

After General Synod July 2015: reporting back

The Church of England website <https://www.churchofengland.org/about-us/structure/general-synod/agendas-and-papers/july-2015-group-of-sessions.aspx> now includes the "Business Done" document which lists the motions passed, as well as all the papers. The audio files of the debates are at <https://soundcloud.com/the-church-of-england/sets/general-synod-july-2015>

Presidential address by the Archbishop of York

His address included the challenging statement:

If we were really concerned with God's glory more than anything in this world, I believe that the squabbles and divisions in the Church would largely cease; and I believe that money and missionaries would flow to every part of England, and we would receive the divine power to re-evangelise England and reconnect the Church of England with England.

Administration of Holy Communion

I spoke in this debate raising the concern that I set out below.

I attach the text of my speech.

I abstained in the vote on the draft regulations. I subsequently voted in favour at the final approval stage, because although I have reservations, these regulations are the logical consequence of decisions already taken.

Safeguarding

The safeguarding legislation was passed without difficulty (I voted in favour).

Senior Leadership

This was an uneventful debate, and Synod voted to "take note".

The Church: Towards a Common Vision" Report from the World Council of Churches

Several speakers made the point that more efforts should have been made to make the report more accessible. We did vote welcoming the report.

Standing Orders

I spoke proposing some changes to the Standing Orders.

I attach the text of my speech.

Presentation by the Committee for Minority Ethnic Anglican Concerns

A briefing paper (GS Misc 1108) called for "action" but did not state what specific actions should be taken, apart from a reference in paragraph 29, that dioceses should run "explicit training in unconscious bias". In the presentation, Dr Elizabeth Henry, Archbishops' Council Adviser on Minority Ethnic Anglican Concerns, said that dioceses should collect data on the ethnicity of our leadership. Only once we know what our inclusion and representation looks like

can we then decide on what we need to do and where. The Archbishop of York gave a speech which personally challenged me as a Synod member:

In 1985, Paul Oestreicher - white man, Diocese of Southwark - because Wilfred Wood said, "go and encourage Sentamu to stand", and I said, "but they won't elect me". And he put out "please put Sentamu first, before you vote for me". And actually I did top the poll. Members of Synod, are you willing in your diocese, where there are minority ethnic Anglicans, to find them and say, "I'm standing, but give the election first to X"? If you can't, then don't play games.

Climate Change

Synod voted to affirm the Ethical Advisory Investment Group's policy, and rejected an amendment which would have meant immediate disinvestment from all fossil fuel companies. I voted in support of the EAIG policy, recognising their expertise, and that engagement should be tried first.

Fringe meeting: Sir Philip Mawer, Independent Reviewer, Resolution of Disputes Procedure

Sir Philip is my former boss from when I worked at Church House. I was delighted when he was appointed as Independent Reviewer in relation to disputes on the House of Bishops' Declaration on the women bishops legislation, because I know he will be scrupulously fair. At the fringe meeting Sir Philip answered questions from Synod members. His first case report has now been published <https://www.churchofengland.org/media-centre/news/2015/07/first-report-from-independent-reviewer.aspx>

Post Synod: Enabling Measure

31 July was the deadline for submissions to the consultation from the Archbishops' Council's Simplification Task Group on a proposed Enabling Measure. I submitted my response on 24 July, which included:

[...] the above example shows:

- The Archbishops' Council drafts legislation which is not flexible;
- The Archbishops' Council opposes a Synod member's amendment that would have introduced flexibility, and instead insists that the matter must go back to Parliament for revision in future;
- The Archbishops' Council issues a consultation document stating that there is too much legislation having to go to Parliament. They propose the solution of giving themselves more powers to change legislation, in a way which side-steps the current Synodical drafting and scrutiny procedures. I do not consider that to be the correct solution. Instead, I support the alternative proposed by the Ecclesiastical Law Society

I attach the full text of my response.

Before General Synod July 2015: inviting your views

All the documents for the 10-13 July General Synod are on the Church of England website: <https://www.churchofengland.org/about-us/structure/general-synod/agendas-and-papers/july-2015-group-of-sessions.aspx> There are more than fifty papers, the following are of particular interest:

Administration of Holy Communion (GS 1964D, GS 1992, GS 1992X)

The Business Committee report (GS 1988, paragraph 19) states that this item is about "regulations intended to give effect to the Synod's decision in November 2012 to allow the administration of Holy Communion by children." That is a misleading description. The issue is not about children, it is about confirmation. It is draft regulations to allow those who have not been confirmed to be eucharistic ministers. Some years ago the General Synod permitted a change from the traditional order of baptism – confirmation – eucharist; to allow, parishes who wanted to, to have a different order of baptism – eucharist – confirmation. The consequence is that those who receive the eucharist without having been confirmed should equally be allowed the role of distributing the eucharist. My concern is that with every such step, the question "what's the point of confirmation?" becomes increasingly difficult to answer.

