deal with buildings issues across the Church. There are a number of areas where improvements could be made:

Digital/online

- developing online systems for the MPM processes
- digitising paper documents, such as pastoral schemes
- an integrated information technology approach with the faculty system and processes

Training

- develop new training programmes for diocesan teams involved in MPM processes, such as Archdeacons. There is need for much more systematic training on the Church's legal frameworks and the MPM specifically.

Communications and support

- convening and supporting diocesan networks
- disseminating good practice and providing research and policy support

Survey of dioceses

26. As part of this review Case Officers from the P&CC team held meetings with representatives from each diocese to ask them about their views on the Measure and ways that it could be improved. These meetings were attended by Diocesan Secretaries, Archdeacons, Pastoral Secretaries and their Closed Church and property officers. The areas covered included:
- Governance for pastoral and closed churches work.
 - Expectations on the level of pastoral re-organisation in the short/medium term.
 - Expectations on the number of church closures likely to come forward in the next 2 to 5 years.
 - Views on patronage, as some of the processes are included in pastoral reorganisation.
 - Views on parsonages/property disposals.
 - Views on the work of the Commissioners, technology development and training needs.

27. The expectations on reorganisation and closure were:
- The expectation around the amount of pastoral reorganisation that is likely to come forward in the next few years varies strongly. Many dioceses are completing reviews. 14 dioceses were planning no, or a low number of, reorganisations, whilst 10 were planning heavier amounts, with 2 planning a high number of changes. Lots of dioceses are reviewing options.
 - On closures, 12 dioceses were planning a light number of closures (fewer than 5), 9 were planning a medium level (6-12), but 5 dioceses were planning a much larger number of closures (up to 40) within the next 2-5 years.
 - Team and group ministries appear to have been “going out of fashion” to some degree. Where they work, they are still used, but dioceses may now favour informal arrangements, such as cross licensing.
28. There was a lot of consistency and strong messages in the feedback. Many dioceses felt that the processes are excessively cumbersome and that the whole system was out-dated and needed to be simplified. As part of that, dioceses should be given much more autonomy so they could work with PCCs and patrons to organise mission and ministry in a more agile and flexible manner, particularly as they seek to manage the outcomes of the pandemic, which has accelerated some of the structural issues and pressures which were already present, for example on finance. There were also comments about how the service to dioceses and parishes could be improved. We have taken all this feedback into account when considering the options for reform of the Measure.

3. Pastoral Reorganisation

29. There are immense challenges for the Church over the next decade, and the debate about what that means for ministry and mission will play out over time, particularly as the impact of Covid-19 becomes clearer. It is important to recognise that the context of the parish is changing. In 2020 the Catholic church issued advice to clergy on the parish community, and it says much that would resonate within the Church of England. It notes that:

The territorial configuration of the Parish, however, must confront the peculiar characteristic of our contemporary world, whereby increased mobility and the digital culture have expanded the confines of existence. On the one hand, people are less associated today with a definite and immutable geographical context, living instead in 'a global and pluralist village'; on the other hand, the digital culture has inevitably altered the concept of space, together with people's language and behaviour, especially in the younger generations....As a living community of believers the Parish finds itself in a context whereby the territorial affiliation is increasingly less evident, where places of association are multiplied and where interpersonal relationships risk being dissolved into a virtual world without any commitment of responsibility towards one's neighbour....A parish must be a place that brings people together and fosters long-term personal relationships thereby giving people a sense of belong and being wanted¹⁶.

30. Pope Francis expressed it this way – “The parish is not an outdated institution; precisely because it possesses great flexibility, it can assume quite different contours depending on the openness and missionary creativity of the pastor and the community. Whilst certainly not the only institution which evangelises, if the parish proves capable of self-renewal and constant adaptability, it continues to be “the Church living in the midst of the homes of her sons and daughters”¹⁷. The advice to clergy goes on to say:

In virtue of this discernment, the Parish is called upon to read the sign of the time, whilst adapting both to the needs of the faithful and to historical changes...With the Parish no longer being the primary gathering and social centre, as in former days, it is thus necessary to find new forms of accompaniment and closeness¹⁸.

31. There is plenty of written and anecdotal evidence about the current stresses and strains on Anglican clergy, PCCs and church communities. Reports and academic studies including 'Released for Mission: Growing the Rural Church 2015', the 2020 'Struggling Churches' report produced by the Church Buildings Council, and the Church growth research from 2014 all lay out evidence of familiar issues:

- Clergy struggling with their time – more and more time given to governance, meetings and travel, fabric and compliance and less for spontaneous ministry or mission.
- Complex governance structures – e.g. too many separate PCCs.

¹⁶ *Instruction: The pastoral conversion of the parish community in the service of the evangelising mission of the Church, of the Congregation for the Clergy, Bishop Joel Mercier, Bishop Beniamino Card et al, 2020, p3.*

¹⁷ *Ibid.* p5.

¹⁸ *Ibid.* p3.

- Ageing volunteers and declining numbers of people willing to serve as church officers. In some cases, dioceses have occasionally reported PCCs collapsing or walking away from buildings.
 - The burden on volunteers of increasingly complicated and specialised compliance requirements.
 - Financial pressures on meeting parish share and managing the fabric costs of buildings with a high heritage value.
 - Declining attendance figures, which mean in many areas, rural and urban, the regular Sunday figures are less than 20 which makes it very difficult to sustain a church community.
32. Dioceses have said that simplification of the MPM would be one of the improvements that would be helpful as they navigate these issues. A simpler and faster system would make it easier for dioceses to work with parishes and patrons to organise mission and ministry, and to be more responsive to need and opportunity, and it would also reduce an administrative burden.

Units of mission

33. The analysis undertaken in the report 'From Anecdote to Evidence' and the supporting research papers confirmed that over the last sixty years there has been a move away from the one parish, one benefice model, particularly in more rural areas, and more recently there has also been a trend towards more consolidation at parish and deanery level. What is not yet clear is what models are the best options for both resilience and growth.
34. In 2014 the national Church commissioned a substantial report on Church growth¹⁹ which considered what factors might lead to church decline and considered cause and effect in relation to vacancies, the impact of clergy numbers, and the structural organisation of the units of ministry. There was a lack of data which made it difficult to reach strong conclusions in some areas. The findings from Goodhew, Kautzer, and Moffatt (Strand 3) are interesting:
- On vacancies, they said "There is considerable evidence to suggest that vacancies (interregna) are a crucial...cause of church decline.... Evidence strongly suggests that the longer the vacancy, the bigger the decline".²⁰
 - A diocesan survey between 2006-11 showed a clear correlation between the fall in clergy numbers and increased decline.
 - In relation to the urban and rural experience, they found that very small churches (under 15 members) mainly in rural areas behaved differently to the rest of the data, which was partly due to data issues. They reported that they were more likely to grow than other churches, albeit by small amounts, and that the single church benefices seemed to perform better than those small churches which were part of amalgamations.
 - Two conclusions can be drawn: first, confirmation patterns tally with evidence from national statistics that the more churches that are combined together, the more they decline (although whether this is because already declining churches are likely candidates

¹⁹ <https://www.churchofengland.org/resources/church-growth-research-programme/findings-and-reports>.

²⁰ *Church Growth Research Programme Strand 3: Structures*, Goodhew, Kautzer and Moffatt, October 2013, p86.

to be combined is unclear); second, confirmation patterns suggest that amalgamation with four or more churches have to take special care to focus on the nurture of Christian faith²¹.

- They also explored whether the structure of team ministries might inadvertently lead to decline. These became popular in the 1970s and peaked in the 1990s: In 1985 there were 333 team ministries, and this had risen to 500 by 2000. “The data leans towards the parishes in the non-teams having a better trend of attendance change than the team parishes,”²² but the report acknowledged that the data was weak.
35. We know from our P&CC engagement with dioceses that some are moving towards a super-benefice or super-parish type model, whilst others are moving towards a deanery structure with paid Deanery administrators to take the burden of compliance and other duties off hard pressed PCCs. Anecdotal evidence from Wales suggests a super-parish type model has not worked well, but there is an absence of hard data. Others are recruiting stipendiary area/rural deans to provide more leadership resource at deanery level as part of diocesan Strategic Development, Sustainability and Transformation funding. The Wigan case study below is an example of how this has been achieved within the current processes. We do not need to have one model for all, but it is important that the system for pastoral reorganisation works with the various configurations that dioceses favour.
36. Our diocesan survey also confirmed that generally speaking, pastoral re-organisation has been a bottom-up, rather than a top-down process. That is because changing the pattern of ministry is a sensitive process and requires time and effort to manage change with communities. That can be a strength because it means decisions are made in a consensual way and that makes the change easier. The weakness of that system is that it can be very time-consuming, and it is harder for dioceses to be more strategic if they want to be, particularly when there is pressure on resources and capacity. The question now is whether that consensual model is going to come under increasing pressure in a post-Covid context, and what does that mean for how pastoral reorganisation should be organised in future. There is a risk that top-down and bottom-up fail to meet in the middle and possibly leading to a sense of either conflict or inertia.
37. The policy question then becomes are any changes needed to the Measure to help manage the arrangements dioceses now need? For example, more parishes may need to merge. Anecdotally this is often difficult to achieve, particularly when it comes to sharing financial resources. Are there ways that merger could be made easier where that is an appropriate course of action?

