

***A Handbook  
of the  
Religious Life***

The Advisory Council for Religious Communities

Sixth Edition 2021

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## INTRODUCTION TO THE SIXTH EDITION

Welcome to this Handbook of the Religious Life, produced to support the work of both Acknowledged and Recognised Communities of the Church of England. This is now the sixth edition in a series that began, with what was formerly called the *Directory*, in 1943. However, much more than just the name has changed over 75 years. Written *for* Religious, it is also substantially written *by* Religious, and thanks must go especially to Sr Anita CSC, Fr. Colin CSWG and Sr Joyce CSF (the sub-committee of the Advisory Council), who have borne the brunt of several years of hard work in bringing a volume last revised in 2004 up to date. The sub-committee were grateful to Tim Rutherford, a solicitor and partner in Stone King LLP, for his input into the drafting of the *Handbook* and his assistance and support during the process.

The *Handbook* derives such authority as it possesses from what has been known since the 1930s as the *Advisory Council*. The Council has long had status in the Church of England, not least through the election process by which Religious become members of it; however, it is only in recent years that it has become a formal subcommittee of the House of Bishops, with delegated powers in matters appertaining to the Religious Life. The official title is now “House of Bishops Advisory Council for Religious Communities”, but *Advisory Council* will no doubt continue to be the short name by which it is known.

The two most significant changes in how Religious Life is ordered in the Church of England can be found at the beginning of this volume, namely the Canon on Religious Communities and its accompanying Regulations. The earliest attempt to canonically recognise Religious Communities dates back to the late 19th century, and an era when the very notion was still viewed with considerable scepticism by many Anglicans. It is a sign of how times have changed, that Communities are now far more widely respected, acknowledging the vital part they play in the life and mission of the Church. This latest foray at legislation was greeted very positively across the breadth of church tradition. From here on, the Handbook is to be read as a compendium of supplementary advice to what the Canon and Regulations require.

The 2004 edition was able to concern itself almost exclusively with the life and wellbeing of the Recognised Communities. Over the intervening years we have seen very significant growth in the number and membership of Acknowledged Communities. It has been particularly pleasing to see how long-established Orders have worked with the nascent and newborn in order to help them establish their place and grow into their calling. Much of the work of the *Advisory Council* in recent times has been focussed on the journey towards Acknowledgement of these recent arrivals. As with more established Communities, they are extraordinarily diverse. Some focus more on aspects of mission, others on paths of spirituality; though most seek to find their particular balance between the active and contemplative elements of community life. History suggests that not all will survive, but enough will grow and flourish, and will help take the charism of Religious Life forward to future generations.

Alongside Recognised and Acknowledged Communities, the Council continues to support those who have made personal vows, in the presence of and guarded by a bishop, to the Single Consecrated Life.

Religious Communities have not been immune from the scandal of abuse that has disfigured both churches and many of the secular institutions that work with children and the vulnerable. The safeguarding section of this Handbook is one of the parts that has changed most since the previous edition. We have had to learn, sometimes in bitter repentance, that even the most revered figures may be guilty of egregious sins and failings, and that no institution or individual's reputation should ever stand in the way of thorough and robust attention to doing safeguarding well. We are hugely grateful to the staff of the National Safeguarding Team of the Church of England, who have spent many hours supporting us towards establishing policies, practices and behaviours that we can have confidence in.

Finally, this is the first edition of the Handbook to be written in order to be accessed substantially via electronic means. It is hoped this will make the task of editing and updating it in future a more frequent but less onerous project.

