

WOMEN AND THE EPISCOPATE – A BACKGROUND NOTE

1. In the course of 2011 dioceses considered draft legislation designed to enable women to become bishops. All but two dioceses voted in favour of the legislation. But at the final approval stage in the General Synod on 20 November 2012 it narrowly failed to secure the requisite two-thirds majorities in each of the Synod's three Houses.
2. In the 15 months since then much rapid work has been done to identify a new approach with the potential to enable the necessary majorities to be secured. The purpose of this note is to summarise this work, describe the new package of proposals that has emerged and explain how it differs from what the dioceses were asked to consider in 2011.
3. This note does not rehearse the history of the previous legislation stretching back to the General Synod vote of July 2000, which requested the relevant theological work to be done in preparation for consideration of admitting women to the episcopate. That history, together with a brief summary of the earlier discussion in the Church of England on the ordination of women as deacons and priests, can be found in the background note circulated for the earlier Article 8 reference:

[www.churchofengland.org/media/1121182/a8\(we\)background.pdf](http://www.churchofengland.org/media/1121182/a8(we)background.pdf)

4. This document does, however, give an overview of the legislation which diocesan synods are being asked to vote upon under the Article 8 reference procedure. In addition, this document provides a summary of the supporting material in the form of the House of Bishops' declaration and the proposed regulations on the disputes resolution procedure. Finally, it outlines the main differences between the current package of proposals and the legislation which fell at the final approval stage in November 2012.

The process since November 2012

5. At its meeting in December 2012 the House of Bishops acknowledged the strongly-held feelings generated by the failure of the previous draft legislation to secure final approval, particularly in the context of the support of 73% of the members of the General Synod and the approval of 42 of the 44 dioceses. The House committed itself to bringing a new legislative package to the Synod in July 2013 and, to that end established a working group drawn from all three Houses.
6. In commissioning this further work the House of Bishops said that the new proposals would need to meet the following general criteria:
 - greater simplicity;
 - a clear embodiment of the principle articulated by the 1998 Lambeth Conference *'that those who dissent from, as well as those who assent to, the ordination of women to the episcopate are both loyal Anglicans'*;
 - a broadly based measure of agreement about the shape of the legislation before starting the new legislative process;

- enabling the Church of England to resolve this unfinished business through its own processes as a matter of great urgency.
7. The Working Group engaged in facilitated conversations in February 2013 with people drawn from a wide range of viewpoints. Following this, it issued a consultation document which generated 376 responses. The Working Group delivered its report to the House of Bishops in May.
 8. The Working Group identified some principles which it believed might, if held together in tension, provide a basis for making progress. It also identified four options along a spectrum of possibilities ranging from the least to the most legislatively substantial.
 9. The House of Bishops' conclusions and the Working Group's report were forwarded to the General Synod in GS 1886 for consideration in July. The House of Bishops endorsed the 5 principles commended by the Working Group and recommended to the Synod the **simplest legislative approach** suggested by the Working Group.
 10. The General Synod accepted the House of Bishops' recommendation, subject to one significant amendment, which was moved by a member of the House of Bishops. This added a requirement for the simple legislation and House of Bishops' declaration to be supplemented by a **mandatory grievance procedure** for parishes in which diocesan bishops would be required to participate.
 11. The Synod also added a recommendation to the motion that a **process of facilitated conversations should continue to be used**. The Appointments Committee was instructed to appoint a Steering Committee straight away so that the legislative process could begin at the November group of sessions. The Committee responded positively to encouragements given in the course of the July debate for the Steering Committee to be larger and more diverse than usual. As a result the Steering Committee consisted of 15 members, some of whom had voted against the last legislation. It met intensively with the help of facilitators in September and the first part of October.
 12. Despite the wide range of viewpoints represented on the Steering Committee, all 15 members agreed that the balanced package which it had produced of draft measure, amending canon, House of Bishops' declaration and disputes resolution procedure, gave full and effective expression to the Synod's resolution in July.
 13. While two members decided to record abstentions because of the restrictions that the Synod resolution had imposed on the range of legislative options which could be considered, 13 of the 15 members of the Steering Committee voted to commend the package of proposals (set out in GS 1924) to the Synod and the House of Bishops.
 14. At the end of its debate on 20 November 2013, the Synod approved by 378 votes to 8 with 25 abstentions a motion in the following form:

