

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

First Delegated Legislation Committee

CATHEDRALS MEASURE

DIOCESAN BOARDS OF EDUCATION MEASURE

Tuesday 13 April 2021

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The Committee consisted of the following Members:

Chair: JAMES GRAY

Ali, Tahir (*Birmingham, Hall Green*) (Lab)
 Blake, Olivia (*Sheffield, Hallam*) (Lab)
 † Caulfield, Maria (*Lewes*) (Con)
 Coyle, Neil (*Bermondsey and Old Southwark*) (Lab)
 Docherty, Leo (*Aldershot*) (Con)
 Duguid, David (*Banff and Buchan*)
 Elmore, Chris (*Ogmore*) (Lab)
 Harris, Rebecca (*Castle Point*)
 † Mann, Scott (*North Cornwall*) (Con)
 Morris, Grahame (*Easington*) (Lab)
 Morris, James (*Halesowen and Rowley Regis*)
 Pursglove, Tom (*Corby*) (Con)

Russell-Moyle, Lloyd (*Brighton, Kemptown*) (Lab/Co-
 op)
 Rutley, David (*Macclesfield*)
 † Selous, Andrew (*Second Church Estates
 Commissioner*)
 † Tami, Mark (*Alyn and Deeside*) (Lab)
 † Throup, Maggie (*Lord Commissioner of Her
 Majesty's Treasury*)

Stuart Ramsay, *Committee Clerk*

† **attended the Committee**

First Delegated Legislation Committee

Tuesday 13 April 2021

[JAMES GRAY *in the Chair*]

Cathedrals Measure

4.30 pm

The Second Church Estates Commissioner (Andrew Selous): I beg to move,

That the Committee has considered the Cathedrals Measure (HC 1260).

The Chair: With this it will be convenient to consider the Diocesan Boards of Education Measure (HC 1259).

Andrew Selous: As always, it is a pleasure to serve under your chairmanship, Mr Gray. I shall be as speedy as I can so as not to detain colleagues for too long. Before I start my remarks on the measure itself, I have a few facts to give a little context to what we are talking about. There are 41 English Anglican cathedrals—not including Christ Church, Oxford, which is governed in a different manner—and the most recent survey—pre-covid—showed that each year, more than 10 million adults visit a cathedral, 330,000 schoolchildren go on cathedral visits, and cathedrals contribute around £220 million to the UK economy and employ more than 3,000 people. All cathedrals are involved in social action work, whether that be food banks or specialist training academies to help the long-term unemployed.

The cathedrals measure provides a new statutory framework for the governance and regulation of cathedrals and will replace the framework in the Cathedrals Measure 1999. Best practice in charity governance and safeguarding in the heritage sector have moved on considerably since 1999, and it was recognised that change was needed. The Archbishops' Council set up the cathedrals working group to consider how the current legislation governing cathedrals was operating and what improvements could be made. That group's report recommends significant changes to the governance structure of cathedrals, including changes to the composition of a cathedral's chapter and the regulation of cathedrals by the Charity Commission. The General Synod endorsed the cathedrals working group's report and recommendations in July 2018. The measure gives effect to those recommendations and involves legislative change.

The reforms in the new measure are designed to provide cathedrals with appropriate governance structures designed to support robust safeguarding, healthy finances and increased accountability. The measure is vital to provide cathedrals with the level framework that they need to support and facilitate them to function in a way that is fit for purpose in the 21st century.

The Archbishops' Council set up the cathedrals working group in response to a request from the Bishop of Peterborough in his January 2017 visitation charge on Peterborough Cathedral, which was asked to look carefully at how the current legislation governing cathedrals was

operating and whether any improvements could be made. The cathedrals working group was tasked with reviewing the sufficiency of the 1999 measure in relation to governance structure in cathedrals, with particular reference to financial management, major building projects, safeguarding, accountability, oversight and scrutiny.

In its final report, the working group set out its recommendations for the future regulation of cathedrals. The most significant of those recommendations related to the governance structure of cathedrals, including: first, that cathedrals should be brought within the regulatory jurisdiction of the Charity Commission; secondly, that changes to the composition of a cathedral's chapter should be made; and thirdly, that cathedrals should no longer be required by law to have a council. The General Synod endorsed the recommendations in July 2018, and a draft measure was brought to the General Synod for first consideration a year later. The measure implements the recommendations in the cathedrals working group report that require legislative change, subject to amendments made by the General Synod.