+David Manchester TSSF (Chair of the Advisory Council, 2008-2021)  
January 2021

## **THE ADVISORY COUNCIL FOR RELIGIOUS COMMUNITIES**

### **TERMS OF REFERENCE**

1. There will be a committee of the House to be known as ‘the House of Bishops’ Advisory Council for Religious Communities’ (‘the Council’).
2. The Council is authorized on behalf of the House to:
  - confer Recognised or Acknowledged status on Religious Communities of the Church of England;
  - exercise any functions conferred on the House by canon in relation to Religious Communities in the Church of England;
  - provide advice and guidance to (a) Recognised and Acknowledged Religious Communities and (b) Religious Communities of the Church of England seeking Recognised or Acknowledged status;
  - advise bishops and others on any issues relating to Religious Communities of the Church of England;
  - contribute to the development of policy or legislation in relation to Religious Communities of the Church of England;
  - promote compliance by all Recognised and Acknowledged Religious Communities with the guidance issued by the House on matters relating to the safeguarding of children and vulnerable adults;
  - nominate or assist in the nomination of members of Recognised and Acknowledged Religious Communities to Church of England bodies and
  - support the continued publication and revision of ‘A Handbook of Religious Life’.
3. The first members of the Council will be those persons who are, at the date of this resolution, appointed, elected or co-opted members of the Advisory Council on the Relations of Bishops and Religious Communities. They will hold office as if they had been appointed, elected or co-opted in accordance with the following provisions.
4. The membership of the Council shall comprise:
  - its Chair, who must be a diocesan bishop, to be appointed by the Archbishops acting jointly;

- up to five other episcopal members, to be appointed by the House of Bishops Standing Committee ('the Standing Committee'), including at least three members of the House;
  - ten members elected by and from the Recognised Religious Communities, in accordance with rules made by the Council;
  - not more than five co-opted members, chosen by the Council.
5. Appointed members will serve for a term of five years from 1<sup>st</sup> January 2018 but may (subject to paragraph 8) be re-appointed. If a casual vacancy arises amongst the appointed members, a new appointment shall be made for the unexpired portion of the term of office of the outgoing member, unless that unexpired portion is twelve months or less (in which case the vacancy will not be filled).
  6. Elected members will serve for a term of five years from 1<sup>st</sup> January 2018 but may (subject to paragraph 8) be re-elected. If a casual vacancy arises amongst the elected members, an election shall be held to fill the place of the outgoing member, for the unexpired portion of his or her term of office, unless that unexpired portion is twelve months or less (in which case the vacancy will not be filled).
  7. Co-opted members will serve for such period, not exceeding five years, as the Council may determine in each case but may (subject to paragraph 8) be reappointed.
  8. No appointed, elected or co-opted member of the Council may serve for more than ten years unless the Standing Committee determines otherwise.
  9. All members of the Council are entitled to vote at meetings of the Council.
  10. No business may be transacted at any meeting of the Council unless at least two members who are members of the House are present.
  11. The Council must appoint a Secretary (who need not be a member of the Council), who shall perform the functions imposed on the Secretary of the Advisory Council for Religious Communities under the Clergy Representation Rules 1975 to 2014.
  12. The Council may in all other respects regulate its own procedure.



13. The Council must report promptly and regularly on its activities and decisions to the House and consider which items might require consideration by the House or other committees of the House.
14. The Standing Committee may require any matter that would otherwise fall to be considered and decided by the Council, or has been considered and decided by the Council, to be referred to the Standing Committee or to the House for consideration and decision.
15. Where the Standing Committee or at least five members of the House call for a matter to be referred to the House for consideration and decision, any decision of the Council on the matter shall stand unless and until revoked by the House on its further consideration of the matter.

*House of Bishops, December 2018*

**GENERAL SYNOD OF THE CHURCH OF ENGLAND**  
**CANON ON RELIGIOUS COMMUNITIES (Canon DA 1)**

**Of Religious Communities**

1. The Church of England affirms that, since the time of the early Church, there have been Christian people who, in response to God's call, have committed their whole lives to God in the Religious Life, a radical commitment, shaped by the evangelical counsels, marked by consecrated celibacy, poverty and obedience, and fulfilled as a member of a Community where Religious Life is lived in common or as a Solitary; and that at various times, other Christian people have responded to the same call, fulfilling their baptismal promises through particular forms of public commitment and of accountability in obedience to Christ as members of other Communities and Societies.
2. (1) A Religious Community in the Church of England is a community of persons –
  - (a) which has a particular vocation in the service of the Gospel.
  - (b) whose members seek to frame and fashion their lives in accordance with a Rule or other pattern of life that is particular to members of that Community, and
  - (c) which is declared by the House of Bishops to be a Religious Community in the Church of England.
- (2) A reference in this Canon or in any other Canons to a Religious Community is a reference to a Religious Community in the Church of England.
3. A Religious Community may include among its members persons who are not members of the Church of England.
4. (1) The House of Bishops may not make a declaration under paragraph 2(1)(c) in the case of a Community unless it is satisfied that the Community meets such conditions as the House shall specify in Regulations.

