



Diocese of Bristol

Guidance for Churchwardens 2023

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A message from the Archdeacons

Dear Churchwarden

Thank you for taking on this important role. You may have heard us say that the Church depends on people like you, and we are grateful!

We recognise that there may be extra dimensions to being a churchwarden that you didn't know about, that is why we have prepared this booklet to help you fulfil your duties. Please be in touch with us whenever you need.

“Each of you should use whatever gifts you have received to serve others, as faithful stewards of God's grace.”

1 Peter 4:10

The Ven Christopher Bryan
Archdeacon of Malmesbury

The Ven Neil Warwick
The Archdeacon of Bristol

I. THE ROLE OF CHURCHWARDEN

The office of Churchwarden is one of the most ancient in this country. As a Bishop's Officer the Churchwarden shares with the Bishop, Archdeacon and Incumbent, in the care of the benefice or parish.

Terms of office

Following their election, churchwardens must be **legally admitted to office** each year before the end of August otherwise the office falls vacant again. Normally this admittance is conducted by the Archdeacon at a special service known as a **Visitation**. If there are circumstances which make it impossible for a churchwarden to attend one of the Visitations, the churchwarden may be admitted to office at the New Churchwardens Evening in July.

Churchwardens must have an **enhanced DBS check** organised through your Parish Safeguarding Officer.

Churchwardens hold office for one year at a time, normally, up to a maximum of six years. A churchwarden wishing to step down from office should inform the parish priest but must tender his or her resignation to the Bishop by giving two months' notice in writing. A replacement churchwarden can be elected at a Meeting of Parishioners which has been advertised for at least two Sundays prior to the meeting.

The law

A churchwarden's duties are set out in full in Canon Law but are summarised below:

- They form a link between the Bishop and the parish

- They represent the laity and co-operate with the Incumbent (i.e. rector, vicar or priest-in-charge)

- They encourage the parishioners in their faith and promote unity and peace among them

- They are responsible for maintaining order and decency in the church and churchyard especially during worship

- They are the legal owners of the church's property – i.e. the silverware, ornaments and other moveable goods – and are responsible for keeping an inventory of it

- They carry out a range of duties which may be specific to the local church.

Safeguarding

Churchwardens must have 'due regard' to policy and practice guidance issued by the House of Bishops on matters relating to Safeguarding. This is a legal duty and includes compliance with requirements set out in any Code of Practice issued by the House of Bishops from time to time.

Churchwardens must, in co-operation with the incumbent, the PCC and the Parish Safeguarding Officer:

- Ensure, when there is no incumbent, that the incumbent's safeguarding roles are fulfilled, in co-operation with the PCC and Parish Safeguarding Officer and the Area Dean.

- Pay attention to the specific needs of children and adults who may be vulnerable when undertaking routine Health and Safety inspections and risk assessments

- Ensure that risk assessments are carried out before new activities are undertaken (regular and one-off)

- Receive complaints and grievances, and ensure that the parish has procedures for responding to them.

- Ensure that the guidelines for activities with children and adults who may be vulnerable are followed in all parish activities

- Ensure that safeguarding requirements are included in all booking arrangements with

organisations and individuals

Answer questions regarding safeguarding as they arise in the Archdeacon's Visitations, and address specific advice which may be given

Attend all relevant safeguarding training required for the role

Written with reference to the House of Bishop's Guidance, Key roles and responsibilities of church office holders and bodies practice guidance, v2 December 2017 page 21-22

Safeguarding Training

Churchwardens are required to complete three Safeguarding training courses

Safeguarding Awareness, (C0) online (other PCC members must do this too)

Safeguarding Foundation, (C1) online (other PCC members must do this too)

Safeguarding Leadership, (C2) on zoom or in person, 2 sessions

We encourage churchwardens to attend the Safer Recruiting course and the Responding to Domestic Abuse course. Go to the diocesan website

<https://www.bristol.anglican.org/aboutus/safeguarding/safeguardingtraining/> for details of these and sign up by following the links.

The role of Churchwarden will differ from parish to parish but these are some of the typical tasks

Prayer and worship

Care and pray for the clergy

Make sure there is bread and wine available for Holy Communion

Check visiting priests have permission to officiate (PTO) and pay fees

Take responsibility for keeping order during services e.g. welcoming, seating visitors

Lead services of Morning or Evening Prayer or Services of the Word, or arrange cover, in the absence of the parish priest or Licenced Lay Minister.