In the June 2018 final report on the future of cathedrals, one recommendation was that the cathedrals should be regulated by the Charity Commission in the same way as other bodies in the Church of England. Historically, certain classes of charitable institution were exempt from Charity Commission regulation and did not have any principal regulator. Over the last 20 to 30 years, those classes of institutions have been brought within the Charity Commission's jurisdiction, but cathedrals have not. Therefore, cathedrals were an anomaly, as a significant class of institution regarded as charitable by Her Majesty's Revenue and Customs but not regulated by an independent third party regulator.

The General Synod endorsed the working party's recommendation that, as a matter of policy, cathedrals should no longer be exempt from the Charity Commission's jurisdiction. The legal office of the Church of England has worked closely with senior staff at the Charity Commission throughout the drafting process; the Charity Commission was consulted on proposed amendments to the measure, and issues raised with it were addressed. Where the Charity Commission raised issues in relation to the specific provisions of the measure, they were considered by the Revision Committee and an agreement was reached as to how the measure would be amended to address them.

The new measure provides for the Church Commissioners to co-regulate cathedrals with the Charity Commission. This is because the cathedrals working group recommends more, rather than less, oversight of cathedral finances and financial transactions.

As many of the Church Commissioners' regulatory powers in the 1999 measure relate to areas of cathedral activity but are not regulated by the Charity Commissioner or charity law, the new measure provides that the Church Commissioners will continue to regulate these activities.

A memorandum of understanding between the Charity Commission and the Church Commissioners is in the process of being agreed, to support the co-regulation of cathedrals. The heads of terms for this memorandum of understanding were approved by both the Charity Commission's board and the Church Commissioners board of governors in September last year, and the detailed memorandum of understanding is now in the process of being drawn up.

In addition, the Charity Commission and the Church Commissioners are expected to approve a registration protocol later this month to set out how the Charity Commission and the Church Commissioners will work in tandem to support and facilitate the cathedrals, adopting new constitutions and statutes, and applying to the Charity Commission for registration over the next three years.

On safeguarding, the new measure contains specific changes to improve safeguarding in cathedrals, including that chapters will become subject to the same statutory requirements in relation to safeguarding as parochial church councils and other Church bodies. The new measure includes similar provisions to the disqualification provisions for parochial church council members in the Church representation rules for chapter members. Chapters will also be included in the list of relevant persons, which must have due regard to, or comply with, the House of Bishops safeguarding guidance. Lastly, leadership on matters relating to safeguarding will become a formal responsibility of the dean. These changes will support the wider changes and improvements to safeguarding policy and practice currently being made with Church of England, which will apply to cathedrals.

In relation to councils and chapters of cathedrals, the current 1999 measure confirms the number of statutory functions on the Cathedral council, but without any power to take action if it considers that there are problems with the way the cathedral is being governed. The split in trustee functions between the chapter and the council has not been conducive to good governance in cathedrals.

The new measure therefore addresses this and provides that all trustee functions will sit with an expanded chapter, which has a majority of non-executive members. The members of the expanded chapter—with charity trustees, the dean and the residentiary canons—will continue to be *ex officio* members of the chapter.

While the new measure does not include a statutory requirement for each cathedral to have a council, a chapter will have the option of setting up advisory bodies, which may take the form of an advisory council of stakeholders, should it wish to do so. Such a council would have the functions conferred on it by the chapter, which could include the non-statutory functions currently undertaken by many councils. The details as to the composition, functions and proceedings of any advisory bodies, such as the council, will be set out in the cathedral's statutes.

I now turn to the Diocesan Boards of Education Measure 1991. If I may again provide a little context, Mr Gray, there are 4,644 Church of England schools up and down the country; that means that approximately 1 million children currently attend Church of England schools. About 15 million people who are alive today went to a Church of England school, and a quarter of the primary schools in England and over 200 secondary schools are Church of England schools.

The Diocesan Boards of Education Measure updates and replaces the Diocesan Boards of Education Measure 1991, which provides a legal framework within which the Church of England's dioceses engage and work with Church schools. This measure is necessary to reflect a number of significant changes to the education landscape over the past 30 years. The key changes made by the new measure to reflect the current and anticipated

future education environment in which diocesan boards of education are and will be operating are as follows: first, the new measure makes suitable provision in relation to academies and multi-academy trusts to reflect the development of the school system since 2010. Secondly, diocesan boards of education will still be able to be an independent charity and, like other such charities, to be either incorporated or unincorporated. However, the new measure will also enable diocesan boards of education to be a statutory committee of the diocesan board of finance, rather than an independent charity. The option to be a statutory committee of the diocesan board of finance regularises the decision for a number of dioceses who, as a matter of practice, already have similar arrangements in place which they found to be a useful governance arrangement.