Parish governance

38. The relationship between pastoral reorganisation, the management of buildings, and parish governance is very important. PCCs play a critical role in the consultations processes around reorganisation and in looking after the church buildings. The Transforming Effectiveness review is considering issues around parish governance, which is welcome as more needs to be done to reduce the administrative and compliance burden. The reform of the Measure is linked with this work because as part of pastoral re-organisation new arrangements can be put in place for parish governance. Benefices can now have a joint council model exercising a wider range of functions, with representatives from each parish

²¹ Ibid, p84.

²² Ibid, p108

replacing the individual PCCs. There could be options to promote joint councils as part of any pastoral changes, so that new benefices automatically had arrangements in place for a joint council, with individual parishes deciding what functions to delegate to the joint council after a scheme was made. There could be scope for a bishop to provide by instrument functions that should be delegated to a joint council. This could provide a way to address the situation where a PCC's members walk away, as has happened (occasionally) in recent years, because the powers could, in default, be delegated to the joint council to ensure someone could still manage matters on behalf of the parish. We did have evidence from our survey that some dioceses were expecting more PCCs not to carry on and do want there to be a better way to manage those situations.

39. In addition, the discussions of administrative burden on parishes and clergy have raised questions about whether a more fundamental review is now needed of the governance of Parochial Church Councils and their charitable and trustee responsibilities set out in the Parochial Church Council (Powers) Measure 1956. Such a review would be outside the scope of the current work, but it is important to recognise the questions being raised.

Case Study Wigan Deanery Team

In this case a pastoral scheme, which took effect from 1 January 2020, effectively made the Deanery the mission unit for the Borough of Wigan. Prior to the reorganisation the deanery comprised 13 benefices and 29 parishes. The scheme consolidated these into a single deanery-wide team ministry benefice with seven large parishes (known as mission hubs). There was no reduction in the number of stipendiary clergy and fourteen of the team vicars, in pairs, were given primarily area responsibilities for each of the seven parishes. The Team Rector and the other three team vicars were given deanery-wide roles with mainly functional responsibilities. The intention was that congregations would continue to have dedicated ministers, but these would be better able to give each other mutual support by working in pairs while others would be freed from specific area responsibilities to promote benefice/deanery wide missional activities. In practice the clergy with area responsibilities have also taken on oversight of wider-ranging mission projects.

A joint council was put in place with responsibility for the Governance of the benefice, decisions on benefice wide mission and ministry, supervising the provision of core services and its financial strategy, oversight and management. Alongside it is a secular body known as the Wigan Deanery Trust incorporated as a Charitable Company Limited by Guarantee. The Trust acts as a fund-raising body (with its secular status giving access for some additional grant funding). It also has funds allocated to it by the Joint Council for the delivery of core functions at the benefice/deanery level delegated to it, including HR, safeguarding, communications, provision of funerals and buildings maintenance. It employs staff to carry out these functions and particular projects, including those with other denominations and secular partners. The PCCs retain responsibility for local mission and ministry, low level maintenance work and volunteer staff.

Question 1. Is there a need for a fundamental review of parish governance at the current time?

Question 2. Should provision for joint councils be included in pastoral reforms, and if yes, how should that be done?

4. Church buildings

The nature of the Church's relationship with its buildings

40. As the historical section earlier showed, the Church's relationships with its buildings has deep roots. This is not the place to explore the depth and richness of that debate, but we do need to go back to first principles to think about how we might approach the strategic challenges that managing fabric presents to the Church in a modern context.
41. Christians are often divided into two camps when it comes to buildings, stretching from "temple" people at one end of the spectrum to 'tent' people at the other end. Temple people want an established place of worship and everything that comes with that, whereas tent people are more 'nomadic' and feel less need for settled places. This is reflected in our use of language where we make a clear distinction between the Church (the people of God) and Church buildings (the place of worship).
42. There are those who find the beauty, particularly the English Parish Church aesthetic, to be an important and intrinsic part of mission. Their argument would be that the building itself is a symbol and speaks of God, even when it is no longer used primarily as a place of worship. As Lord Bridges said in his landmark 1958 report on redundant church buildings it is a "silent but conspicuous witness to the Church's mission".²³ People can often find and relate to God in these 'thin' spaces. The heritage quality of the churches in this country only reinforces these arguments. The Church of England has 45% of the Grade I listed buildings in the country. Many clergy find managing buildings a burden and a struggle, but there are also many who find they help with mission by creating opportunities for outreach and community engagement, and by creating buildings which can be used more flexibly and easily by local groups.

From the 1958 Archbishops Commission on Redundant Churches:

We cannot think it would be right or expedient for the Church to disown responsibility. These churches of historic and architectural interest have an important place in the life of the nation as a whole. They have also a very special place in the life of the Church. If the Church authorities were to disclaim all responsibility for such churches as were not required for current purposes, they would create a most unfavourable impression on public opinion in general and in particular on the many public-spirited persons, not necessarily members of the Church of England, whose contributions have for years played no small part in the maintenance of ecclesiastical buildings of beauty which are beyond the means of the parishes in which they stand. We believe, too that many of its own members would be deeply distressed if the Church were to declare that it had no interest in these buildings which stand as witnesses to the greatness and glory of the Church. Further, we are convinced that an attitude of complete disclaimer would be short-sighted. It would virtually cut off the Church from any share in the oversight of such churches and would make it difficult for them to be claimed back should they once again be needed for worship. That a redundant church might once again be so required is a possibility that cannot be ignored; for no one can forecast with certainty the pattern of population over a long period.

²³

The Archbishop's Commission on redundant churches 1958-1960, SPCK 1960, p32

43. The opposite argument is that the church should be agile, and missionary focussed. What matters is where the people are, and they may well want to meet in the pub, a curry house, or in a digital space. There are many colourful quotes to illustrate the tension around buildings – for example, “Time for mission is being sucked out by bricks”²⁴. Church buildings can be both fascinating as part of our built heritage and intimidating barriers to some people exploring faith.
44. These caricature binary positions are, of course, not so simple and most people within the church stand somewhere on a ribbon of views between these poles. In reality, the Church has long had a mixed ecology approach and there is no reason why that should not continue.
45. So, coming to the first principles, it is important to recognise that the Church’s regime for disposal and re-use is predicated on its view of consecration. Consecration by the bishop creates two legal effects by (1) setting a church building aside for sacred use, and (2) bringing it within the jurisdiction of the faculty system. Where the Church has been consecrated then the Measure is used and there is a consultation both on closure and on the re-use of the building (unless the one stage process is being followed when closure and re-use are dealt with at the same time). The rationale for this is that a building that has been consecrated for sacred use has a special status, and the Church should retain an interest in the new use, partly to avoid anything inappropriate happening. The process of making a Scheme under the MPM formally removes the legal effects of consecration to facilitate disposal, but also places a duty on the body selling or leasing the building and annexed land, to include special lasting covenants in any transfer or lease which aim to ensure that closed church buildings are used for the identified purposes and are not used for inappropriate activity.
46. However, if the building is unconsecrated, dioceses do not have to follow the MPM process and are able to dispose of the building themselves (often as custodian trustee for a PCC) in accordance with the Charities Acts, and no strong or binding covenants on future use would normally be included in any such disposal. This will be the case even if the building has been used for regular worship.

The practice in other denominations

47. It is useful at this point to compare the Church of England practice with other denominations. Both the Roman Catholic and Methodist denominations take the view that the building should be used for the work of the church and once that is no longer required it should be closed. The disposals are managed through the Charity Commission processes. The Methodist church has been suffering a decline in membership for some decades and this has led to a dramatic reduction in the number of buildings being used. Whilst the Church of England closed 8% of its church buildings between 1970 and 2000, the number of Methodists buildings reduced by 34% over the same period. The loss of buildings mirrored the loss of members, with most closures taking place in urban, rather than rural, areas. Methodist chapels often lend themselves more easily to re-use as domestic property, but are also used for community and arts events, sporting activity or commercial purposes, e.g. shops and storage, which is similar to the picture for Anglican churches. The decision to dispose of a building is taken at District level and there is no formal public consultation.

²⁴ *Blessings or Burdens, Listed Places of Worship and their role in communities*, English Heritage, 2010, p15.