Safeguarding (GS 1952B, GS 1953B, GS 1952-3Z)

This is final approval of the legislative changes to tighten up on safeguarding, including for example, a new church law (which will become Canon C30) giving power to an Archbishop or Bishop to require a priest to undergo a risk assessment. If the priest refuses they can be disciplined under the Clergy Discipline Measure.

The amendments to the draft legislation package that I proposed and were passed by the February Synod will become Canon E6 paragraph 3D and Canon E8, paragraph 5D.

Ecclesiastical Offices (Terms of Service) (Amendment) Regulations (GS 1993, GS 1993X)

This comes from the work of the Simplification Task Group. Self-supporting ministers will no longer have to provide a medical certificate when they are ill. There will also be an additional type of fixed term appointment possible, that of "interim minister" which will be an appointment of up to three years.

Faculty Jurisdiction Rules (GS 1995, GS 1995X)

The new draft Rules are a simplification, though they still run to 125 pages! An online application system is also being developed. I would be interested to hear from anyone with experience of the faculty system as to whether you are happy with the draft Rules or have any changes to propose – the deadline for Synod members to submit amendments is 7 July.

Senior Leadership (GS 1999A, GS 1999B, GS Misc 1116)

The Nurturing and Discerning Senior Leaders task group has been racing ahead and selected 57 clergy following interviews and psychometric profiling, to be on

a five-year fast stream programme for senior office, which is being called the "Learning Community" (see page 19 of GS Misc 1116). The Revd Canon Simon Killwick is concerned that this modern business-like training in "organisational leadership" and "re-imagining ministry" should not overlook the theological report of the Faith and Order Commission "Senior Church Leadership" (GS 1999B). His Private Members Motion invites Synod to debate that theological report. He writes "in terms of the exercise of leadership, faithful improvisation means being deeply trained in the tradition, so as to be able to react appropriately to new situations and contexts." (GS 1999A, paragraph 18).

"The Church: Towards a Common Vision" Report from the World Council of Churches (GS 1986A)

The report is available as a download from the WCC website, or can be purchased as a 46 page book (ISBN: 978-2-8254-1587-0). GS 1986 is the draft response from the Church of England's Council for Christian Unity. Synod is being asked to "...commend the text for consideration at every level of the Church of England..." I have written to the Bishop of Peterborough, who will be presenting the draft response, suggesting it be made more user-friendly. For example, the draft has "FAOC", "IASCUFO", "ARCIC", "IARRCUM" without writing them out in full in the first instance. The World Council of Churches who receive the response will know what the acronyms mean, but Synod is being asked to commend the draft for study at "every level of the Church", and many Church members will not know what all the acronyms mean.

Church Commissioners' Annual Report

The Commissioners' investments increased in value by 14.4% in 2014.

Archbishops' Council Annual Report (GS 2001)

Page 18 of the Report draws attention to the resources on responsible finance and credit that have been developed for parishes and individuals <http://www.toyourcredit.org.uk/resources/>

Archbishops' Council Budget (GS 2002)

The Archbishops' Council budget would have resulted in a 6.5% increase on the contribution required from dioceses for 2016, however, thanks to the Corporation of Church House giving the national bodies rent relief of £575,000, the increase being asked for is only 2.5%. Different dioceses pay different amounts according to an apportionment formula. For Guildford diocese it will mean a 3% increase (page 39).

Climate Change (GS 2003, GS 2004, GS Misc 1107, GS Misc 1110, GS Misc 1113, GS Misc 1114).

Synod is being asked to vote to urge all governments "to agree long term pathways to a low carbon future", and also to affirm the policy of the Ethical Investment Advisory Group (EIAG). The EIAG recommends disinvestment from companies focused on the extraction of oil sands and thermal coal - the Church Commissioners have sold those shares as a result - and also to engage with other fossil fuel companies to "support the transition to a low carbon economy."

GS Misc 1110 is well worth reading, it sets out the EIAG policy, including the theological and the business aspects.

Some Synod members feel that the policy is not radical enough and are expected to move an amendment proposing immediate disinvestment from all fossil fuel companies. That view is well argued in the report "Otherwise engaged" available on the website <http://brightnow.org.uk/> Personally I would feel hypocritical voting for disinvestment in all fossil fuel companies, whilst at the same time filling up my car with petrol; but the key question is which ethical policy is best for the environment: engagement or disinvestment?