Thirdly, under the new measure, each diocesan synod must make a scheme designating a body as the diocesan board of education for the diocese, and must send the scheme to the Secretary of State. That simplifies the current system which requires the Secretary of State's approval, and the Department for Education has been consulted and supports this change. The measure reflects and provides for the current and anticipated future environment in which diocesan boards of education are operating by making suitable provision for academies and multi-academy trusts. The Department for Education and the Charity Commission were consulted on the measure and on the amendments to it, and any points raised have been addressed. With that, I close my remarks, Mr Gray.

4.42 pm

Mark Tami (Alyn and Deeside) (Lab): What a pleasure it is to serve under your chairmanship, Mr Gray. I will be very brief, which I am sure everyone will be absolutely delighted to hear, although I must say this room is considerably warmer than the last time I remember being here. I do not have any questions on the education measure. I very much welcome the Cathedrals Measure overall and particularly the importance of safeguarding. I think that is very important, particularly the reference to actually reporting the outcome of such cases should they arise.

Just a couple of points on clause 23 on the disposal of land. What happens where, for instance, somebody is actually still living on that land? Is this an improvement on what exists at the moment or is there not a formal structure?

Clause 23 refers to property that has been endowed. Is that from the Church to the cathedral or does that include third parties as well? If it does include third parties and if there was an argument over that, are the Church Commissioners the appropriate body to look at that? If it is only referring to the Church providing the cathedral with that, that would not really arise. I do not have any further questions.

4.44 pm

Andrew Selous: Thank you very much, Mr Gray. I thank the hon. Gentleman for his remarks and particularly his welcome for the measures to improve safeguarding. The Archbishop of Canterbury is on record as being deeply apologetic about the Church of England's abject failure in this area in the past, so it is absolutely incumbent

[*Andrew Selous*]

on us to have the very best safeguarding procedures. I welcome what the hon. Gentleman has said, and we will endeavour to be as excellent as we possibly can in this area.

Turning to the disposal of land, if there were tenants or people living on that land, the Church of England would always seek to act in a sympathetic and appropriate way. The Commissioners have extensive land holdings up and down the country—commercial, to a lesser extent residential, and agricultural—and we pride ourselves on wanting to look after our tenants well. Obviously, this would be considered on a case-by-case basis, but having served on the board of the Commissioners for a year, I can tell the hon. Gentleman that we take our responsibilities seriously when it comes to looking after our tenants.

Mark Tami: There are concerns about where people retire and then find themselves in a very different position: they do not have a home, and perhaps do not have the savings to purchase one. I know that is not within this particular measure.

Andrew Selous: I welcome the hon. Gentleman's probing of this question. Although, as he said, it is slightly outside the scope of this measure, I know that where someone—like your very distinguished father, Mr Gray—has been a clergyman all their life and has moved from vicarage to vicarage, and then does not have their own property, the Church of England will provide property for that retired vicar and their family to live out their retirement in. Obviously, the ownership remains with the Church and will revert to the Church on their death, but I know of many examples where that has happened. Again, we take our responsibility to our clergy very seriously, and want to be a good employer.

Turning to the disposal of land gifted to a cathedral, again, it is probably a little bit difficult for me to comment without particular examples in front of us, but the Church would always seek to follow property

law properly. We would always look at the intentions of the settlor in leaving the land to the Church. The Church does dispose of land from time to time—in my own diocese of St Albans, I know that Church land has been sold to provide the funding for our local multi-academy trust—so the Church very much does put its money where its mouth is to support mission and its current objectives.

Mark Tami: The fact that that provision is there obviously seems to imply that there may have been problems in the past. That is all I am saying.

Andrew Selous: The hon. Gentleman is right that the Church, like any institution run by human beings, has clearly not got everything right in the past. However, from all my dealings with the property department at Church House, I know that they try very hard to do the right thing, as I also know from my correspondence with hon. Members about Church land in their constituencies—I have an ongoing correspondence with a number of Members in this area. The property department is accountable to the Board of Governors of the Church Commissioners. I sit there as a representative of Parliament, taking up the concerns of Members of Parliament, so I say to the hon. Gentleman, members of this Committee and Members of the House that if they have any concerns of this nature—that the Church might not be acting in the most appropriate or sensitive way—please get in touch with me, and I will take those concerns up. I hope the hon. Gentleman is satisfied with that.

Question put and agreed to.

DIOCESAN BOARDS OF EDUCATION MEASURE

Resolved,

That the Committee has considered the Diocesan Boards of Education Measure (HC 1259).—(*Andrew Selous.*)

4.48 pm

Committee rose.

