



A GUIDE ON HOW TO OBJECT TO PASTORAL REORGANISATION PROPOSALS

This advice has been prepared by Save The Parish (STP). It is written to offer help and support to Incumbents, Churchwardens, PCC Members, congregations and parish residents. If you fear that your parish might be subject to an unwelcome reorganisation, then please read this document right to the end, because it is important to understand the whole procedure right from the earliest soundings being taken by the diocese.

**THIS DOCUMENT DOES NOT CONSTITUTE FORMAL LEGAL ADVICE. IF
NEEDED THIS SHOULD BE SOUGHT.**

The Church Commissioners' Parish Reorganisation and Church Closures Team are subject matter experts who can offer free advice on the Mission and Pastoral Measure processes and how they should operate, how they can contribute a representation, and how the processes are managed. Their role is strictly neutral. People who have queries can use the webform to get further information – see [Parish reorganisation and church property | The Church of England](#).

1. **What is Pastoral Reorganisation?** Pastoral reorganisation is the process of making rearrangements to parishes and benefices. This could be, for example:
 - Creating a new parish or benefice
 - Setting up or altering ministry structures
 - Amending patronage arrangements
 - Changing the designation of a church, or closing a church.

Arrangements for parishes and joining parishes into benefices are all held in legal documents called 'Pastoral Schemes'. Sometimes, changes are sought, generally by the diocese, to these arrangements. When this happens, a new pastoral scheme is needed.

If you wish to object to a pastoral scheme, being very organised about keeping a timeline of events, with detailed records and minutes, will strengthen your case. If the diocese does not engage in a proper consultation, its failure to follow due process will give good grounds for objection. Any failures on its part, or attempts to impose change without due process, need to be recorded so that they can be proved at every stage.

However, if proposals are in the pipeline or newly-made, it is much easier to negotiate to change them at an early stage than it is to 'await your fate' passively, until after the bishop's mind is made up, and only go to appeal at the end of the process after a decision has been made. We suggest engaging early with the details of any proposals and communicating with as many as other parishioners (they need not be churchgoers) as possible about what is under discussion.

2. **Legislation.** The statutory legislation for pastoral schemes is the Mission and Pastoral Measure 2011. This is an Act of Parliament. It is published in full here <https://www.legislation.gov.uk/ukcm/2011/3> It is lengthy but not particularly difficult to read and carefully describes all procedures concerning pastoral schemes. It covers in particular:

- Diocesan Mission and Pastoral Committees
- Procedure for making pastoral schemes
- Procedure for making pastoral church buildings schemes
- Contents and effect of pastoral schemes and orders
 - *Changes in benefices, parishes, archdeaconries and deaneries*
 - *Team and group ministries*
 - *Churches, churchyards and parsonage houses*
 - *Patronage*
 - *Endowments, stipends and other remuneration*
- Buildings closed for regular public worship
- Bishop's Pastoral Orders
- Mission initiatives – Bishop's Mission Orders.
- Appeals to the Privy Council

There is further legislation on parsonages in the Church Property Measure 2018. <https://www.legislation.gov.uk/ukcm/2018/8/part/1/crossheading/dealings-in-parsonage-house-etc/enacted> This is the statute which unfortunately enables dioceses to sell your parsonage house during interregnums (vacancies).

3. **The Procedure and How to Object.** Below are the steps that should take place and the opportunities for intervention. Any potentially affected PCC needs to pay close attention to each step and insist on being kept informed throughout the process. You are entitled to be thoroughly consulted and to make your views known.

The PCC should vote and record the outcome every time it forms an opinion on any proposal, or seeks more information. Minutes should be diligent and record the numerical outcome of every vote.

STEP A. Early discussion. This is an open-ended stage where the diocese, archdeacons, area deans and parishes will test out ideas. Proposals may be aired with incumbents, such as what might happen when they move or retire. PCC members should press incumbents to be open about any such discussions they have with the archdeacon (who is most likely to be the instigator of such a conversation). This can happen as much as 5 years before a possible change of incumbent.

If the Archdeacon visits, it may be a signal that a proposal is being thought about. If the diocese is showing an unusual interest in your parish facilities, try to be alert and find out why. Try to avoid being taken by surprise.