Record of Business Done in 2010-2015 (GS Misc 1111)

If you are thinking of standing for election to General Synod, this paper lists all of the motions passed in the five year term, so is a helpful overview of Synod's work.

Adrian Vincent's speech at the General Synod on 10 July 2015, in the debate on the Administration of Holy Communion Regulations (GS 1992).

"The Business Committee report says that this item is about, "regulations to allow the administration of Holy Communion by children."

Superficially that is what it is about, but theologically it is about regulations to allow the administration of Holy Communion by those who have not been confirmed.

This change is the logical consequence of the decision of Synod ten years ago that permitted a change in the traditional order of the journey of Christian initiation of baptism-confirmation-eucharist; to instead allow a different order of baptism-eucharist-confirmation.

This is not an order of events I personally feel theologically comfortable with, but we are a big Church and it is an honourable order. Dorothe, my wife, is a Roman Catholic and last month I proudly walked behind our seven year old son Peter (he turned eight this week), down the aisle of the church as he received his First Holy Communion in the Catholic Church.

In that Church, the role of administering the eucharist has the title "Eucharistic Minister". It's quite a good description of the role.

By the Synod voting to enable those baptised, but not confirmed, to take this official role in the Church, we are indicating that baptism and eucharist are full initiation. With each such step we take, the question, "what's the point of confirmation?" becomes increasingly difficult to answer."

Adrian Vincent General Synod speech 12 July 2015 on Standing Orders (GS 2000)

[The audio of this speech is on this website:

<https://soundcloud.com/the-church-of-england/sets/general-synod-july-2015> File Synod Sunday afternoon 12 July, 56 minutes 30 seconds in].

“Mr Chair, I’ve changed into this shirt¹ in order to fool members into thinking that my speech on Standing Orders will be an interesting one.

When last year the Standing Orders Committee invited suggestions towards a light revision, I wrote in suggesting phrases like: “mutatis mutandis”, “notwithstanding” and “subject as aforesaid”, should be replaced by simpler wording.

Imagine my delight when I did a word search on the new text and these phrases have been expunged from the new version. The Committee have done an excellent job, and I hope that when Synod approves this revision, the House of Laity and the Convocations will do a similar user-friendly revision by removing such phrases from their own Standing Orders.

The next stage for us will be, as set out in paragraph 24 of the explanatory memorandum, considering changes beyond just the light revision that has taken place. One suggestion which I raised with the Committee when I wrote to them in 2010, I wrote as follows:

“The Standing Orders do not envisage a Chair moving a motion for Closure. However, Chairs ‘backseat drive’ the debate by getting a Synod member to propose a motion for Closure. The result is a time wasting rigmarole where the Chair says ‘After the next speaker I will be looking for a motion for Closure’.

I have never known an occasion where a Synod member has not taken the prompt from the Chair. Therefore what is actually happening is the Chair is proposing the motion for Closure, through a circuitous route.

This circuitous route should be simplified by removing the current pretence.

There are two options for doing so:

- i.) The Chair could be empowered to propose motions for Closure.
- or:
- ii.) Chairs could be given instructions that they should not prompt Synod members to propose a motion for Closure, and that if the Chair wants to bring the debate to a close they can do so by progressively reducing the speech limit.”

The Committee replied to my letter saying that they had considered this, but were divided on the issue. I suggest that five years on, now is the time to tackle this unnecessary rigmarole once and for all.”

¹ I was wearing a Hawaiian shirt.

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24 July 2015

Response to “A Simpler Way of Reforming Church Legislation – a consultation document” GS Misc 1103

I am writing to respond to the consultation of the Simplification Task Group on a proposed Enabling Measure.¹ My response includes quoting from the Ecclesiastical Law Society’s response² which I ask be given serious consideration given their professional expertise.

I respond to each of the consultation questions:

Q. “(1) The presenting problem that has been identified and the proposal that it should be addressed by means of a new Enabling Measure that would enable the Synod to amend some legislation by order rather than by Measure (has the problem been correctly identified in paragraphs 5-11, is the solution proposed in paragraphs 12 to 15 the right one, are there other possible solutions that need exploring?);”

I agree with the statement in paragraph 6 that the Church of England should not attempt to “legislate for everything” and that we need to be “adaptable and fleet of foot”.

I disagree with the solution proposed in the consultation, for the reasons given by the Ecclesiastical Law Society:

“The problem of ‘too complex’ law is to be addressed by creating a highly technical and legalistic new procedure and the establishment of a Scrutiny Committee adding yet further to the bureaucracy of the National Institutions (already over-burdened and under-resourced) when the direction of travel should be towards simplification.” (Para 3.1.ii.)