48. The Catholic church gives the responsibility for church closure to the diocesan bishop, who has to consult the Presbyteral Council. Interestingly, the reasons for closure are not allowed to include lack of clergy, demographic decline, or poor finances. “However, if the building is in such a state as to be unable to be used for divine worship in any way, and there is no possibility of repairing it, then the bishop can proceed, according to the norm of law, to reduce it to profane but not sordid use”.²⁵
49. As we have seen with pastoral reorganisation, the framework around church closure and re-use is different for the Anglican church because of the establishment relationship and the rights of the citizen set out earlier. “These rights depend only on a person’s residence in the parish in question. As a result, the position occupied by a parish church in a community’s social and physical landscape is completely different to that of other denominations”.²⁶ The architectural quality of (many) Anglican churches only intensifies this sense of difference. This brings us to a point about ownership. One of the features of Anglican church life is that ownership of its sacred buildings is a layered concept, with many different people having formal and informal connections with the buildings, and often strong views about how they should be managed and looked after, and those connections do tend to go wider and deeper than other denominations.

Question 3. How important is it to control the future use of the church building?

A new framework for buildings

50. A significant strategic concern for the Church (and State) as a result of Covid is that the pandemic will have a negative impact on the infrastructure that keeps churches open: PCCs, volunteers and financial resources. If many churches do not or cannot sustainably re-open, then more closures might be needed sooner rather than later. This is a significant issue in terms of historic heritage because around three quarters of the Church’s 16,000 buildings are listed, and more than half are Grade I or Grade II*.
51. A wave of closures would present practical challenges as neither diocesan teams nor the Commissioners could scale up to manage a larger flow of closures without additional resources, which is not helpful when diocesan finances are under such pressure. Use-seeking takes time, typically 3-5 years, and although the MPM processes can be sped up the time it takes to complete the use-seeking/planning processes is not solely in the control of dioceses or Commissioners. Several uses may be explored or tried before a final use is found.
52. What is needed are faster processes which would allow for an increase in closures over time to be managed in a sensible way. Four dioceses in our survey were thinking about shutting 152 churches over the medium term (5 years), which would represent a significant increase on recent trends. It was also likely that dioceses would want to close many more churches if the funding arrangements and processes were different. At the moment a closed

²⁵ Ibid. p9

²⁶ *Spirit of Place: redundant churches as urban resources, Comedia, 1995, p14.*

church is vested in the DBF and that means the diocese has the liability for repair and maintenance. This is one of the critical reasons why closure is often not favoured in a diocese, alongside more pastoral considerations.

Open versus closed

53. The current buildings system is predicated on a very binary system: open or closed. The closure process acts as a guillotine, cutting the church off from the community that used to look after it and putting it into something of a limbo state during the use seeking period when it is vested in the DBF. In theory this should work well enough, but in practice we know from casework that once the church is closed it becomes harder to keep it in a good state of repair and that makes use-seeking harder over time, as the maintenance deficit will make it more difficult to find someone to take the building on. Costs also rise because the insurance costs go up on closure. We need a process which works more as a continuum, which can be described as a 'lifecycle' approach. This would recognise the different phases of life which a church building has and look at a more integrated approach to managing the different phases and transitions.
54. Ideally, this needs to be expressed as a single system which encompasses the faculty system and the work the Church Buildings Council and others do to encourage church buildings to stay open through the Festival Churches and other models. However, we do need to recognise that the number of closures is likely to grow substantially, and it would be good if dioceses and parishes were able to have earlier conversations about the state of their buildings and the possible trajectory for community use, closure and other re-uses. This could be done at parish, benefice, or deanery level. Dioceses might find it easier to talk about a group of buildings with communities, rather than focussing on one closure at a time. This would combine the heritage advice which is currently available with a broader development approach. This conversation could consider four main areas:
- What potential is there for community and other worship uses, which are generally seen as the best alternative uses?
 - What potential is there to develop the facilities further?
 - What is the potential for re-use and disposal and what buildings should be prioritised for closure, so that they go through the process before they deteriorate too far?
 - What is the historical and heritage significance of the church building?
55. The capacity of clergy and lay people to have these conversations will vary widely depending on circumstance, so it could encompass everything from a light-touch conversation around the questions to a more complex assessment of the various factors. Dioceses are already doing some of this kind of work, for example in Ely, which has been working with several partners on a holistic approach to church assessment. See the Reach project page - <https://www.jbs.cam.ac.uk/faculty-research/centres/social-innovation/reach-ely/>.
56. A continuum-based approach would also facilitate a change of culture. To the Church community, church closure and re-use is often seen as a failure, which is partly why more are not closed, but this is a particular perspective, and it is one that could be challenged. Closure can be traumatic for a community, but in the language of public policy it is a transition, rather than a death. The re-use of a church building is a public good, particularly if it is used for community activity, and so it might be more helpful to have an approach that was more accepting of the need to close churches as populations move and shift and make that a much more positive element of mission. If the building is used for a community use

for example, then the Church is continuing its mission in a different way. This could be a much more positive, inclusive narrative than it is at present. It means the Church may remain engaged in the community, even if regular worship is no longer happening. There may even be a virtuous circle of engagement – a closed church is given toilet and hospitality facilities, it starts getting used for all sorts of community events, and then a partial worship use returns. A binary open/closed approach is not flexible enough for the future. We need to be able to let these buildings arrangements evolve and develop more easily. This fits neatly with the Emerging Church vision and would be a good example of the mixed ecology approach.

57. Alongside careful holding of those pastoral conversations is the need to find ways of marking the changes that the administrative process enables. How this is handled in other parts of the Anglican Communion differs but almost all church closure is accompanied by a liturgy of ending. These rites are invariably linked to funeral liturgies as ways of saying thanks for what has gone before, marking an ending, and then looking forward. Earlier pastoral guidance has emphasised the need to enable people to grieve, particularly where a commitment and much time has been given to the care of a building.
58. The current administrative process we follow, particularly where a church building's future is being considered, can impede this. The length of time taken and the way that a local decision is reached and then appears to be re-consulted on several times, does little to assist pastorally. However, the closure of a church building or the ending of particular inherited pastoral structures, are not just moments of loss. It is not enough to stand at the tomb weeping, God calls us on. The administrative processes we create need to enable that call to mission and any pastoral conversations and liturgies created for marking these moments need to reflect not only the honouring of the past but the ongoing call to join in God's mission within and for the communities affected. This might be something to be explored further alongside our ongoing work on the Measure.

Community use and engagement

59. Richard Halsey argued pessimistically in 2012 “The system currently in place, a legacy of many generations of the faith-filled and the faithful dedicatedly caring for their place of worship, often making great sacrifices in order to do so, is coming to an end.... in many cases, this would appear to be the last generation who will fulfil this function.”²⁷ Church-going demographics appear to support this statement, but the Churches Conservation Trust and others have seen that there are often people who will come forward to help look after the church building and that is the way forward in communities where there is the will to provide the support. The CCT often works with Friends' groups, which can be run on an informal or formal basis.
60. The Festival church model is another option. A Festival Church is “a church building which is valued and required by the community for local events and functions, for Festivals of the Church and for Rites of Passage (Baptisms, Weddings, Funerals)”²⁸. A Festival Church can remain legally “open” as a church, while embracing this flexibility, and remains an “open and sustainable church”, there for, and reaching out to, its community. This flexibility is now enabled by the revisions to Canon B 14(a), which allow for regular Sunday worship set aside

²⁷ *The beginning not the end for parish churches*, ed Trevor Cooper, *Ecclesiology Today*, 45, Jan 2012, p49.

²⁸ <https://www.churchofengland.org/resources/diocesan-resources/strategic-planning-church-buildings/festival-churches>

and to vary the service pattern according to need, as long as Sunday worship is offered somewhere in the benefice. Whilst 'Festival Church' is not currently a legal status, parishes may self-identify their church buildings as Festival Churches and choose to affiliate with the Association of Festival Churches which has been established as a network to provide support and advice to Parishes - <https://afchurches.org/> .

61. It would be interesting to consider if the next iteration of a festival church would be a community use church which has a predominantly community function, but some worship, for example in a set aside chapel. In the Methodist church when a local church has membership of lower than 6 over the period of a year then it is no longer regarded as the local church and is attached for pastoral care to another church within the circuit. This has some similarity to the 'Chapel of Ease' status in the Church of England, but there is increasingly little difference between some parish churches and a Chapel of Ease. It might be interesting to explore whether a community status might be an option, and a reformed MPM could perhaps facilitate increased flexibility and experimentation within a church building.
62. A partnership model for governance might be another option for some of this work. PCCs could look at exploring partnerships with local groups who are interested in community development. Examples include Devon Communities Together who run a community led planning process for civic parish plans, which considers the value of the church to the community and how the church building might be used as a community building in addition to a place of worship. See <https://www.devoncommunities.org.uk/> .