Administration and governance

Be a member of the PCC and its standing committee

Be responsible for taking offerings and recording the amounts received

Discharge the office of Treasurer if the PCC fails to appoint one

Act as trustee of any parochial charities that may exist

Report to the Bishop any matter that affects the parish.

Take on a significant role during a clergy vacancy (or 'interregnum')

Attend safeguarding training and co-operate with the church leadership team to manage any safeguarding cases that may arise, in line with Church of England policy and guidance

Prepare for and meet with the Archdeacon or Area Dean for the Triennial Inspection

Buildings and maintenance

Arrange to inspect the fabric of the church every year and make a report about the state of the building to the PCC and to the Annual Parochial Church Meeting

Ensure the PCC commissions a Quinquennial (five yearly) Inspection Report of the church and acts upon its recommendations

Make sure the PCC obtains a Faculty whenever necessary (See Section 3 below)

Keep the church Terrier and Inventory, and Log Book, up to date

Sources of support

The key to a successful period of office as Churchwarden is regular meeting and communication with the Incumbent and other members of the leadership team to discuss

and plan together for the life of the parish.

If your incumbent leaves, the Archdeacon and Area Dean will guide you through the vacancy process.

The Archdeacon is the “first port of call” outside the parish for a Churchwarden who needs support or advice. Please do not hesitate to be in touch via Rachel Stewart, PA to the Archdeacons, if you need help. rachel.stewart@bristoldiocese.org

For further reference

A useful handbook and guide to church law:

Practical Church Management: a guide for every parish James Behrens (updated 2014)

Or a shorter and lighter read:

Rotas, Rules and Rectors - Matthew Clements 2018

Both books have a good index.

2. CHURCH, CONTENTS AND CHURCHYARD

The incumbent of the benefice (the rector or the vicar) owns the church and churchyard but the churchwardens have joint right with him or her to possession of moveable items. It is the duty of the PCC to maintain and insure it.

The churchwardens and incumbent are custodians of the contents of the church i.e. the furniture and silverware. It is the duty of the PCC to preserve and to insure them. Note that a faculty is required to dispose of them: *Canon F13(3)*.

3. PERMISSIONS AND THE DIOCESAN ADVISORY COMMITTEE (DAC)

All churches are subject to planning law, and planning permission is required for operational development or change of use. However, church buildings are exempt from Listed Building Consent. This replaced by the Church of England's system of planning control called the Faculty Jurisdiction.

The Faculty Jurisdiction is the Church of England's system of regulation for works to church buildings, their contents and churchyards. It ensures that churches are properly cared for: whatever is done to them is properly considered beforehand and carried out in the most appropriate way.

Faculty Online is an online portal that manages the permissions process for works to Church of England buildings and churchyards. You can access Faculty Online by clicking [here](#). More information on how to register and apply for permissions can be obtained from the Parish Buildings and Planning Team, contact details below.

Depending on the scale of the proposals there are different levels of permissions required before the work can be undertaken. It is a good practice to get in touch with the Parish Buildings and Planning Team to seek advice. Please see [the permissions flow chart](#) that shows the process of how to establish the level of permissions needed.

List A and B

List A is a list of works that can be carried out without permission and List B is a list of works that require the Archdeacon's permission, please click [Matters not requiring a faculty from July 2022 – Lists A&B](#) to see lists. Some works that commonly undertaken are not on Lists A or B, but are covered by an [Additional Matters Order \(AMO\)](#). If a project is on the AMO list it is treated as a List B application. All other works require a faculty (Church of England version of Listed Buildings Consent).

Faculty

For more information please see following guidance:

- [How to work out if you need a faculty;](#)
- [Faculty process flow chart;](#)

Please note, faculty applications do carry a fee which is determined by General Synod each year.

Anyone who intends to apply for a faculty is first expected to seek the advice of the DAC. The Chancellor, The Revd Justin Gau, seeks the advice of the Committee before deciding on most types of faculty applications. In certain cases there is a requirement for consultation to take place with Historic England, Church Buildings Council (CBC) and/or the amenity societies (such as the Victorian Society, English Heritage etc).

