Dealing with responsibilities when there are no churchwardens

Introduction

Churchwardens are key lay leaders in a parish with specific legal responsibilities. When a parish has no churchwardens, the incumbent or Priest in Charge and the PCC need to agree how the churchwardens’ duties will be allocated. In practice, those responsibilities will most likely default to the Parochial Church Council (PCC).

Some of the responsibilities are to do with tone and some are more about tasks. In the absence of a churchwarden, it is important that the mandatory tasks get done but it is also helpful for the PCC to consider how the incumbent is supported in setting the tone of the parish. The more prosaic legal responsibilities are set out in [Canon E1](https://www.churchofengland.org/about/leadership-and-governance/legal-services/canons-church-england/section-e)[[1]](#footnote-2).

The information below aims to enable the PCC to be clear about what responsibilities need picking up. They do not all need to be done by PCC members, but they must ensure that they are done, whether that is by members of the congregation or the wider community.

The following information is adapted from the Churchwardens’ Handbook to help clarify what is required.

Overview of the responsibilities of churchwardens[[2]](#footnote-3)

* To both represent the laity and cooperate with the incumbent.
* To help parishioners be faithful in their Christian faith – both by example and encouragement.
* To promote unity and peace amongst parishioners.
* To make sure that the church and churchyard are places suitable for worship, and to ensure orderly behaviour during services.[[3]](#footnote-4)
* To be responsible for ensuring that church property is looked after. To keep an inventory of the plate, ornaments, and other movable goods of the church.

Responsibilities

* Someone must ensure that things are in place to enable services to go well e.g.
  + ensuring that enough bread and wine is available for Holy Communion
  + ensuring that the church is in a fit state for holding services.
  + And occasionally (especially during vacancies) it may be necessary for a suitable lay person to lead worship. If you don’t have any Lay Worship Assistants in your parish then it is worth considering if that would be good. An order of service and some helpful guidance notes can be found on the Diocese of St Albans website:

[MP-and-EP-in-absence-of-clergy-November-2015.pdf (anglican.org)](https://www.stalbans.anglican.org/wp-content/uploads/MP-and-EP-in-absence-of-clergy-November-2015.pdf)

[MP-and-EP-in-absence-of-clergy-Guidance-notes-June2016.pdf (anglican.org)](https://www.stalbans.anglican.org/wp-content/uploads/MP-and-EP-in-absence-of-clergy-Guidance-notes-June2016.pdf)

* The PCC must follow the guidance issued by the House of Bishops on matters relating to the safeguarding of children and vulnerable adults as part of enabling the safety of parishioners and visitors to the church.[[4]](#footnote-5)
* When a benefice is vacant (in other words during the period between the retirement or resignation of an incumbent, and the appointment of their successor) additional responsibilities have to be undertaken by the churchwardens. These are set out in a separate guidance note.[[5]](#footnote-6)

Church property

In the absence of a churchwarden, responsibility for the church building, land and contents falls to the PCC, who must:

Keep it safe:

* preserve and insure the contents of the church, i.e. the furniture, plate and books
* be responsible for the locking and unlocking of the church, and the security of the contents.
* ensure all valuable items are securely kept

Have regular inspections and reporting on the fabric

* ensure that an inspection of the fabric of the church, and all that belongs to it, is done at least once a year[[6]](#footnote-7)
* ensure quinquennial inspections are organised, and repairs are carried out
* ensure that the Annual Fabric Report is shared at the PCC meeting before the APCM. And then to deliver the report to the APCM, including any amendments agreed by the PCC

Keep necessary records

* ensure that records of church lands and all church property are kept up to date, are available for inspection, ready to be handed over to any future churchwarden in good order. To fulfil this, the PCC is responsible for
* the inventory and photographic record of all moveable church property, such as plate, ornaments etc
* the full terrier[[7]](#footnote-8) of all lands and buildings belonging to the church
* a logbook of any alterations, additions, repairs to, and any other events affecting the church lands and articles.[[8]](#footnote-9)
* check the terrier, inventory, and the logbook for the previous year, and sign a statement confirming that the contents of those documents are accurate, as soon as practicable at the beginning of each calendar year
* ensure records of any property transactions, including licences under Faculty and tenancy agreements and leases, are kept.

Obtain permissions for changes

* consult the archdeacon and the Diocesan Advisory Committee (DAC) about any repairs or alteration to the church, or any alterations, additions, removals or repairs are proposed to be made in the fabric, ornaments or furniture of the church.
* relevant Ecclesiastical permissions (Faculty) must be obtained before any work is begun. If the PCC needs a retrospective faculty, the cost falls to them rather than being covered by the diocese [[9]](#footnote-10)

Additional information about PCC and Incumbent responsibilities

It is up to the incumbent, as a matter of law, to decide where in a churchyard any given burial is to take place. He or she is entitled at his or her discretion to prescribe any position, including one where there has been a former burial. The only exception is where a specific plot has been reserved by faculty. It is vital that an accurate plan is prepared and kept up to date. An incumbent has a legal responsibility and can be held liable if a burial takes place in a grave that has been reserved.