Trust ecosystem

63. From a policy perspective, buildings are best looked after at the local level, and more should be done to help make that easier. One option would be to try and grow the trust ecosystem so that there are more charitable bodies which can help manage the buildings which are unsuitable for other uses, such as rural churches with graveyards. The options could include vesting permanently in a trust, or temporarily so it is looked after whilst it is in use seeking period. The ecosystem could include the some of the bodies mentioned in this section.
64. The Churches Conservation Trust is currently the main vehicle for the vesting and preservation of the most historically significant church buildings. The churches are closed for regular public worship but remain open to the public and are used for occasional worship and other commercial and community activities. The CCT strategy places a strong emphasis on community engagement and the Commissioners support that work, as they believe that getting people to engage with the buildings is the best way to secure their future and role in the community. We will work with DCMS on the state funding for the CCT and make the case for more funding, so that more churches can be vested in the CCT. We would like to give more vestings to the CCT and could consider creating a power for it to have temporary vestings during a use seeking process.
65. **Diocesan trusts** for buildings. Norwich Diocese are experimenting with this approach and have just won a grant from the AllChurches Trust to test the concept. The trust will have church buildings leased to it to be held on behalf of the local community. The churches would remain available for occasional services and will have a basic level of insurance and maintenance. The Church Buildings Council is also working with a number of dioceses on the idea of a Church Buildings Management Partnership, based on the Norwich model but encompassing buildings which remain in use for more than occasional worship, whereby a Trust set up by the diocese manages insurance, maintenance and perhaps other functions on

behalf of PCCs for a single annual payment, which would be less than they are currently paying. The CCT might also provide such a service. The Wigan Deanery Trust (see paragraph 39 above) offers a model of how this has been structured at deanery level.

66. Such bodies can have staff who will look after all the maintenance and repair requirements. This could be on a non-insurance/ self-insurance model as used for the Historic Royal Palaces and by the CCT (under treasury funding rules) which means that the buildings are not insured in the usual way because they would not be re-built in the event of a fire or other disaster. Insurance could also be reduced to a minimum which would however be enough to cover loss in almost all circumstances. This would save money which could be used to support the trust.
67. At present (apart from the Wigan example) such trusts need parts of the buildings to be leased to them in order to create an insurable interest (leases of the whole building under faculty under s.68 of the MPM not being possible). A new Measure could give powers to dioceses to create trusts, and for whole church buildings still in use to be leased to or vested into them (or to be de-vested) for these specific purposes.
68. An enhanced version of this could see such a trust also undertake the use-seeking phase of the closure work and so have a more development style of operation. At the moment the diocesan staff teams and the Commissioners' team of regional based officers take a partnership approach to the use-seeking function. There could be scope to expand the number of case officers to support a greater number of closures, but this would involve a commensurate increase in costs.
69. Alternatively, **county trusts** which hold churches in a particular area. Examples include the Norfolk Churches Trust, Norfolk Historic Churches Trust, and, with a wider national role, the Friends of the Friendless Churches which have buildings in England and Wales.

Question 4. Is there support for greater powers to lease or vest churches in use or in the use-seeking period in the CCT or other trust bodies for maintenance purposes or during use-seeking

Ecumenical partnerships

70. In a country where Christian church attendance is declining across most denominations, the rationale for increased ecumenical working is becoming stronger over time. The 2015 Released for Mission report said, "In many rural communities the only effective Christian presence will be an ecumenical one".²⁹ There are already many examples of joint working, and the Sharing of Church Buildings Act of 1969 provides a mechanism for the joint use of buildings. One change which may help would be to enable other Christian denominations to lease a whole Church, not just part, by amending Section 68 of the MPM. Other suggestions which might assist greater ecumenical working are emerging for example the work being developed in Carlisle Diocese in its 'God for All' ecumenical mission initiative - <https://www.godforall.org.uk/>

²⁹ Released for mission: *Growing the rural church*, CoE report, 2015, p3

Environmental agenda

71. The Church of England has made a national commitment to net zero carbon emissions by 2030, and consideration needs to be given to how the closed churches work can contribute to that target. Areas to consider will include mapping the environmental harm of demolition versus conversion and how to retro-fit historic buildings in terms of energy efficiency, which is a theme in the government's recent white paper on planning.

Financial models

72. If the Church of England does want to close more church buildings and speed up re-use work, then there will be resource implications for how to make that happen. When it comes to funding the fabric work across the Church there are no easy answers, because there will never be enough money for everything that needs to be done, but day in, day out communities do find a way. We would like to propose some changes to the way the current funding arrangements work to provide more flexibility to support the Church's work in a different way.

Use of sales proceeds

73. At the moment, the sales proceeds from the disposal of closed church buildings are split between the dioceses (two-thirds) and the Commissioners (one-third, to be applied towards the funding of the CCT and Closed church buildings support account (CCBSA)). Many dioceses do not include the proceeds in their financial forecasts, because it is not easy to predict when funding will be available. The policy issue is whether or not this funding should be used in a more mutual manner and for some other purposes, for example to support more infrastructure for maintenance or increased vesting capacity. Some dioceses return a proportion of funding to the parish/benefice where the disposal took place. This is something that could be made a requirement in the Measure or subsidiary rules.

Diocesan Pastoral Accounts (DPA)

74. The Measure requires that dioceses hold DPAs to meet the costs under the measure. There could be scope to abolish the requirement for dioceses to hold these accounts, if they wished, but there would need to be mechanisms in place to ensure that dioceses and the Commissioners were able to access funds for both pastoral reorganisation and use-seeking processes for closed churches as needed.
75. The current restrictions also prevent legal costs incurred by the NCI's internal legal office being recovered from sale proceeds, unlike those incurred by external lawyers. Amending this restriction would be helpful to allow us to make greater use of the internal legal office, which has the necessary property expertise on MPM issues, and save external legal costs. Many secular firms no longer have the knowledge to deal with pre-1925 property law issues and much time and resource is spent trying to correct mistakes which could be managed more effectively, and more cheaply, by our own lawyers.
76. The Commissioners also need to be able to spend resources to support delivery of the MPM. At the moment they have no ability to spend their own funds, save for the staff costs involved, and can only spend funds held in the DPA, which is an odd situation.

77. These financial arrangements under the Measure also establish temporary statutory trusts and we would propose some changes in this area to make the system work better and operate more consistently with current accounting practice.

Closed church buildings support account (CCBSA)

78. Likewise, the CCBSA can only be used after a church has been formally closed, but if the use-seeking processes change then we would also need to make it possible to spend funds on use-seeking in advance of legal closure.
79. In reviewing the financial arrangements under the Measure, it may be that further extending the purposes for which the CCBSA can be used would provide a way to manage expenditure under the measure currently restricted to the Diocesan Pastoral Account.

Best value considerations

80. When disposing of a consecrated close church building, worship use by other Christian bodies is generally felt to be the best use - but there are other suitable uses offering community benefit and a variety of suitable commercial uses such as offices and residential. Although we can take forward what we consider the most suitable sustainable use rather than the highest offer (unlike most other charity asset disposals under the Charities Act) there is a general duty under the Measure to have regard to the financial implications for the diocese and the Church of England as a whole and as such there should be justifiable reasons not to try and generate the best financial returns to support mission in the diocese. Should this approach be broadened to allow greater flexibility?

Question 5. In what ways do you believe simplifying financial arrangements can better support the Church in undertaking these functions?

5. Consultation and Decision Making

81. The MPM is an unusual piece of legislation. At first sight it deals with technical issues like boundary changes and units of mission, but its deeper function is to help communities process significant change. The consultation processes which sit at the heart of the Measure are a way of having a difficult conversation about the local provision of ministry and mission. However, it is also fair to say that statutory processes are often something of a blunt tool to use when dealing with sensitive matters and that the complex legal terminology and concepts, which cannot be completely avoided, may mean the process does often not feel pastoral on the ground. People also often have a jaded relationship with consultation processes, not really trusting them to deliver a fair outcome. However, they do give people a voice, and the right of everyone to make a representation is inclusive, and that is important in terms of the future vision and strategy.
82. The current processes have developed in part because of the Common Law rights that parishioners have which were described earlier. The assumption has been that people should be consulted on changes that could directly affect their rights, particularly in relation to marriage and burial but also where they worship and can look to for pastoral care. The clergy have a right to be consulted because changes to benefices would affect their office and area of ministry and can result in their losing their office, their income, and their home.
83. It is very hard to anticipate how many representations a case might receive. As set out earlier in this report, the majority of cases attract few representations, but there are some which are much more significant, attracting over 300 comments in one instance. However, in the majority of cases over the last 5 years the number of representations has been below 20, and in 41% of cases the number of representations was 5 or fewer. It is also notable that the vast majority of representations, that were not from the interested parties, were from members of the Church community, for example, congregation or electoral roll members and deanery synod representatives. There were only 10 cases in the 5-year period 2015-19 where local residents commented and although fewer than 5 people represented in most cases, there was one case (involving the disturbance of human remains) which led to a significant number of representations from voices outside the immediate church community.
84. The limited amount of public interest in responding to schemes may reflect wider cultural trends. For example, it is very rare to get a representation from a member of the public about their right to marry in a parish church. This may in part reflect a shift in attitudes towards marriage. In 1900 religious ceremonies accounted for 85% of all marriages, but by 2017 it was only 22%. Since 1992 civil marriages have outnumbered religious marriages.³⁰ It is interesting to note that the Church of England does not generally consult the public directly on their legal rights, either under the MPM or other Measures and processes. In large parts of the country it has not been possible to be buried in your parish churchyard for many years.