Once reorganisation proposals are aired at the PCC, any discussion and vote should be carefully recorded, even if there are differing opinions. PCC members may disagree with their incumbent; if so this should be recorded. It is not too soon to start objecting – in fact, it is vital that you should start raising your concerns and wishes as early as possible. This is the first formal opportunity to record any objection to proposals being developed. Churchwardens are ‘Bishop’s Officers’ and can air any concerns in writing to the bishop.

Given that the next steps can move quite quickly, it may not be too soon to garner support from interested parties. A suggested list is at the end of the Parish Pack at <https://savetheparish.com/parish-pack/>. The PCC should also contact the patron(s) of their parish to air any early concerns. Note that, at a later stage (Step D), any member of the

public is entitled to take part in formal consultation, which means that informing the wider community of what is in the air is important even at this early stage.

Early in this process you might find it valuable to research other Schemes where representations have been made to the Church Commissioner's **Mission, Pastoral and Church Property Committee** (MPCPC) and yet have been rejected (See Step D below). You might even consider making a representation to a Scheme in any diocese that looks similar to what is being proposed for your parish, because you will then see copies of all representations and how they are handled. An example of the final outcome (Step E) of the Church Commissioners' consideration of a Scheme is at <https://www.churchofengland.org/sites/default/files/2019-11/Forton%20%2B%20Gosport%20Decision%20letter%20%2B%20Notice.pdf>

Note the types of representations made and the responses that were given by the diocese and the Church Commissioners. But do not be disheartened by this!

If your vicar is threatened with dispossession (which can equate to redundancy with poor terms) it might be advantageous for them to join a Union. They should consider joining either [Unite's Faith Workers' Branch](#), or the [Faith Workers' Section of Community](#). It is good protection for clergy since a large union like UNITE has very deep pockets when it comes to taking court action on behalf of members. It is estimated that more than 1,500 clergy have now joined UNITE.

STEP B. Informal consultation. This is where the broad principles are developed by diocesan staff into a legal form of words called 'skeleton proposals'. The 'skeleton' contains all the specific details needed to allow the new arrangements to take shape. At this stage, it is still informal consultation; the diocese should use this time to refine and clarify the details and to iron out any queries before starting formal consultation. If you have queries, make sure they are known about and all conversations, emails or other correspondence are recorded.

This is a key stage for PCCs to influence what is being proposed by the diocese. Discussions should be carefully minuted and votes taken, even if only to record unanimity. By this stage the diocese will probably have determined what it believes to be the best way forward. This is another opportunity for the PCC to air any concerns to the suffragan and diocesan

bishops. This includes any concerns that procedure is not being properly followed or courtesies observed.

For example, the archdeacon should by this stage have attended the PCC for free discussion on any proposals. The archdeacon should advise the PCC of the advice he will be giving to the bishop, in the light of the PCC's expressed views. Complain to the archdeacon, copy to the bishop, if formal consultation appears imminent and the PCC has not yet seen the archdeacon.

The proposed scheme should be a coherent part of the 'deanery plan'. This is normally established by means of a vote in the deanery synod. In fact, there is a presumption in favour of proposals for pastoral reorganisation that are the subject of a deanery plan, provided all interested parties have been consulted on the deanery plan. So the gestation of your deanery plan may be an important stage for you to raise any objection. If the deanery synod votes in favour of a plan affecting your parish, that is not to your liking, then your fight will be more difficult on the grounds that democracy is in action. If/when the proposal reaches the diocesan synod, they are unlikely to overturn the vote of your deanery synod.

If the PCC has not informed the wider community of what is being proposed (as suggested in Step A), then do so now.

STEP C. Formal consultation. Your Diocesan Mission and Pastoral

Committee (DMPC) will by now have determined what is proposed. This is called a **Scheme**. The diocese issues a set of draft proposals to 'interested parties', which includes the patrons, PCC(s), area dean, archdeacon and others that have been involved in the process so far. Beware of the word 'draft'; things are getting well established by this stage. The Mission and Pastoral Measure 2011 (Para 6.) defines interested parties as:

- (a) Incumbents of any benefices which would be affected by the implementation thereof, including vicars in a team ministry established for the area of any such benefice;
- (b) The patrons of any such benefices;
- (c) The parochial church councils of any parishes which would be so affected;
- (d) The priests in charge of any conventional districts wholly or partly within the area of any benefices which would be so affected and the parochial church councils of such districts; and

(e) The archdeacons and rural deans of any archdeaconries and deaneries which would be so affected or to which any such benefices or parishes belong and the lay chairmen of the deanery synods of any such deaneries.