The Bristol Diocesan Advisory Committee (DAC)

The Bristol DAC is a statutory committee, which meets 10 times per year and acts as an advisory body on matters affecting places of worship. As laid down in the Ecclesiastical Jurisdiction and Care of Churches Measure 2018, the DAC Constitution 2020, and the Faculty Jurisdiction Rules 2015 (as amended), the DAC's role is:

- To provide advice to parishes, the Chancellor, the Registrar and the Archdeacons in relation to church buildings, their contents and their churchyards; and
- To be an essential element, in an advisory role, in the faculty jurisdiction system.

The members and advisors cover a wide range of knowledge and experience, including:

- Knowledge of the history, development and use of church buildings;
- Knowledge of Church of England liturgy and worship;
- Knowledge of architecture, archaeology, art and history; and
- Experience of the care of historic buildings and their contents.

The DAC advises the Archdeacons on List B matters and the Chancellor on faculty matters. The DAC is very willing to help PCCs develop faculty applications. To this end, DAC site visits are often organised so that members of the DAC can visit the church in person and talk through proposals with PCC members. If you wish to request a DAC site visit, please contact the Parish Buildings and Planning Team.

If the parish is considering the **sale of treasures** it is essential to gain early advice from the DAC and amenity societies. The parish will be required to make a strong case for the sale. If it is contested, proceedings in the Consistory Court of the Diocese or an appeal to the Court of Arches could prove costly.

There is a procedure for **authorisation of urgent works**. The Chancellor receives applications to grant emergency faculties where the roof is leaking or where a heating boiler has broken down. A gas boiler can no longer simply be replaced under List B. He will often ask that a DAC assessor comments on the proposals before the faculty is issued. The DAC Secretary, Emma Bakewell should be contacted in the first instance and she will contact the Registry on your behalf. emma.bakewell@bristoldiocese.org

Net zero

Churchwardens ought to be aware of the Church of England net zero guidance when works are proposed to the church building or churchyard. This is the guidance on reducing carbon emissions issued by the Church Buildings Council and churches are required to have due regard to this advice if relevant to the works. The guidance is available from the Church of England website: [Faculty Amendment Rules 2022 \(Net-Zero\)](#). The Archdeacons/DAC will expect an explanation of how due regard has been had to such guidance in any relevant List B or faculty application.

Governance Support Team

Emma Bakewell is the Governance Support Manager and the DAC Secretary.
emma.bakewell@bristoldiocese.org or by ringing the diocesan office on 0117 906 0100.

Emma Bakewell is the main contact for matters relating to the granting of faculties. An email or telephone call to her may save you time (and frustration)! Other matters can be dealt with by members of her team, contacted via governance.support@bristoldiocese.org

Church Architects/Surveyors

The inspecting architect/surveyor must be a registered architect or building surveyor who has appropriate qualifications and experience and they must have agreed to act in accordance with the Bristol Diocesan Scheme for the Inspection of Churches (adopted in 2019). The Secretary for the DAC can provide a register of all the Inspecting Architects and Surveyors who are engaged by churches in the Diocese of Bristol ("Register"). Please note that the Register is a list of individuals not the practices to which they belong. The [guidance on the appointment of a new architect/surveyor](#) can be found on the diocesan website or sent on request via email.

Quinquennial Inspections

It is a legal requirement that all churches within the Diocese are inspected every five years, and within the Diocese of Bristol, the costs for this are met by the PCC. Each church is assessed as falling within a category of small, medium or large, and fees for the inspection and report are set by the Diocese. The [current fees](#) can be found on the diocesan website. The inspection and report is initiated by the Secretary to the DAC, and copies of the completed report are sent to the PCC, the Archdeacon and the DAC. [Quinquennial Inspections - parish guide](#) can be found on the diocesan website.

4. MANAGING A CHURCHYARD

Revised Diocesan Churchyard Regulations were issued by the Chancellor in 2021. A copy can be downloaded from the [diocesan website](#) and should be displayed in the church porch. Permission for memorials and the wording on memorials rests with the incumbent as long as they are within the regulations. In a vacancy this passes to the Area Dean to approve.

Churchyard plans. The position in a churchyard where any given burial is to take place is, as a matter of law, for the incumbent to decide. There should be a scale plan for every churchyard or burial ground which is open for burials and on that plan should be marked the position of all burials. With each church, there should be a burial register and, in that register, can be added the plot number from the plan. It is important to know where burials have taken place. This is especially so if there is a long delay between the burial and the erection of the headstone. It is possible to reserve a particular burial space but only by obtaining a faculty, unless local regulations prevent this.