“That this Synod, welcoming the package of proposals in GS 1924 and the statement of principles endorsed by the House of Bishops at paragraph 12 of GS 1886, invite the House of Bishops to bring to the Synod for consultation in February a draft declaration and proposals for a mandatory disputes resolution procedure which build on the agreement reached by the Steering Committee as a result of its facilitated discussions”.

15. The Synod went on to give the draft measure and draft amending canon first consideration and agreed that they should be committed for revision in full Synod without first being considered by a Revision Committee.
16. In December the House of Bishops considered the draft declaration and disputes resolution procedure prepared by the Steering Committee. It agreed them, subject to a few un-contentious clarificatory amendments. Given the wide measure of support generated by the package put together by the Steering Committee the House also agreed that, should the Synod satisfactorily conclude the revision stage in February, it would be invited to accelerate the Article 8 Reference process to the dioceses by setting aside the normal requirement that such references should take at least six months. This suspension of that requirement (contained in Standing Orders) required a 75% majority in the General Synod.
17. In February 2014 the Synod considered the draft House of Bishops' Declaration and draft Disputes Procedure Regulations. It also concluded the revision stage for the draft measure and draft amending canon. It agreed by 358 votes for to 39 votes against with 9 abstentions to set aside the normal minimum six month period for Article 8 References. It also agreed to start the process for the rescinding of the Episcopal Ministry Act of Synod 1993. As a result the Business Committee has subsequently agreed that the reference period, which started on 13 February should end at midnight on Thursday 22 May.

The package of proposals

18. The new package consists of four interrelated documents:
- (1) A short **draft measure** providing the necessary statutory authority for the making of a canon so that women can be consecrated to the office of bishop. It also repeals the 1993 Measure, which, among other things, provides for resolutions A and B.
 - (2) A draft **amending canon** providing for the admission of women to the episcopate. The canon also redrafts the relevant canons concerning deacons and priests so that there are no longer separate canons making special provisions for the ordination of women. In addition, the amending canon imposes a duty on the House of Bishops to make regulations prescribing a procedure for the resolution of disputes arising out of the House of Bishops' declaration.
 - (3) A draft **House of Bishops' declaration** that sets out five guiding principles and a number of arrangements designed to ensure that the welfare of the whole Church of England is sustained in all its theological depth and breadth.
 - (4) Draft **regulations** prescribing a procedure for the resolution of disputes arising from the arrangements for which the House of Bishops' declaration makes provision.
19. A separate explanatory memorandum from the Legal Office is being circulated on the first two of these- the draft measure and draft amending canon. It is on these two pieces of legislation that dioceses are being invited to vote. The draft declaration and dispute resolution procedure regulations are not subject to the Article 8 reference and dioceses are **not** being asked to approve them. But they are an important part of the overall package. Some commentary on them may, therefore, be helpful.

