



GENERAL SYNOD'S RESOLUTION 2010

In July 2010, the General Synod passed a motion from Coventry Diocese in an amended form as follows:

'That this Synod

(a) welcome the wide measure of discretion that each diocese has to determine the extent of any delegation of functions to deaneries;

(b) note the increasing range of legal vehicles available to deaneries where it is agreed that a more executive role may help in promoting the mission of the Church; and

(c) invite the Archbishops' Council, in consultation with the House of Bishops, to produce updated guidance on available options, with examples of how recent practice has been developing.'

The Church House Deaneries Group has been invited to take General Synod's amended motion forward, while the Archbishop's Council is awaiting responses from the dioceses as to how deaneries could be improved. A fringe meeting at the 2010 National Deaneries Conference allowed delegates to share their experience:

THE PROBLEM

The debate at the July sessions of General Synod has left many deaneries with a dilemma, with no clear way to resolve the issue of how deaneries can employ resources. This is primarily because the deanery is not a legal entity and, as a result, cannot act as an employer.

Many dioceses have given to the deaneries the responsibility for the development of Mission Action Plans. Where the deanery identifies a need to employ additional or specialist resources in roles identified by the Mission Action Plan, or to engage in a deanery wide community initiative, it is faced with "How do we employ the resources?" This applies mainly to the employment of lay resources but can also apply to ordained resources in certain circumstances. The advice across the dioceses is diverse and confusing with no common or co-ordinated approach.

SOME OPTIONS

- *The diocese as employer:* Some dioceses facilitate the employment of deanery staff by acting as the 'employer'. In addition to providing a payroll facility, the diocese carries all the responsibilities of an employer – but has no control over the arrangements under which the member of staff is employed, managed or reviewed. In the event of an employment problem, the diocese is likely to be answerable, for example, to an employment tribunal.

- *The PCC as employer:* A Parochial Church Council can act as an employer because it is a legal entity. Where the local PCC acts on behalf of the deanery, it is responsible for all employment arrangements, for ensuring satisfactory policies and procedures are in place for managing staff and for dealing with any matters arising, such as grievances, etc. But the problem of lack of direct control remains. Most parishes find the legal

requirements onerous and the experience of deaneries is that parishes are not keen on these arrangements.

- *Don't do it at all!* In both scenarios there are risks to the reputation of the Church should the employment not go smoothly. Whilst the Church may recognise the difference between the diocese and the PCC as employer, as far as the wider world is concerned, the Church will be seen as the employer in all such cases.

Advice to deaneries, therefore, in some dioceses (based on legal advice) is not to engage resources either on an employed basis or under contract. This leaves the deanery in a dilemma as how to provide the support that it has identified as being needed.

- *Forming an incorporated organisation.* Although there were no examples among those present, some deaneries are exploring the option of forming an incorporated organisation, with the Deanery Standing and Pastoral Committee taking on the role of directors or trustees in order that the deanery can employ the necessary resources. Whilst the most common type of incorporated organisation would be a **Company Limited by Guarantee**, other types under consideration are a **Community Interest Company (CIC)** and a **Charitable Incorporated Organisation (CIO)**. This last is a new corporate structure designed specifically for charities that is likely to become available in the first half of 2011.

THE FRUSTRATIONS

One important factor that is hindering deaneries wanting to progress with these initiatives is the lack of experience and knowledge in how to set up these incorporated organisations.

The discussion gave an opportunity to articulate the concerns and frustrations deaneries are experiencing, coupled with a request for work to be done to provide practical advice to enable deaneries to engage the resources identified in Deanery Mission Action Plans.

In 2012 this advice is still awaited.

EMPLOYING PEOPLE IN THE DEANERY

"Let's Employ a" is a short introduction to employing people in deaneries, written by Tug Wilson in 2008 and published by Parish and People (www.parishandpeople.org.uk).

In this booklet, Tug is less concerned with the legalities and concentrates instead on the practical implications of taking on the role of an employer, based on how the deanery would need to operate if it chose to set up a Company Limited by Guarantee.

Tug explains the legal responsibilities and discusses the recruitment, interviewing and selection processes as well as the ongoing support that the new employee can expect.

Tug is Treasurer of the Church House Deaneries Group and acts as a consultant through his company Charity Support Services (www.charitysupportonline.co.uk).