Note that any affected PCC is an interested party. So if, for example, you are in a multi-parish benefice and it is proposed that more parishes may join you, thereby increasing the workload of your priest(s) as well as diluting clergy availability, then your PCC can object. This stage is called the ‘**Ascertainment of Views**’. There is a time limit for interested parties to respond to the diocese on the draft proposals – they can make comments, raise objections or suggest amendments.

Once this period is over, the DMPC will consider the proposals again in the light of any responses received, and make a decision about whether to continue to the next stage, or to amend the proposals and consult again. Once they are satisfied that consultation is complete and the issues resolved or still contested, they will recommend a proposal to the bishop for the next stage.

This is the first opportunity where the PCC can raise objections as a right. It is therefore important that the greatest care is taken because less credibility may be attached to new points brought in later in the process. Discussion on the case for PCC objections must be minuted and a recorded vote taken on the text of any written submission. The result of the vote may be recorded in the submission. If the PCC lay membership disagrees with the incumbent, this should be recorded in the objection – but it is not a reason to withhold the objection. Allow plenty of time before the deadline to prepare the PCC’s submission, especially if there are differences of opinion. The incumbent is also an ‘interested party’ so can make their own submission. Obviously more powerful if you can stick together. The DMPC is required to offer the PCC a meeting to discuss whatever is proposed in the Scheme. At this stage, check again with the list in the Parish Pack that your wider community and interest groups are being kept informed of what is being proposed and the nature of your objections to it. Briefing local media and your MP of the proposal may be timely because soon the proposal will be in the hands of the more remote Church Commissioners. National media and MPs may be useful too, if you are alarmed by the national ramifications of the proposals or how you have been treated. Save The Parish may be able to help with this.

STEP D. Publication of the draft Scheme. The bishop is asked to approve the draft Scheme (amended if the bishop sees fit) as recommended by the DMPC and it is sent to the Church Commissioners, with a range of other supporting documents. The Church Commissioner's **Mission, Pastoral and Church Property Committee** (MPCPC) use all this information to prepare a **Draft Pastoral Scheme**. This is the final stage of consultation and it is 'public', in that it is not limited just to interested parties.

Owing to its public nature, this stage has quite a few legal requirements that need to be met, such as a minimum time limit for consultation. During this time, all parishes must display public notices making copies of the draft Scheme available to anyone who wants to view it. It has to be posted on the door of any affected church and read out every Sunday in affected churches throughout the consultation period. The Scheme will be published on the Church of England MPCPC website – <https://www.churchofengland.org/resources/parish-reorganisation-and-closed-church-buildings/mission-pastoral-church-property>

The Church Commissioners, represented by the MPCPC, receive comments or objections (known as representations) to the draft Scheme on behalf of the diocese.

If there are any objections to the draft Scheme, the MPCPC may decide to uphold the objection and ask the diocese to amend the proposals and consult on them again. There is a (very complicated) flowchart of the MPCPC's representation process

at: <https://www.churchofengland.org/sites/default/files/2020-07/1-%20P78d%20flowchart%20of%20rep%20procedure%20June%202020.pdf>

There is a list of proposals up for consideration at any one time

at: <https://www.churchofengland.org/resources/parish-reorganisation-and-closed-church-buildings/consultation-parish-reorganisation-7>

This is another, possibly final, opportunity for your PCC and any member of the public or organisation to raise objections – although you can imagine the diocese may well have persuaded the MPCPC of the merits of their proposal by this stage. It also is possible, and not uncommon, by this stage for PCCs to have fallen in line with the Scheme as the 'least worst' option for their parish. If you have managed to remain on your PCC and are a sole voice or part of a sub-group who still object, then you should not hesitate to make a

representation of your views. You can do this as an individual, if necessary stating that your views differ from the PCC as a whole.

If you have an incumbent or an ordained person close to your parish, it will be useful if they are willing to make a representation against the Draft Pastoral Scheme. The Church Commissioners are likely to pay particular attention to what the PCC and incumbent have to say.