When churchyards are full it is possible to apply to the Ministry of Justice for an Order in Council closing it for further burials. Once closed, maintenance responsibilities can be passed to the local authority. The burial of a body in a churchyard closed by Order in Council is a criminal offence unless it is authorized by the Order.

Trees in churchyards are the responsibility of the PCC in an open churchyard and responsibility for trees in closed churchyards is passed to the local authority if maintenance responsibilities for the churchyard are formally passed to it after closure. Responsibility extends to the planting of trees as well as to every aspect of the maintenance of trees and ultimately to their felling. Churchwardens should be aware that the responsibility in respect of the maintenance of closed churchyards is often unclear and that local authorities may resist liability to maintain trees.

Unstable monuments in Churchyards are recognised as a potential source of danger to visitors. It has become imperative that monuments are periodically tested for safety and remedial action is taken when they are found to be unsafe. The Chancellor has issued a faculty empowering the Archdeacon to authorise the routine inspection and making safe of monuments in Churchyards maintained by PCCs. Parishes wishing to carry out safety checks under this general faculty should first obtain directions from the Emma Bakewell, DAC Secretary, about the method of testing. Notice must be given 14 days in advance of testing to the British Lichen Society in case there are any rare lichens or mosses in the Churchyard which might be affected.

Where a monument is found to be dangerous the options usually available are:-

- (i) cordoning off the affected area;
- (ii) placing a warning sign on the monument
- (iii) laying flat an upright stone.

Local circumstances will indicate which remedy is the most appropriate. Where, however, laying flat is contemplated the Church architect should be consulted first to ensure that he/she is in agreement. In addition, a written or photographic record must be made of every stone laid flat. This will provide important evidence of what has been done. It is wise to give notice to relatives and to the wider community of the intended action, if at all possible. Where there is a closed churchyard responsibility for health and safety rests with the local authority.

5. HANDLING COMPLAINTS

We hope that complaints will not arise in your parish and want to encourage any issues that arise to be resolved as quickly as possible between those involved. Most complaints are resolved fully and quickly by conversation between the parties involved.

However, complaints may arise which are more significant. When a complaint arises it is important that it is taken seriously, dealt with properly and in a timely manner, and if at all possible, those involved be reconciled.

Depending on the nature of complaint there are different courses of action to take.

If it is a matter which may involve a **safeguarding** issue, please contact your Parish Safeguarding Officer or our Diocesan Safeguarding Adviser, Adam Bond (adam.bond@bristoldiocese.org 0117 906 0100) In emergency phone 999 and speak to the police.

If it involves a complaint against a member of the **clergy**, please contact the Archdeacon who will investigate and will take any necessary steps. In many cases he will use the [Following up Complaints](#) process on the diocesan website.

If it involves someone who is employed by the **PCC**, please contact the Archdeacon for advice. The Diocesan HR department will also be able to help and advise about how to proceed.

Finally, if the complaint is between **church members**, you may want to adapt the six-step 'Following up Complaints' process. It is worth having a complaints procedure in place, approved by the PCC, before it is needed.

If you are in any doubt about how to handle any complaint, do please discuss the situation in confidence with your Incumbent, Area Dean, the Diocesan HR department or your Archdeacon.

6. LEGISLATION AFFECTING CHURCHES

Disability Discrimination There tends to be an assumption that disability relates solely to people who have difficulty walking. The legislation covers people with hearing problems (so hearing loops), sight (lighting, large print books), continence (toilets) etc. On the matter of toilets, there is no requirement to install toilets but if they are installed then at least one must be suitable for wheelchair access, if this can reasonably be achieved.

Health and Safety Each PCC should adopt a Health and Safety policy which should be reviewed regularly and, as a minimum, every five years. Ecclesiastical Insurance have issued a specimen Health and Safety policy for use by churches which is available from their website. This policy includes a risk assessment checklist and accident report forms.

Safeguarding The PCC and the Incumbent are responsible for ensuring that a safeguarding policy is in place that meets the safeguarding policies of the House of Bishops and the Diocese. The Parish Safeguarding Officer should be involved in the Safer Recruitment process including arranging for individuals to apply for Disclosure and Barring Service (DBS) checks where appropriate. The policy should be reviewed annually.

Control of Asbestos at Work Regulations place a duty on persons having control of non-domestic premises to make a suitable and sufficient assessment as to whether asbestos is or is liable to be present in the premises. These regulations apply to churches and church buildings.