³⁰ *Three problems with marriage law*, Professor Russell Sandberg, presentation to the Ecclesiastical Law Society, May 2021.

85. The policy point is that the consultation should be proportionate, and given the small number of representors from outside the church community is there a case for simplification by limiting rights of representation, except perhaps for church closures or disposals of churchyard, to interested parties or electoral roll members?
86. People can comment on a range of issues including the boundaries of a benefice or parish, the closure of a church building or a plan for its re-use, but they are not generally consulted on the day-to-day provision of ministry. Pastoral schemes do not lay out in detail how incumbents will meet their obligations in relation to the cure of souls, which is often a significant issue for representors. This is an important point, because it may be there would be much less opposition to pastoral changes if the parishes concerned had a more definitive idea of what the change would look like. Being consulted on boundaries often matters less in urban areas, but does still matter in many rural areas, and it may be relevant when it affects issues such as Church of England school catchment areas.
87. This therefore prompts a question about what kind of conversation the local church should have with its community about its pastoral and spiritual needs, and the degree to which this needs to happen within the processes of the Measure. It might be that the Church wants to give more thought to how it can have a pastoral conversation with communities and then how that is translated into practical aspects like units of mission. The language of strategy and plans does not necessarily sit well in this context, and something simpler, gentler, and more inclusive might fit well with the emerging church vision. There are of course many good conversations that do take place, and more could be done to share good practice. For example, during a recent vacancy the PCCs in the Chew Valley East benefice in Somerset surveyed their local communities and asked direct questions about what was needed and wanted and used that data to inform their parish profile.

Question 6. What kind of pastoral conversation should diocese and clergy have with parish and church communities and how could that be managed better?

88. It is also worth noting that there are no processes in the Measure, or related legislation, to encourage the use of informal or formal mediation with local communities although the use of mediation is explored within the Code of Practice. Use of mediation would not simplify processes but it may help such processes to reach better outcomes and we would continue to encourage mediation approaches in particular cases.
89. There are secular models for consultation, particularly in community development and regeneration work and in the planning system which could inform some church models. The Churches Conservation Trust use a community engagement model when working with local communities on the care of their historic churches. Citizens' Assemblies also offer a different model for encouraging people to engage with policy development. A research project could be considered to explore these issues further. Clergy who informed this review often commented that they did not feel sufficiently equipped to have the right kind of conversations, and that more training is needed.

6. Reforming the Measure

Options for change

90. The Commissioners were given a theoretically simple task – to look at ways in which the processes of the MPM could be simplified and streamlined to help further the mission of the Church by reducing administrative burden, staff time and cost. We have taken that task at face value and have developed our proposals with that in mind, but such change is not straight forward. From an administrative perspective it is relatively easy to propose changes that could make the processes shorter and simpler, but those changes will also affect more subtle aspects, such as the dynamics between dioceses, parishes, and patrons, and at that point the conversation becomes more complicated. People may be concerned about how new processes would be used, how they would affect the relationships between the different parties. Any change in this context needs to be carefully and sensitively handled.
91. Given the context of the emerging church work mentioned earlier, an incremental approach to the MPM reform might be sensible as it would allow for a flexible response as decisions in other areas emerge. An essential feature of the first stage, if an incremental approach is adopted would be to set the ground so that we are enabled to move quickly to make further changes that will help improve the processes sooner rather than later, which is what the dioceses particularly have requested.
92. We have therefore split the issues for discussion below into short term and long term. The short term changes would be considered in the context of the immediate draft legislation and the longer term changes could be worked up in more detail later on, as the need arises and because they are more sensitive and need careful work. Although, if the feedback is that these areas could move faster because there is a consensus view, then we would reflect that in the proposals for draft legislation. Some of these proposals are specific and detailed and others more general but all arise out of the desire to simplify existing process.
93. Our aim would be to take the feedback from this consultation and then generate draft legislation for a new Measure by early 2022.

Modernising the legislation

94. In recent decades Parliament has modernised the law by splitting legislative provision across primary legislation (Acts of Parliament) and secondary legislation (regulations, orders, rules etc.). The primary legislation sets the general framework, but the detailed processes to make it happen are framed in the secondary legislation, so that they can be amended over time to meet the needs of a changing regulatory environment. The General Synod has in recent years adopted a similar approach, for example in the legislation relating to clergy terms of service. The Synod has retained a right to approve, and in some cases, amend secondary legislation. Secondary legislation made under Church Measures is also laid before Parliament and can be annulled by either House.
95. We recommend that any new legislation replacing the MPM is split into primary and secondary legislation so that the processes set out in the secondary legislation can more easily be changed over time and align with the emerging church agenda. This would include the mechanism for agreeing future changes. At the moment there is no quick way to ease the administrative burden of the Measure on dioceses because the processes are all contained in primary legislation. This is one of the reasons why dioceses identified the

Measure as a priority for legal simplification. If processes are in secondary legislation, we could, for example, remove the requirement for putting notices on church doors and make the administration simpler and less time consuming.

96. As part of this work, we would simplify the text of the Measure itself and re-order the structure, so it is easier to follow and understand. We will also consider whether or not it would be helpful to have a formal delegation framework to allow more decisions to be made at officer level.

Question 7. Do you support dividing any new legislation replacing the MPM into primary and secondary legislation in the way proposed?

Short Term Changes

Decision making and the appellate function

97. As part of the work on the transforming effectiveness strand of the emerging church work, the Bishop of St Edmundsbury and Ipswich is considering what functions sit best at what level (subsidiarity). At the moment there is effectively a two-tier decision-making structure in relation to the Measure with the JCPC providing a rarely-used appellate function (a third-level). Where there are no representations, decisions on reorganisation are made on the basis of acceptance by the diocesan bishop of recommendations by the Diocesan Mission and Pastoral Committee, with the Commissioners' role limited to ensuring that due process has been carried out and that Schemes are correctly drafted to give effect to what is intended. Where representations are made the decision to proceed or not moves to the Commissioners. This system was developed in a rather different era and there is an argument that responsibilities which are held nationally could be moved to dioceses. That could be done in relation to the MPM if the dioceses are given the responsibility for managing the processes around pastoral organisation, including the consideration of representations, which currently come to the Commissioners. The Commissioners would retain the governance and management responsibility for the Measure itself and have an advisory and validating function, including training and support for dioceses and parishes. It is advisable to retain these functions nationally because of the legal complexity of the work.
98. Having decision making at diocesan level would have resource implications. It is very difficult to estimate the caseload around the Measure and some dioceses have limited caseloads or occasional flurries. Would representors have confidence in the bishop or DMPC adjudicating on objections to proposals they had initiated? Would another diocesan body (such as the DBF or the Bishop's Council) be seen as sufficiently independent? The corresponding advantages of retaining the function at national level could be: greater independence, a single staff team with more expertise, and the likelihood of more consistent decision making. There might also be scope for decision making to be at different levels for different types of reorganisation. Another option might be for dioceses to work together on a regional or provincial basis, but a wholly diocesan, or diocesan plus national level arrangement, both seem simpler and more straightforward.
99. If an appellate function is to be retained, the JCPC would seem to be the best option. The Commissioners are not a court and they could not exercise this function as their decisions would still be subject to judicial review. Under the long-established appeal process the JCPC appears to have developed a confidence in the Church's internal procedures to the extent that it very rarely grants leave to appeal. If it was removed, decisions made by the Church,

whether at diocesan or national level, would remain subject to judicial review which might be less predictable in outcome and expose the Church to an increased risk in relation to potential costs.

Question 8. Where should the decision-making, review and appellate functions lie for pastoral schemes?

Governance

100. The Measure requires dioceses to establish a Diocesan Mission and Pastoral Committee (DMPC) to manage matters under the Measure. Within that general framework, dioceses have the freedom to use a range of approaches. Many make the Bishop's Council the DMPC and have area DMPCs to feed up to it, or there is stand-alone DMPC which reports into the Bishop's Council. The structure will often depend on the amount of reorganisation and closed church case work that is happening. Our survey showed that generally speaking these processes were working well, and the flexibility given by earlier Measures has been helpful. However, where the Bishop's Council is also the Diocesan, Mission and Pastoral Committee, discussion on pastoral matters is often squeezed and Pastoral Secretaries are not generally expected to attend. It would be good governance practice to include the senior officers in the decision-making process.

Question 9. Are any changes needed to the arrangements for DMPCs?