- (2) The Regulations may, in particular, specify conditions relating to
    - (a) governance;
    - (b) financial affairs;
    - (c) safeguarding children and vulnerable adults;
    - (d) the making of vows or promises;
    - (e) the minimum number of members required for a Community to be eligible for a declaration under paragraph 2(1)(c).
  - (3) The conditions which may be specified in the Regulations under sub-paragraph (2)(a) include conditions as to the procedure which a Community must follow in order to amend its constitution or other governing document.
  - (4) In paragraph (2)(c):  
“child” means a person aged under 18, and  
“vulnerable adult” has the same meaning as in the Safeguarding and Clergy Discipline Measure 2016.
5. The House of Bishops may, for some grave cause, revoke a declaration made under paragraph 2(1)(c).
6. The House of Bishops shall compile, maintain and publish a list of Religious Communities.
7. The House of Bishops may by Regulations make further provision about Religious Communities.
8.
  - (1) The House of Bishops may by Regulations amend or revoke Regulations made under this Canon
  - (2) Regulations under this Canon may make different provision for different purposes (including, in particular, different provision according to whether a Community was established before or after the commencement of this Canon).
  - (3) Regulations under this Canon may confer a discretion.
  - (4) Regulations under this Canon shall be laid before the General Synod and shall not come into operation unless and until they have been approved by the Synod.
  - (5) Where the Business Committee of the General Synod determines that Regulations under this Canon do not need to be

debated by the Synod then, unless notice is given by a member of the Synod in accordance with its Standing Orders that the member wishes the Regulations to be debated, the Regulations shall for the purposes of paragraph (4) be deemed to have been approved by the Synod.

9. (1) The House of Bishops may issue guidance on Religious Communities
- (2) Every member of a Religious Community, and every person exercising functions in relation to a Religious Community, shall have a regard to such guidance as is issued under this paragraph.
- (3) The House of Bishops may amend or revoke guidance issued under this paragraph.

# THE RELIGIOUS COMMUNITIES REGULATIONS 2020

The House of Bishops makes the following Regulations under Canon DA 1

## PART 1

### Preliminary

#### **Citation, commencement and interpretation**

1. These Regulations may be cited as the Religious Communities Regulations 2020.
2. They come into force on 26<sup>th</sup> November 2020
3. In these Regulations—
  - “the Canon” means Canon DA 1 of the Canons of the Church of England;
  - “constitution” means the written constitution of a Community required by regulation 11;
  - “child” and “vulnerable adult” have the same meaning as in the Canon;
  - “Religious Community” has the same meaning as in the Canon;
  - “Visitor” means the person entitled to exercise visitatorial powers in respect of a Community (irrespective of how that person may be described by the constitution) and “Visitation” is to be construed accordingly.
4. Where a Community is established in more than one country, a reference in these Regulations to its constitution is a reference to the constitution of the Community as it applies in England.
5. Any question as to whether a Church is in communion with the Church of England is to be determined, for the purposes of these Regulations, by the Archbishops of Canterbury and York acting jointly.

## **General duty**

6. A person exercising functions under these Regulations must have regard to:
  - (a) the character and purpose of Religious Life, and in particular to the provision made by paragraph 1 of Canon DA 1, and
  - (b) the character of the particular Community.

## **Conditions for declaration by House of Bishops**

7. These regulations—
  - (a) specify, for the purposes of paragraph 4 of the Canon, conditions a Community must meet in order to be declared by the House of Bishops, under paragraph 2(1)(c) of the Canon, to be a Religious Community in the Church of England and
  - (b) make provision for related procedural matters.
8. When making a declaration under paragraph 2(1)(c) in respect of a Community, the House of Bishops must designate the Community as a Recognised Community or as an Acknowledged Community.
9. A Community must meet the conditions specified in Part 2 in order to be declared a Religious Community in the Church of England and designated as an Acknowledged Community.
10. A Community must meet the conditions specified in Part 2 and in Part 3 in order to be declared a Religious Community in the Church of England and designated as a Recognised Community.