This is an important moment for other individuals or groups to raise their objections. The MPCPC can extend the period available for representations. For example, a 'Friends of the Church' group may wish to object if they have concerns about the future of church property, including the church itself. Save our Parsonages – <http://www.saveourparsonages.co.uk/> – may also wish to object.

You need to look ahead at this stage as to what might be the outcome for your parish and its church in the longer term. Experience from Wales is that for super-parishes, which are called Ministry Areas, once they are established, the diocese starts to close churches. Inevitably, they find there are too many churches in a group to be covered by only a few clergy. Those churches selected to be closed may well be paying their full parish share. You can also point to the CofE's own study, 'From Anecdote to Evidence', to show that amalgamating parishes leads to decline in church attendance and giving and, that the greater the number of parishes, the greater the decline.

So whether you are an objecting PCC, or another group such as a heritage organisation, or an individual, this is a vital opportunity to make a representation. Make sure those who agree with you are also making representations, no matter how many times they have objected previously. Bear in mind that your representation will be published online, and duplicated and circulated not only to the appointed representatives of the Church Commissioners, but also to the diocese and others making representations for their further comments. Try to be reasonable in the way you express your case.

The Committee will decide in each case whether to hold a public hearing. The Church Commissioners are not obliged to hold a hearing, though in most cases where there are

contested points of view, they will. If they do, it may be held as late as 6 months after the deadline for the written submissions has passed.

Where church closures are concerned, the best way to save such a church is for the local community to come to the MPCPC with financially viable alternative proposals for the building. If these can keep the church open, then they may succeed. Equally if a financially viable package for the church after closure can be provided, such as a shared community centre, that may secure the future of the building, rather than a sale on the open market.

STEP E. Public Hearing. The MPCPC decide whether to hold a public hearing on a particular case. Representations will receive the fullest consideration whether or not an oral hearing is held, or whether you attend such a hearing. Hearings are open to the public and are usually held in the Commissioners' offices at Church House, Great Smith Street, London June 2020 SW1P 3AZ (near Westminster Abbey and the Houses of Parliament)

The Committee conducts public hearings in accordance with the principles of natural justice. These principles include managing any conflicts of interest transparently, ensuring the public hearing is conducted fairly to all concerned and providing all parties with a reasoned decision once it is reached. Objectors to and supporters of the proposals may be able to speak to the Committee. The objectors will speak first, followed by the supporters, and then any diocesan representatives, each group for a maximum of 10 minutes. Speakers should bear in mind that the Committee will have read all the circulated documents, so they do not need to repeat word for word the points made in writing. Normally, up to three speakers can be heard within the 10-minute time limit for those objecting or supporting the proposals. These time limits may be varied or more speakers allowed, at the Chair's discretion, to ensure a case is properly understood and considered and a decision can be made fairly.

More information on public hearings is at

<https://www.churchofengland.org/sites/default/files/2020-07/1%20-%20Your%20Views%20Count%20June%202020.pdf>

STEP F. The end of consultation. Once the Church Commissioners are satisfied that the consultation has been completed properly, and that any issues are resolved, they will arrange for the Pastoral Scheme to be signed and sealed by the diocesan bishop. This is called 'making' the Scheme. Completed cases over the last 18 months or so are listed

here: <https://www.churchofengland.org/resources/parish-reorganisation-and-closed-church-buildings/parish-reorganisation-and-closed>

At the very beginning of this process (Step A above) you might find it valuable to research other Schemes where representations to the MPCPC have been accepted or rejected. All interested parties and those who made representations will receive a letter explaining the decision and responding to the points made in representations. The Scheme will take legal effect on a later date, which is decided depending on the detail of the Scheme.

Sometimes, after a Scheme is made and takes effect, other follow-up arrangements might be needed in a parish or benefice. For example, a new parish would need to have a new PCC constituted, or a new electoral roll; a new benefice may need to have clergy re-licensed. These follow-up arrangements will vary depending on the details in the Scheme and can be talked through as part of the consultation processes.

STEP G. Appeal to the Privy Council. Any person who has made a representation on a draft Scheme may appeal to the Privy Council. This is explained in Section 12 of the Mission and Pastoral Measure 2011

– <https://www.legislation.gov.uk/ukcm/2011/3/section/12>

Strictly speaking the appeal is to Her Majesty in Council and this requires the leave of the Judicial Committee of the Privy Council. Since 1984 (when the leave to appeal process was introduced) there have been 75 applications for leave and 63 have been refused; in 5 cases the Commissioners withdrew the Scheme, in 6 the appellant did not proceed and one case was heard and the appeal dismissed. Those who have made representations will be notified of the deadline for applying to appeal.