Schemes and Orders

101. The Measure uses various types of schemes and orders as the legal instruments to facilitate change in dioceses and parishes, and there are up to seven different processes available, depending on the sort of change being pursued. There is scope to simplify the arrangements in three ways; (1) streamlining the number of instruments, (2) simplifying the processes for developing and publishing schemes, for example by not requiring any formal consultation with interested parties prior to publication and (3) limiting the rights of representation. As regards short term changes we are proposing to streamline the number of instrument and simplify the scheme processes, but leave the rights of representation for later change unless there is a strong consensus view on the way forward (a more detailed discussion of possible restrictions on rights of representations is set out in the section on longer term proposals below). Another way that we could help dioceses is by giving the Commissioners an explicit direct power to rectify administrative mistakes made during the consultation process to avoid processes having to be repeated or re-run at a diocesan level as a result of a process mis-step. The consultation process would be set out in secondary legislation to ensure a minimum standard of consistency of approach to decisions; but, also, so that it can be amended relatively easily as future circumstances may require.
102. Broadly speaking, there would be only two processes, Schemes and Orders (which might include some variation in terms of consultees and representation and appeal rights for particular types of reorganisation) and we would have a shortened one-stage formal consultation process for developing schemes (instead of the current two). As now, dioceses would decide if and how they want to do any informal consultation prior to publication. We would need to consider the detail of which matters would fall within which process in the light of wider considerations about what representation rights there should be.

103. Another small change which would save time and effort is to give greater flexibility to the Commissioners to make more than editorial minor amendments to schemes to avoid the need for re-publication and the re-running of consultation processes, for example, if there was a need to slightly change the boundary on a churchyard disposal because of issues around a recent grave.

Question 10. Do you support the reduction in the number of instruments available to achieve pastoral reorganisation?

Question 11. Do you support the Commissioners having greater flexibility to amend schemes?

Deanery planning

104. In 2018 the MPM was amended, and the changes included putting deanery planning on a statutory footing. Where dioceses invested in deanery plans, they would be able to omit one of the stages of consultation required under the MPM. However, in practice, this has resulted in additional complexity as the statutory requirements for the making of deanery plans and how they subsequently relate to specific draft pastoral schemes and orders are not straightforward. Putting deanery plans and their specific implementation on a statutory footing has meant that more work is now required than was previously the case in order to implement them, which goes against the grain of the reforms we are trying to achieve. Diocesan feedback suggests that smaller deaneries do not always have the capacity to manage planning exercises. Also, if the consultation process were to be limited to one stage then one of the main benefits of deanery plans under the current process would be lost anyway.
105. However, the plans do have a useful function, as they provide a framework within which pastoral reorganisation should be considered in a holistic way and add weight to the case for proceeding where there are adverse representations. We therefore recommend continuing to promote planning across deaneries or wider areas as a concept but the plans should no longer have statutory force.

Question 12. Do you favour removing the statutory provisions which relate to deanery plans?

Cross-boundary working

106. Would bishops and dioceses benefit from an enhanced provision for making pastoral arrangements across diocesan boundaries. For example, at present group ministries cannot be set up across diocesan borders without transferring all the benefices involved into one diocese.

Question 13. Should diocesan cross-boundary working be made easier, and if so, how?

Church Closures

107. Although it is probably right that church closures, for the reasons outlined above, should be among the matters about which there is the highest level of consultation and representation rights, our feedback from dioceses identified one particular requirement which causes unnecessary delay. Capacity issues mean that obtaining a report from the Church Buildings

Council on the architectural and historic significance of a church building before closure can be proposed can significantly delay the process while the reports themselves have little or no influence on the decision to propose closure (the value of Statutory Advisory Committee's reports on how these factors impact on future use is discussed below).

108. Also, as discussed above, there may be scope for a lighter touch procedure to give churches at risk of closure an interim status between the binary options of "open" and "closed" (for which Festival Church may be an apt designation) if appropriate governance and maintenance arrangements can be devised.

Question 14. Should the requirement to obtain a CBC report before proposing closure be removed?

Question 15. Should it be possible to designate a church as having an interim status between "open" and "closed" and what might this mean in practical terms?

Closed Churches - Alternative Use and Disposal Processes

109. There are a number of changes that could be made to the processes for the disposal and re-use of church buildings.
- If dioceses are developing one-stage closure and re-use schemes (S.59) then it would be helpful if funds from the CCBSA could be spent in advance of closure to support use-seeking efforts. This could include getting early marketing appraisals and other advice. It would also be helpful to get costed condition surveys, as quinquennial reports are often not up to date or sufficiently detailed.
 - At the moment, once a church has been closed it is subject to both faculty jurisdiction and the secular planning system. We would propose to simplify this by removing the requirement for faculty jurisdiction during the use-seeking period. Being subject to both the faculty jurisdiction and the listed building consent regimes could potentially add cost for dioceses and potential purchasers and may make securing a re-use more difficult.
 - Where the closed church building is unlisted and not in a conservation area, is it necessary to consult over its future use or demolition, where no burials are affected?

Question 16. Would it be helpful to be able to spend from the CCBSA pre-closure?

Question 17. Do you agree that a closed church during the use-seeking process should only be subject to the secular planning system?

Question 18. Do you think that there should continue to be a consultation on the future of unlisted churches not in a conservation area?

Repair of church buildings

110. In order to secure a sustainable re-use of a closed church building, it is important that regular repair and maintenance work is completed. The more run-down the building, the less likely it is to find a sustainable solution. Given PCCs may lack resources and capacity, there could be an argument to give dioceses the ability to complete basic and necessary

repairs to keep the buildings wind and watertight if the PCC can no longer function or lacks the resources. This would not be used to replace the usual PCC responsibilities, but enable churches being considered for closure to be kept in a state which would facilitate disposal.

Question 19. Do dioceses need powers to ensure the repair of church buildings in use?

Diocesan leases of closed church buildings

111. At the moment Scheme under the MPM is required to enable the lease of the whole of a closed church building for an alternative use, requiring full consultation on the proposals. One simplification would be to say that dioceses would **not** need to consult on certain alternative uses or if the lease was for less than a certain number of years (to be agreed), for example below the enfranchisement thresholds of 30 years for ecclesiastical land in general, or 21 years in the case of use by another church (Places of Worship (Enfranchisement) Act 1920), because it would be a temporary, not permanent use. Alternatively, there may be scope for increasing what can be done through the provisions to lease under Faculty

Question 20. Would you support ways of better enabling closed church buildings to be leased in certain circumstances without needing wide consultation?

Statutory consultee role

Statutory Advisory Committee of the Church Buildings Council (SAC)

112. It is important that where church buildings are listed there is heritage advice to inform decision making. That advice needs to be available at the right stages of the process and proportionate to the decisions being made. The existing arrangements for the SAC arose from the Toyne review and envisage a national committee with a number of independent members appointed by the State to provide that advice, but such heritage advice is now regularly required in planning processes and the advice given is often duplicated.
113. Various changes in the approach to advice could be taken forward, not all of which require legislation:
- At the moment before a church building is sold, the purchasers are required to have planning permission and listed building consent (if required) before the conveyance is completed. The SAC is currently required to comment on plans but usually planning permission has already been granted before that happens. If planning permission and listed building consent have been granted there should be no requirement for further consultation.
 - The SAC also provides at an early-stage advice on the potential for the preservation of a closed church in the CCT and guidance on potential interventions to secure a suitable use. Such advice can be useful in suggesting the potential for change in discussions with secular partners, but similar advice would be obtained commercially by other developers.
 - The SAC provides an early indication of whether a building is worthy of preservation but is also required by statute to be re-consulted where no use can be achieved. There is a question about whether this 'Final Advice' (on CCT vesting or demolition) is an unnecessary duplication of advice already given at earlier stage.

- Advice on Plans: As we do not normally dispose of closed churches without planning and/or listed building consent being obtained, it is questionable whether it is really necessary or useful for there to be a statutory requirement also to obtain the view of the SAC on plans. As a minimum this should be made discretionary – not compulsory.

Question 21. Do you believe that there continue to be benefits in the Church retaining the SAC to provide separate independent advice in dealing with the future of closed church buildings?

Historic England (HE)

114. At the moment schemes for the re-use of closed church buildings are automatically sent to Historic England for comment irrespective of whether or not the building is listed or unlisted. We would like to change this and bring into line with the secular planning system and usually only consult Historic England where the building is Grade 1 or Grade 2* listed. There are also questions as to the appropriate point to consult HE during the process. Where a use is going to entail alterations such as to require listed building consent, then the local planning authority and HE, where appropriate, are consulted at the time consents are applied for and plans available. The Pastoral (Church Buildings Disposal) Scheme is often published at an earlier stage where the principle test is the suitability of the use in principle. There will be little or no detail available and consultation at this stage is often not a good use of time, so it would make more sense not to duplicate the existing secular planning process and only to consult HE when there were actual proposals to consider (e.g. demolition).

Question 22. Do you consider that the arrangements for consultation with Historic England might better align with the secular planning system?