## **PART 2**

### **Conditions for Recognised and Acknowledged Communities**

#### **Governance**

11. The Community must have a written constitution (by whatever name that document is known by the Community).
12. The constitution may be contained in more than one document provided that the documents which together comprise the constitution are readily identifiable as such.
13. The constitution must—
  - (a) make provision for the membership and governance of the Community;

- (b) provide for the appointment as Visitor of a person who–
  - (i) is in episcopal orders and holds ecclesiastical office in the Church of England or in another Church which is in communion with the Church of England; and
  - (ii) is not a member of the Community or otherwise involved in its regular life;
- (c) make provision for a Visitation to be carried out by the Visitor not less frequently than every five years;
- (d) empower the Visitor to carry out a Visitation at any time on the Visitor’s own initiative;
- (e) make provision for the closure and dissolution of the Community, including for the application of any property of the Community in the event that it is closed (but see paragraph 15);
- (f) provide that before a decision is taken to amend the constitution so far as it provides for any of the matters required by these Regulations, the proposed amendment must be notified to the House of Bishops and that regard must be had to advice given by the House of Bishops in relation to the proposal.

**Financial affairs and property**

- 14. The constitution must (unless paragraph 15 applies) make provision for–
  - (a) the conduct of the financial affairs of the Community;
  - (b) the ownership and management of the property of the Community.
- 15. Where the property held for the purposes of the Community is held by a separately constituted body-
  - (a) paragraph 14 does not apply; and
  - (b) paragraph 13(e), so far as it relates to the application of the property of the Community in the event that it is closed, does not apply.

## **Safeguarding**

16. The constitution must—
  - (a) impose on members and officers of the Community (including the Visitor) duties that are equivalent to those imposed on a relevant person by or under the Safeguarding and Clergy Discipline Measure 2016;
  - (b) make provision as to the persons or bodies who have particular responsibility in relation to the safeguarding of children or vulnerable adults;
  - (c) make provision for the Visitor’s functions in relation to the safeguarding of children and vulnerable adults;

## **Admission etc.**

17. The constitution must make provision for—
  - (a) admission of persons to, and their dismissal from, the Community;
  - (b) the taking of vows or the making of promises that are to be taken or made by members of the Community;
  - (c) the release of members of the Community from vows or promises;
  - (d) the resolution of disputes between a member and the Community or between its members.

## **Numbers**

18. The House of Bishops must be satisfied that the Community has sufficient numbers to sustain community life.
19. The House of Bishops may except from paragraph 18 a Community which, immediately before the coming into force of these Regulations, was registered with the Secretary of the House of Bishops Advisory Council for Religious Communities as a Recognised or Acknowledged Religious Community.
20. An exception under paragraph 19 must be for a period specified by the House of Bishops: but that period may be renewed or extended by the House from time to time.



## PART 3

### Additional conditions for Recognised Communities

#### **Nature of Community**

21. The Community must be a Community whose members make vows or promises—
  - (i) of stability, conversion of life and obedience,
  - (ii) of poverty, chastity and obedience; or
  - (iii) which the House of Bishops considers to be of a substantially similar nature.

#### **Rule**

22. The Community must have a Rule.
23. The Rule or the constitution must make provision as to the persons to whom the Rule applies and how, if it all, it may be changed.
24. “Rule” means a document which provides, or a set of documents which taken together provide, for the ordering of the life of a Community and in accordance with which the members share in a common life and live together (though not necessarily all in one place);

#### **Chapter**

25. The constitution must make provision for—
  - (a) the role of a Chapter in the government of the Community;
  - (b) the membership of the Chapter and the rights its members have to participate in its decisions.

#### **Role of Visitor**

26. The constitution must provide for the resolution of disputes (including the hearing of appeals) by the Visitor.
27. Every member of the Community must be entitled to raise directly with the Visitor any matter the member considers should be brought to the Visitor’s attention.

### **Profession etc.**

28. The constitution must make provision for the profession of vows within the Community, including the formulae of profession and any stages of commitment to the life and practice of the Community a member will undertake.

### **Transfer**

29. The constitution must make provision for the transfer of a member of the Community to or from another Religious Community.

### **Separation etc.**

30. The constitution must make provision for the separation of a member from the Community and for a member's dispensation from vows (which may include a member's secularisation).