* 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 authorities. The burial of a body in a churchyard closed by Order in Council is a criminal offence.
* Trees in churchyards are the responsibility of the PCC unless the duty to maintain has passed to the local authority following closure. Responsibility extends to the planting of trees as well as to every aspect of the maintenance of trees and ultimately to their felling. You should be aware that the law is unclear and that local authorities may resist liability to maintain trees. The Church Buildings Council has provided detailed guidance on churchyard trees, and links to the Guidance, and many other useful resources can be found on the Churchyards section of the Diocesan website [www.bathandwells.org.uk/churchyards](https://dioceseofbathandwells-my.sharepoint.com/personal/sophie_moore_bathwells_anglican_org/Documents/Microsoft%20Teams%20Chat%20Files/www.bathandwells.org.uk/churchyards)
* The PCC is to ensure a list of all ecclesiastical trusts and charities associated with the parish is maintained.
* The PCC must have a health and safety policy and ensure that it is implemented (See [Church Health & Safety Policy | Risk Management (ecclesiastical.com)](https://www.ecclesiastical.com/risk-management/church-health-and-safety/) for policy templates and guidance.)

Your support network

Please make use of the support networks available to you.

Local Support

As PCC, the main support is between yourselves, including with your incumbent. You may also benefit from the support of assistant clergy and Readers. Working to build your team reduces the burden on all. And the wider community – people who wouldn’t think of themselves as ‘church people’ are still often happy to get involved if it’s with things that are of interest to them, and that can be a great point of connection between church and community.

Deanery Support

Churchwardens in the neighbouring parishes and benefices can be a real asset for informal support and encouragement. Your Area and Lay Deans are also a source of support, especially in a vacancy. If there are subjects you feel unsure about, it’s worth asking the Area and Lay Dean whether anyone else in the Deanery might be able to help.

Archdeaconry Support

The Archdeacon’s office is your first point of call for more significant or sensitive issues, that can't be handled within the Parish. But please let the Archdeacons know the good as well as the difficult. They see themselves, together with you, as partners in the mission of the church and they are there to support, encourage and rejoice with you.

Diocesan Support

No-one is an expert on everything and so through the diocesan support services you can access a wide range of support and advice. The key contacts list on the [Diocesan contacts page](https://www.bathandwells.org.uk/contact-us/diocesan-contacts-list/) of the website shows you the range of support based in your Archdeaconry and across the whole diocese.

The support services team includes full-time and part-time paid staff alongside voluntary advisers and people based in parishes and deaneries who offer a diocese-wide specialism alongside their local work. Don’t hesitate to use your Archdeaconry office or your Deanery Accompanier, if you aren’t sure who to contact.

National Support

The is a great deal of useful information on the Church of England website. There is also a Facebook group for churchwardens (and former churchwardens). It is called Churchwardens England: [www.facebook.com/groups/churchwardens](http://www.facebook.com/groups/churchwardens) and offers a space for discussion, mutual support, and the sharing of best practice.

1. Canon E1 can found on the Church of England website: About/Leadership and Governance/Legal Services/Canons [↑](#footnote-ref-2)
2. See Canon E1 for full details. [↑](#footnote-ref-3)
3. The church building and churchyard should not be used for things that are inconsistent with a place of worship. That does not rule out secular use of the building as part of the church’s mission to the community but simply means that churchwardens, PCCs and incumbents should ask what is and isn’t consistent with God’s mission. Similarly, it is the responsibility of churchwardens not to allow behaviour that is inconsistent with a place of worship. This should not be taken to mean that joy is not permitted but behaviour that is inconsistent with the commandments, for example, should not be allowed. [↑](#footnote-ref-4)
4. Safeguarding and Clergy Discipline Measure 2016, section 5(1) and (2) [↑](#footnote-ref-5)
5. Church of England (Miscellaneous Provisions) Measure 1992, s 1(1). [↑](#footnote-ref-6)
6. Ibid s 50(1). [↑](#footnote-ref-7)
7. The list and description of any land or buildings belonging to the church [↑](#footnote-ref-8)
8. Ecclesiastical Jurisdiction and Care of Churches Measure2018, s 49. [↑](#footnote-ref-9)
9. Canon F 13 para 3. [↑](#footnote-ref-10)