Human remains

115. The MPM presumes that when a closed church is appropriated to a new use before there can be a disposal of a church building, all burials within the property will be removed and interred elsewhere. However, in practice in most cases remains are, where possible, left undisturbed and the Commissioners or the diocese are required to obtain an Order from the Ministry of Justice ‘dispensing’ with this requirement for those parts of the property being disposed of containing burials which will not be affected by the proposals; and directions from the Ministry of Justice for exhumation of and human remains affected. Although there will always be a need in considering additional and alternative uses to occasionally disturb human remains, we would like to review the current assumptions in the legislation given burials usually remain undisturbed and consider removing the need for Dispensing Orders from the Ministry of Justice, instead only needing to approach them for directions permitting specific works. This would help significantly speed up church disposal processes.

Question 23. Do you support a change to the way Ministry of Justice procedures with respect to burials are managed?

Parsonages

116. The Church Property Measure (CPM) is not within the scope of this review, but there could be a useful change to bring the MPM in line with the CPM. Instead of allowing anyone under an MPM pastoral scheme or order to make representations against a parsonage disposal, it could be limited to PCCs, patrons, incumbents and occupiers holding an office under common tenure.

Question 24. Would you favour restricting rights of representations on parsonage provisions in schemes?

Long term changes

Consultations processes and representation rights

117. As well as streamlining Schemes and Orders, another way to simplify the Measure's processes is to consider limiting representation rights. Some options on how that could be done are set out below, to illustrate the kind of changes that might be possible. Limiting rights is a sensitive issue and would need careful consideration. Given any member of the public has legal rights, it would be important to include them in relevant parts of the process. If there were changes to the consultation process, then there would probably be three options in relations to Schemes and Orders:
- There could be some matters where the diocese decides who has the rights to be involved in the consultation and where there would be no rights of representations. This would encompass the current Bishop's Mission Order and Pastoral Orders work and could include some issues currently requiring a Pastoral Order or Scheme.
 - There could be matters where only the interested parties were consulted, as deemed consent would be assumed, and only they would have the rights of representation.
 - There could be matters (such as church closure and churchyards) which would require a wider consultation with the public and wider rights of objections, but not necessarily a right of appeal.

Option	Rationale
Option 1: Limit the right to make representations on schemes and orders to the interested parties only – e.g. Incumbent, Patron, PCC.	<p>Prioritises the people most involved with the day-to-day running of the Church and allows straight forward decisions to be made more quickly, because there may be none or fewer representations. The PCC should represent the congregation in this model, but the congregation may not always feel that is the case, so option 2 could be considered instead.</p> <p>This could make it easier to simplify the scheme processes. For example if 2 parishes want to merge and it is a straightforward matter then both parishes pass a resolution at an extraordinary parochial church meeting (where the congregation or members of the electoral roll were included) then the bishop could sign it off at diocesan level.</p>
Option 2: Limit the rights to make representations on schemes and orders to the interested parties, parishioners and those on the electoral roll.	Same as above. Gives the people most invested and effected by the decisions the opportunity to comment.

Option 3: Allow anyone to comment but give greater weight to comments from the interested parties and congregation/electoral roll in the decision making.

This could mean that where a Civil Parish Council objected for example, it would be able to make its case, but its views would not outweigh those of the PCC.

Option 4: Have a general duty to consult the public on the provision of ministry, but make that a different process to pastoral reorganisation.

The Church could have a more pastoral conversation with its local community about ministry needs and opportunities, but separate that out from the technical issues around the arrangements for parishes and benefices which would be limited to the interested parties.

Option 5: Allow representations from everyone, as now, but limit the right to appeal to interested parties only.

It means that peoples' voices and concerns can be heard in the process, but it would limit the ability of one person to overturn a scheme which the Church, as a whole, thinks is beneficial.

In terms of recent cases two applications for leave to appeal would not have been submitted to the JCPC if appeals were limited to the interested parties.

Question 25. Do you support any of these options for changes to representation rights? And if yes, why?

Clergy dispossession and mediation

118. One of the most difficult aspects of pastoral re-organisation is that it can lead to clergy being dispossessed of their offices if a scheme dissolves a parish, benefice, or team ministry or creates a group ministry. At the moment, the only way for the clergy person to object to the loss of office is to represent against the pastoral scheme itself, but this can conflate the structural changes with the more personal issues. The current system is not designed to manage the pastoral issues of dispossession in a modern way. For example, the MPCPC is required to consider the representations from the clergy who object to dispossession, but it is not designed to be, and nor is it required to act as a kind of, employment tribunal for Office Holders.
119. The recent (2018) reduction in the amount of compensation payable for dispossession, to a year's stipend plus housing, combined with the increased financial pressure in some dioceses to reduce the number of stipendiary clergy posts, means that reorganisation involving dispossession may now be more likely to be proposed. Consequently, there are likely to be more cases where clergy (or others) object to such pastoral reorganisation. It is also the case that more clergy may seek to make a case against dispossession on the grounds of discrimination in respect of protected characteristics. The Equality Act does not typically relate to clergy because of their status as independent office-holders, but nevertheless clergy should be able to make a case against dispossession on those grounds within the Church's processes where this is appropriate.
120. One option to address this issue would be to complete a different process where a pastoral scheme involves a potential dispossession. The structural issues would be considered in the usual way, with representations to the MPCPC, but the personal issues would be considered by having a route of appeal. This could either be to the Diocesan bishop, or a neutral third party. The details of such arrangements would need to be worked up as there would be a number of complexities to resolve, but it could provide a way forward which would be

more pastoral and sensitive to the needs of individual clergy. Another question would be whether or not clergy should still have the right to appeal to the JCPC on dispossession matters.

Question 26. Do you support the development of an appeal route for dispossession cases under the Measure, and introducing a dispute resolution or mediation mechanism?

Question 27. Should clergy be able to retain a right to JCPC appeal on dispossessions?

Heritage and planning policy

121. The use seeking and disposal process of closed churches often takes a long time because of issues with the policy of heritage and planning bodies. Once a church has been closed local planning authorities (LPAs) will often require that marketing for a community use for up to a year before any other options are considered, even in areas where a community use is extremely unlikely. We would like to ask government to allow parallel marketing so that the timelines can be shortened. As part of the discussions on the recent planning white paper, we would also like to encourage a deemed consent for the residential conversion of unlisted church buildings in non-conservation areas.
122. The other major issue is the approach Historic England takes to the re-use of listed church buildings. It is a long-established policy that the original use is the best use for a building, and where possible re-use schemes will prioritise a worship use with another denomination. It is also established policy that each building should be considered on a case-by-case basis. Neither of these tenets is an issue, but the policy debate is much more sensitive when it comes to making changes to the interior of a church space, particularly when that means dividing up the chancel and nave. Historic England tend to take a strong view on limiting proposals for re-use, such as residential conversion. This creates a problem for the Church as that policy line can make it very difficult to achieve an end-use and the amenity bodies are included as statutory consultees under the MPM processes, so they can make representations against re-use schemes and demolition. Churches are designed to be places where people gather in large numbers, and therefore they have an expansive internal volume, and planning bodies tend to resist schemes which would divide up that internal space. They would also generally prefer to see the building maintain open access and a public use, rather than a private use, such as residential. This would particularly be the case the higher the listing. The problem with the public use is that it is often unsustainable and does not generate sufficient income to manage the repair and maintenance required in highly listed buildings.
123. Our concern is that if there is wave of closures over the next 20-30 years it will not be possible to find suitable uses for more buildings without a shift in the public policy line, and that ultimately might lead to poor outcomes in relation to the buildings. Once a church has been closed for too long and the maintenance deficit starts to increase it becomes very hard to find a commercial or sustainable use, and ultimately that may mean buildings ending up on

the heritage at risk register³¹. The P&CC team deals with a caseload of a number of churches which are long standing cases. In most of those there may have been several attempts and possible projects which have fallen through over time. The longer the use seeking process goes on the harder it is to get a good outcome.

Patronage and appointment processes

124. Appointment processes play a significant part in the timetable for pastoral reorganisation, partly because dioceses tend to make changes in vacancy. This means the processes of suspension and restriction tend to frame the timetable. Some dioceses are starting to use Interim Ministers as a way of helping church communities manage these transitions more easily. For example, Leeds ask Interim Ministers to help have conversations on the ground and then move to pastoral reorganisation if that is appropriate. It is outside the scope of this review to consider patronage and appointment processes as a whole, but there are some changes which could help make managing reorganisation easier.

Suspension and restriction of presentation

125. There are currently two processes in the MPM for preventing patrons from exercising their right to nominate office holders during a vacancy which might then lead to unnecessary dispossessions, (1) suspension of presentation and (2) restriction of presentation. Since the equalisation of compensation provisions for incumbents and other office holders, including priests-in-charge, the circumstances in which suspension is actually necessary have become much more limited, although in practice it is used far more widely which is a cause of concern to patrons and PCCs³².
126. A way forward might be to have single procedure whereby rights of presentation could be put into abeyance without consultation but in more tightly defined circumstances.
127. There can also be delays in progressing reorganisation where patrons cannot be found for the purposes of consultation or giving consent. It could be helpful to:
- Have a legal route for advowsons to pass to the Bishop if the patron cannot be found or does not respond to correspondence for a period of time (to be agreed).
 - Remove the need for patrons to consent to a Special Patronage Board as is the case for team patronage board or to a transfer of patronage in a scheme.