The draft House of Bishops' declaration

20. After some introductory paragraphs the **draft House of Bishops' declaration** sets out five guiding principles which have now been approved both by the House of Bishops and by the General Synod. As the text says, "they need to be read one with the other and held together in tension".
21. The declaration goes on to recommend that the outworking of these principles be accompanied by simplicity, reciprocity and mutuality. Paragraphs 7-15 of the declaration give some examples of what that will mean in practice.
22. Then paragraphs 16-29 set out the process that PCCs will be able to follow to pass a resolution requesting "*on grounds of theological conviction that arrangements be made for it in accordance with the House of Bishops' Declaration on the Ministry of Bishops and Priests*".
23. Paragraph 30 notes that the Sees of Ebbsfleet, Richborough and Beverley will remain in existence and affirms the importance of there continuing to be consecrations of bishops that will sustain the necessary climate of trust across the Church of England and enable parishes that have passed resolutions to receive ministry effectively.
24. Paragraphs 31-33 refer to arrangements in cathedrals and other places of worship. Paragraphs 34-36 provide some clarification in relations to oaths. Paragraph 37 makes a cross reference to the Disputes Resolution regulations. Paragraphs 38-40 record the House of Bishops' commitment not to amend the declaration in future without first securing two- thirds majorities in each House of Synod. The House has agreed to change its Standing Orders to underpin this.
25. The final paragraphs deal with transitional arrangements. Parishes will no longer be able to pass the existing resolutions A and B or petition under the Act of Synod from the day that the new legislation comes into force. But the House has agreed that bishops should treat existing resolutions and petitions as if they were resolutions under the new declaration for 2 years after the new legislation comes into force. Parishes wishing to take advantage of the new arrangements under the declaration thereafter will need to have passed a resolution within that period.

Regulations for the disputes resolution procedure

26. The **regulations establishing a procedure for the resolution of disputes** provide for the appointment by the Archbishops of an Independent Reviewer. The appointment is to be made with the concurrence of the Chairs of the Houses of Clergy and Laity of the General Synod. There is provision for deputies to be appointed (eg if the workload so dictates).
27. The independent reviewer's function will be to consider any grievances brought by PCCs that an office holder has not acted in accordance with paragraph 16-29 or 33 of the House of Bishops Declaration. The procedure for bringing grievances is set out in regulations 9-15. The subsequent paragraphs set out the process by which the independent reviewer is to consider grievances and come to a decision.

28. Paragraphs 27-29 of document 4 widen the range of matters that the independent reviewer may consider in certain circumstances. Where persons write to the reviewer in relation to any aspect of the operation of the declaration the reviewer may undertake an inquiry. In addition, the reviewer's annual report provides an opportunity for providing an overview of the work that he or she has undertaken during the year in question. This is in addition to the general presumption that the reviewer's decisions in individual cases will be published, when necessary in an anonymised form.

Differences from previous legislation

29. The new and earlier packages of proposals share the common objective of opening all three orders of ministry in the Church of England to everyone irrespective of gender, while continuing to allow space within the Church of England for those whose theological conviction does not enable them to receive that development.

30. In addition, the new legislation, like the earlier measure, involves no change in the office of bishop or in the structures of the Church of England. In particular, neither measure has proposed any change in jurisdiction or in the position of the diocesan bishop as the ordinary.

31. The new package and earlier proposals do, however, differ in a number of significant respects:

- The previous legislation required each diocese to draw up its own scheme under which arrangements would be provided for those parishes who requested them on theological grounds. Concerns were expressed about how such schemes would work in practice. The new legislation does not provide for diocesan schemes.
- The previous legislation was shaped around the obligation on the House of Bishops to prepare a statutory code of practice, which was to have been subject to the approval of the General Synod. The draft measure required everyone exercising functions to have regard to the provisions of the code of practice. There were concerns during the final approval debate that, while the House of Bishops had already produced an illustrative draft code of practice, Synod was being asked to approve the legislation without being sure what the final form of the statutory code would be. The new legislation does not provide for a statutory code.
- Because the proposed arrangements are now to be set out in a House of Bishops' declaration there can be certainty about the text before Synod comes to final approval of the measure and amending canon. This is because the declaration, unlike the statutory code of practice, can be made before final approval of the legislation.
- The introduction of a disputes resolution procedure involving an independent reviewer provides a means of raising concerns where bishops or others are thought not to have acted in accordance with the House of Bishops' declaration and the five guiding principles which it enshrines. The previous legislation made no provision for independent review. In addition the fact that the disputes resolutions procedure is made by regulations under canon means that participation in the procedure will be mandatory.