My own reaction on reading the consultation was the same as that of other Synod members quoted by the Ecclesiastical Law Society:

“There was a perception that the proposal is intended to move legislative authority

¹ <https://www.churchofengland.org/media/2212596/gs%20misc%201103%20-%20consultation%20paper%20on%20possible%20new%20power%20to%20amend%20legislation%20by%20order.pdf>

² <http://www.ecclawsoc.org.uk/documents/ELS-Working-Party-Response-Revised-13-July-2015.pdf>

away from Synod and into the Archbishops' Council. There was a fear of a largely unelected and unaccountable body changing the law of the Church of England and diminishing the rights of its members (ordained and lay)." (Para 4.5).

I share that concern. Paragraph 36(a) of the consultation document states that "Orders would be made by the Archbishops' Council, subject to the approval of the General Synod." Paragraph 36(i) states that "It would not be possible for members of the Synod to propose amendments to the draft order." The Archbishops' Council producing matters ready-formed to the General Synod with no possibility for amendment, is not really synodical government at all, it amounts to government by a small executive, with synod asked to rubber stamp.

Regarding other possible solutions that need exploring. In future, more active consideration should be given as to whether legislation is needed at all for some matters. For example, the July Synod approved the Faculty Jurisdiction Rules, which included the text of the faculty application forms. I think that this means that if in future the Church wishes to update one of the application forms it will need to go through the full procedures and be submitted to parliament. If I am correct in my understanding, this is an example of 'over kill'. The legal powers of the Faculty procedure should indeed go to Parliament, given that the faculty procedures are a concession from the Government in place of listed buildings consent legislation. However, the wording of application forms should not require a parliamentary approval. Therefore, more consideration should be given as to details to be outside of the legal process by way of Codes of Practice or similar.

More consideration should also be given to drafting legislation in a way which includes flexibility within it. The July Synod had a prime example where legislation should have been drafted in a flexible way but was not. The *Draft Ecclesiastical Property (Exceptions from Requirement for Consent to Dealings) Order 2015 (GS 1996)* referred to properties valued at "less than £250,000" (paragraph 2(2)(b)). The draft legislation did not include an inflationary escalator for this figure, with the result that the figure will very rapidly become out of date. This was pointed out in the Synod debate and Synod member Clive Scowen submitted an amendment to introduce flexibility by giving discretion for an Archdeacon to permit a higher figure. This amendment was opposed by Canon John Spence, on behalf of the Archbishops' Council. Canon Spence said that the Archbishops' Council would review the figure in due course and bring back fresh legislation to increase the figure in future if necessary.

In short, and at the risk of caricature in order to make the point, the above example shows:

- The Archbishops' Council drafts legislation which is not flexible;
- The Archbishops' Council opposes a Synod member's amendment that would have introduced flexibility, and instead insists that the matter must go back to Parliament for revision in future;
- The Archbishops' Council issues a consultation document stating that there is too much legislation having to go to Parliament. They propose the solution of giving themselves more powers to change legislation, in a way which side-steps the current Synodical drafting and scrutiny procedures.

I do not consider that to be the correct solution. Instead, I support the alternative proposed by the Ecclesiastical Law Society in paragraph 5.1 of their submission:

"ii. to take immediate steps to repeal redundant and obsolete legislation and to conduct a thoroughgoing consolidation of the legislation that remained;

- iii. to link this wholesale repeal with a provision for consequential amendments and future revisions and repeals on a fast track basis;
- iv. to put in place adequate safeguards for when the fast track provision is invoked.”

Q. “(2) What such an Enabling Measure might specify in relation to the purposes for which the new power might be exercisable (should there be additions to or subtractions from the possibilities in paragraphs 16 to 20?);”

I do not agree that an Enabling Measure is the way forward, for the reasons set out above.

Q “(3) The forms of provision that might be made by it (are the possibilities set out in paragraphs 21 to 23 along the right lines?);”

I do not agree that an Enabling Measure is the way forward, for the reasons set out above.

Q“(4) Possible preconditions to the exercise of such a power (should there be additions to or subtractions from those suggested in paragraphs 25 to 26?);”

I do not agree that an Enabling Measure is the way forward, for the reasons set out above.

Q “(5) The pieces of legislation that should be excluded from scope of the new enabling power (should there be additions to or subtractions from those suggested in paragraphs 27-34?);”

I do not agree that an Enabling Measure is the way forward, for the reasons set out above.

Q “(6) The procedural framework within which the new power would be exercised (are the proposed arrangements for scrutiny in paragraphs 35 to 38 right?).”

I do not agree that an Enabling Measure is the way forward, for the reasons set out above.

Yours sincerely,

Adrian Vincent, Guildford 320.