Question 28. Do you support the simplifying of the provisions for suspension and restriction of presentation?

Patronage in new benefices

128. Whilst a wider review of Patronage is beyond the scope of this review, some limited changes in the exercise of Patronage may be helpful. A frustration for many dioceses is the creation of benefices with a large number of joint patrons or unwieldy patronage boards. Patrons may be frustrated by only having very infrequent turns in a long series. One way of addressing these issues might be to establish for the patronage of all new benefices (except where there

³¹ The current approach to Places of Worship and the Heritage at Risk Register may be found here : <https://historicengland.org.uk/advice/heritage-at-risk/buildings/caring-for-places-of-worship/>

³² The rights of the Crown referred to earlier, also apply to these matters.

would be a sole patron) to be a patronage board made up of (i) the bishop, (ii) another diocesan representative and (iii) up to 3 patrons (with three votes). Where there are more than 3 patrons they could alternate. This would reduce the complexity of the patronage processes. (The Crown is not a member of a patronage board).

Question 29. Do you support the requirement for a patronage board for new benefices?

Question 30. Do you support provision for removing patrons rights to consent to changes in patronage

Sequestration

- I29. One of the areas where legal simplification could help make delivery of MPM processes easier for dioceses would be to abolish the process of sequestration. Sequestration happens during a vacancy in a benefice (which continues in law even when a priest in charge is appointed), the Churchwardens, together with the Area Dean become sequestrators of the benefice, and thus legally responsible for the income and property of the benefice. However, benefices no longer have any profits or income, since the glebe and other endowments have, since 1978, been vested in the Diocesan Board of Finance; as, more recently, have parochial fees that were formerly payable to the incumbent. The only property which still belongs to the benefice is the parsonage house.
- I30. As a result of the changes in the law, there are now only two substantive functions of the sequestrators:
- control (not ownership) of the parsonage house (although responsibility for maintaining the house has been taken over by the Diocesan Parsonages Board);
 - making provision for the performance of the ecclesiastical duties of the benefice, which effectively means that the churchwardens and area dean make arrangements for cover for services and other pastoral duties during a vacancy.
- I31. The continued, vestigial existence of sequestration and the office of sequestrator results in unnecessary complication and bureaucracy. The terms “sequestration” and “sequestrator” are not well understood either generally within the Church of England or by those who are called on to exercise the function and office. They are terms which bear no real relation to the duties that the area dean and churchwardens actually carry out during a vacancy in a benefice.
- I32. The fact that a sequestration necessarily remains in force where the right of presentation is suspended, and the cure of souls is provided for by the appointment of a priest in charge is unhelpfully confusing.
- I33. The need, as a matter of law, for a priest in charge who occupies the parsonage house to be granted a licence to do so by the sequestrators setting out the terms of her or his occupation results in unnecessary paperwork and administration. Moreover, we understand that, in a number of dioceses, the sequestrators do not issue a licence. Where that is the case, strictly speaking, there are no specified terms on which the parsonage house is occupied by the priest in charge and there is no clear legal basis for the priest’s occupation (because the DPB, as designated housing provider, is not in a position to confer such a right under the Terms of Service Regulations). In the absence of a licence which addresses such

matters, there is no provision in place dealing with repair liability, unauthorised alterations or granting access to the parsonage house for maintenance. And, in the event of death in service, the priest's family has no legal right to remain in the property.

134. Sequestration can also result in additional burdens on the laity who are charged with performing that duty; burdens that it is not necessarily fair to expect them to discharge, for example dealing with squatters or being responsible for letting the parsonage house and carrying out the duties of the landlord.
135. It is therefore suggested that the sequestration of benefices should be abolished. This would represent a final tidying-up of the law in relation to the administration of benefice property in the light of changes that were made to the ownership of glebe and other endowments as long ago as 1976. Proposals could be brought forward as part of this work on the MPM. There would be no changes to the ownership arrangements in relation to parsonages.

Question 31. Do you support the abolition of sequestration?

7. A New Measure

136. This consultation process will allow us to start to develop a proposal for what a new MPM could look like. The feedback will be analysed and discussed with key parties, including government, planning and heritage bodies, dioceses and then draft legislation will be prepared for General Synod to consider. If there is sufficient consensus about a way forward, then draft legislation could be tabled at the February 2022 sessions of General Synod. If more time is needed to develop proposals, then a report on options would be presented in February followed by draft legislation later in the 2022. The usual processes would then be followed. If there is a lack of agreement over points of detail our recommendation would be to proceed with the split of the Measure between primary and secondary legislation so that changes could be made more easily in future once agreement had been reached on what that should look like.
137. As well as the substantive potential changes outlined in this document there are also various technical areas where smaller scale changes to legislation would be included. The Measure itself would also be re-worked so that it is simpler to understand and laid out in a more intuitive manner.

Summary of consultation questions

		Paragraphs
Pastoral Reorganisation		29-39
1	Is there a need for a fundamental review of parish governance at the current time?	
2	Should provision for joint councils be included in pastoral reforms, and if yes, how should that be done?	
Church Buildings		40-69
3	How important is it to control the future use of the church building?	
4	Is there support for greater powers to lease or vest churches in use or in the use-seeking period in the CCT or other trust bodies for maintenance purposes or during use-seeking?	
Financial models		72-80
5	In what ways do you believe simplifying financial arrangements can better support the Church in undertaking these functions?	
Consultation and Decision Making		81-9
6	What kind of pastoral conversation should diocese and clergy have with parish and church communities and how could that be managed better?	
Reforming the Measure – paragraphs 90-96		90-6
7	Do you support dividing any new legislation replacing the MPM into primary and secondary legislation in the way proposed?	
Decision making and the appellate function		97-9
8	Where should the decision-making, review and appellate functions lie for pastoral schemes?	
Governance		100
9	Are any changes needed to the arrangements for DMPCs?	
Schemes and Orders		101-3
10	Do you support the reduction in the number of instruments available to achieve pastoral reorganisation?	
11	Do you support the Commissioners having greater flexibility to amend schemes?	
Deanery Planning		104-5
12	Do you favour removing the statutory provisions which relate to deanery plans?	
Cross-Boundary Working		106
13	Should diocesan cross-boundary working be made easier, and if so, how?	
Church Closures		107-8
14	Should the requirement to obtain a CBC report before proposing closure be removed?	
15	Should it be possible to designate a church as having an interim status between “open” and “closed” and what might this mean in practical terms?	
Closed Churches - Alternative Use and Disposal Processes – paragraph 109		109
16	Would it be helpful to be able to spend from the CCBSA pre-closure?	
17	Do you agree that a closed church during the use-seeking process should only be subject to the secular planning system?	
18	Do you think that there should continue to be a consultation on the future of unlisted churches not in a conservation area?	
Repair of church buildings		110
19	Do dioceses need powers to ensure the repair of church buildings in use?	

Diocesan leases of closed church buildings		111
20	Would you support ways of better enabling closed church buildings to be leased in certain circumstances without needing wide consultation?	
Statutory Consultee Role		112-4
21	Do you believe that there continue to be benefits in the Church retaining the SAC to provide separate independent advice in dealing with the future of closed church buildings?	
22	Do you consider that the arrangements for consultation with Historic England might better align with the secular planning system?	
Human Remains		115
23	Do you support a change to the way Ministry of Justice procedures with respect to burials are managed?	
Parsonages		116
24	Would you favour restricting rights of representations on parsonage provisions in schemes?	
Long Term Changes		117
25	Do you support any of these options for changes to representation rights? And if yes, why?	
Clergy dispossession and mediation		118-20
26	Do you support the development of an appeal route for dispossession cases under the Measure, and introducing a dispute resolution or mediation mechanism?	
27	Should clergy be able to retain a right to JCPC appeal on dispossessions?	
Suspension and restriction of presentation		124-127
28	Do you support the simplifying of the provisions for suspension and restriction of presentation?	
Patronage in new benefices		128
29	Do you support the requirement for a patronage board for new benefices?	
30	Do you support provision for removing patrons' rights to consent to changes in patronage	
Sequestration		129-135
31	Do you support the abolition of sequestration?	

Consultation process

The consultation process for this Green paper will begin on 13 July and last eight weeks until 15 September 2021. The results will be analysed and reported back to the Mission, Pastoral and Church Property Committee and the Legislative Reform Committee.

The questions in this Green paper are being made available separately on the MPM Review page on the Church of England website. We are asking all dioceses and a number of our existing statutory partners to complete a formal response, but anyone is welcome to respond to the consultation.

There is also an option to make a submission by e-mail if that is preferred. Please e-mail mpm2011review@churchofengland.org if you wish to make a submission.

Contact details:

If you wish to contact the P&CC team about the review please e-mail mpm2011review@churchofengland.org and a member of the team will be in touch.