PCCs and others are encouraged to read all the documents very carefully, to note the rights of objection and of appeal which are listed, and to pursue their rights to the bitter end. The Judicial Committee of the Privy Council hears appeals on questions of law, where pastoral reorganisation is concerned – but not on church closures. The best chance of a successful appeal – in which the MPCPC Committee rejects the case put forward by the diocese – is to demonstrate widespread local feeling, and to show that either the diocese has failed to consult correctly, or that it has failed to develop a convincing argument for its proposals. If it can be shown that a proposed pastoral reorganisation will do pastoral damage, then that kind of appeal may succeed.

AND FINALLY do not forget that the Chancellor and Registrar of your diocese work for the whole diocese, not just the bishop. They are available and duty bound to give incumbents and PCCs legal advice. If they have a conflict of interest, between for example the bishop and a PCC, then they should make available an alternative source of advice to one of the parties, for example from another diocese. There might be a charge. If you think you will need legal advice then ask for it at Step A, potentially before a conflict of interest arises.

TAKE HEART – IT CAN BE DONE. For encouragement please read below a success story from from Warleggan Parish in the Diocese of Truro:

At our recent ‘On the Way’ meeting, I reported on the relative health of the finances of Warleggan was invited to report back on the ‘secrets of our success’.

My first response was one of embarrassment. Having read reports from other benefices and ‘clusters’ I cannot honestly say that we either work as hard as these parishes nor are we confronted with anything like the extent of their difficulties.

The principal gift of Warleggan church has been one of pure good fortune. We have a characterful church that attracts support from visitors and grant aiding bodies, we have a small but actively committed congregation and we have local skills on hand that have allowed us to successfully fundraise and to carry out works economically and to a good standard.

Warleggan Church is small, simple, costs little to run and has immense charm. It has a special atmosphere, the church walls are soaked in the prayers of the parish going back many centuries. The legend of the Reverend Densham is well known, Daphne Du Maurier and John Betjamen have both written about the church and the village has that infamous name ‘Warleggan’ made notorious by the Poldark books and series. Warleggan is old Cornwall and it doesn’t disappoint.

So through this good fortune, we get a steady trickle of visitors and a corresponding, if small, contribution to the collection box. But more importantly from the financial point of view, there are four households in the parish that are reliably faithful attenders and between them, by standing order, cover around 75% of the parish share.

These same households provide time and expertise and during the last 15 years have on two occasions raised six-figure sums to cover the cost of re-roofing the main body of the church and the tower, installing toilets and completely re-painting throughout. As a consequence, the church is mercifully free of any pressing maintenance issues.

And most recently two couples have moved into the parish and are now a regular part of our congregation and actively involved.

As a result of this core support we are able to put on musical and choral events, host talks and will shortly (now that we have toilets) be promoting the church as an ideal location for small weddings.

So, as I say, we have been immensely fortunate.

There is though another and even more significant ingredient to our ‘success’, Warleggan and St.Neot parishes work very closely together, we have shared a priest for years and are very comfortable with each other. About 7 years ago when our very revered and loved priest, Andrew Balfour, retired we were told by the diocese that we must merge to be part of a cluster with three other parishes – and that the St.Neot rectory would be sold. We had nothing at all against the other three parishes but at the same time, we had little in common. We were paying our way and could see absolutely no justification for this merger and the obvious dilution of our new priest’s time and attention.

Suffice it to say after a considerable tussle we won the argument and this has been a key part of our ‘fruitful and sustainable’ parish life – aided of course by the presence of a worthy successor to Andrew Balfour and now by two excellent PTOs while we find ourselves in another interregnum.

So, the ‘secrets of our success?’ In summary, a lot of good luck, excellent priests, a close relationship with our neighbouring parish, a priest living in the centre of that parish and overall the sense that we remain in charge of our own destiny rather than being absorbed and diluted within a much larger benefice.

Andrew Lane

*Churchwarden, treasurer and secretary,
Warleggan PCC*