The Work at Height Regulations 2005 Schedule 6 which relates to the use of ladders is the schedule which is of most relevance to churches.

Food and Drink. Premises should be registered under the Food Safety and Hygiene (England) Regulations 2013 if they are used for the sale or supply of food on 5 or more days within a period of five weeks. Once registered the local environmental health officers will inspect. Even if you are not registered, the basic hygiene principles in the 2013 Regulations apply. If alcohol is to be sold at a church function, the PCC should obtain a temporary events notice from the local authority. This includes a raffle, a stall with wine for sale and if wine is included with a supper for which tickets are sold. Events held by third parties on church property (e.g. halls and churchyards) may require a faculty – check with [Emma Bakewell](#).

Fire Safety The Regulatory Reform (Fire Safety) Order 2005 applies here. There is a useful church fire risk assessment form [here](#).

A Responsible Person has to conduct a comprehensive risk assessment in order to:

- Identify any possible dangers and risks including sources of ignition.
- Identify people who may be at risk, especially those working alone or in isolated areas, children or parents with babies, the elderly or infirm and people with

disabilities.

- Evaluate the level of risk, and remove or reduce any fire hazards where possible.
- Protect people by providing fire precautions such as fire extinguishers, emergency escape routes and exits.
- Record any major findings and the action taken, prepare an emergency plan, inform and instruct relevant people such as stewards and provide any necessary training.
- Review the fire risk assessment regularly and make changes where necessary.

7. MARRIAGE LAW

People are able to marry in a church if they are resident in the parish or on the electoral roll or have a qualifying connection with a parish. Churchwardens are not normally involved in dealing with marriages, but during a clergy vacancy this information may be helpful.

Someone has a qualifying connection if that person:

Was baptised in the parish (this does not apply where the baptism formed part of a combined service of baptism or confirmation); or
Had his or her confirmation entered in a church register book of a church or chapel in the parish; or
Has at any time had his or her usual place of residence in the parish for at least 6 months; or
Has at any time habitually attended public worship in the parish for at least 6 months;
Or a Parent of that person has at any time during that person's lifetime:
Had his or her usual place of residence in the parish for at least 6 months; or
Habitually attended public worship in the parish for at least 6 months;
Or a Parent or Grandparent of that person was married in the parish.

Wedding times in the Church of England

A Church of England marriage may still be solemnized only between 8.00am and 6.00pm. This is a legal requirement of the Church of England's Canons (Canon B 35.3).

United benefices and pluralities

Those marrying in a united benefice or in a benefice held in plurality may only marry (or have their banns read) in any of the churches in the benefice or benefices if a marriage measure has been made for such benefice(s) by the Bishop. Please check with the Registry if there is any doubt.

Banns

Banns are published at the principal service, which is the service that the minister believes the greatest number of habitual worshippers attend, whether this is morning or evening service.

Marriage of non-UK nationals

Non UK nationals may marry in an Anglican church if they can produce a Marriage Schedule from the local Register Office or an Archbishop's Special Licence. Banns may not be called for non-UK nationals. Note that under marriage law Irish nationals and those with EU settled or pending status are not regarded as non-UK nationals and are treated in the same way UK nationals. More information is available from the Archdeacons Office or the Registry.

Age

The legal minimum age to marry is now 18 years. It is a criminal offence for a person to carry out “any conduct for the purpose of causing a child to enter into marriage before the child’s eighteenth birthday”. This includes the calling of banns.

Common Licences

The Registrar or a Wedding Surrogate can give authority for marriages in certain circumstances when banns cannot be published or if the couple are UK nationals but live abroad. Contact the Registry for more information.

8. USEFUL CONTACTS

Diocese of Bristol, Hillside House 0117 906 0100

Rachel Stewart, PA to the Archdeacons
rachel.stewart@bristoldiocese.org

Emma Bakewell, Governance Manager and DAC Secretary
emma.bakewell@bristoldiocese.org

Governance Support
governance.support@bristoldiocese.org

The Venerable Christopher Bryan, Archdeacon of Malmesbury
christopher.bryan@bristoldiocese.org

The Venerable Neil Warwick, Archdeacon of Bristol
neil.warwick@bristoldiocese.org

The Diocesan Registry at Stone King LLP (LEGAL ADVISORS)

Lee Coley, Diocesan Registrar
bristolregistry@stoneking.co.uk