## **PART 4**

### **Procedure**

#### *Application for declaration*

### **Provisions of documents and other information**

31. A Religious Community which seeks a declaration by the House of Bishops that it is a Religious Community in the Church of England must provide the following to the House of Bishops—
  - (a) a written request for a declaration under paragraph 2(1)(c) of the Canon stating whether, if a declaration is made, the Community wishes to be designated as a Recognised Community or an Acknowledged Community;
  - (b) a brief written statement as to—
    - (i) how the Community meets the requirements of paragraph 2(1)(a) and (b) of the Canon;
    - (ii) the date on which the Community was founded;
    - (iii) whether immediately before the coming into force of these regulations it was registered with the Secretary of the House of Bishops Advisory Council for Religious Communities as a Recognised or Acknowledged

- Religious Community and, if so, on what date it was so registered;
- (iv) the number of members it has (and, if applicable, whether it is seeking an exception under paragraph 19;
  - (c) a copy of its constitution;
  - (d) where paragraph 15 (property held by separately constituted body) applies, a copy of the provisions governing the body referred to in that paragraph;
  - (e) a copy of its Rule;
  - (f) any other document or information the House of Bishops may request in connection with the request for a declaration.

#### **Decision to make declaration**

32. If the House of Bishops decides to make a declaration under paragraph 2(1)(c) of the Canon in respect of a Community it must—
- (a) send the Community a written notice which declares the Community to be a Religious Community in the Church of England;
  - (b) require the secretary to the House of Bishops, or the secretary of a committee exercising the functions of the House under these Regulations, to file a copy of the written notice;
  - (c) add the Community to the list of Religious Communities compiled, maintained and published by the House of Bishops under paragraph 6 of the Canon.

#### **Decision not to make a declaration**

33. If the House of Bishops decides not to make a declaration under paragraph 2(1)(c) of the Canon in respect of a Community it must—
- (a) send the Community a written notice stating that it has decided not to make such a declaration;
  - (b) include in the written notice a summary of the reasons for its decision.

## *Revocation of declaration*

### **Notification of grounds for revocation**

34. If the House of Bishops considers that there may, under paragraph 5 of the Canon (revocation for grave cause), be grounds for revoking a declaration made under paragraph 2(1)(c) it must–
- (a) notify the Community concerned of those grounds; and
  - (b) afford the Community a reasonable opportunity to make written representations, specifying the time by which any representations must be received by the House of Bishops.

### **Proceedings following consideration of representations**

35. Having considered any representations made by the Community within the time allowed, the House of Bishops may decide–
- (a) to revoke the declaration made in respect of the Community under paragraph 2(1)(c) of the Canon;
  - (b) not to revoke the declaration;
  - (c) that it requires further information in order to decide whether or not to revoke the declaration.

### **Further information and oral representations**

36. If the House of Bishops decides that it requires further information in order to decide whether or not to revoke the declaration it may–
- (a) seek further information in writing from the Community concerned or from any other person it considers likely to be in possession of relevant information;
  - (b) invite the Community to make oral representations.

### **Proceedings upon consideration of further information or oral representations**

37. Having further considered the matter, including any further information or any oral representations, the House of Bishops must proceed to a decision under paragraph 35(a) or (b).

**Notice of decision**

38. Written notice of a decision under paragraph 35(a) or (b) must be sent to the Community concerned and to such other persons as the House of Bishops may direct.

**Removal from the list of Religious Communities**

39. If a decision is made under paragraph 35(a) (revocation of declaration), the House of Bishops must remove the Community concerned from the list compiled, maintained and published by it under paragraph 6 of the Canon.

These Regulations were made by the House of Bishops on 23<sup>rd</sup> November 2020 and were approved by the General Synod on 25<sup>th</sup> November 2020.

## HISTORICAL SUMMARY

The emergence of Religious Communities in the mid-Victorian period took the Church of England bishops somewhat by surprise. Within the next fifty years, the number of both Religious and Communities increased not only in Great Britain, but in other parts of the Anglican Communion. From South Africa to North America, the Indian sub-continent to the Pacific, matters concerning the Religious Life began to be raised for episcopal judgement. Bishops were asked to adjudicate in arguments over property, clashes over individuals seeking release from vows, and in questions concerning ministries in their dioceses. The relationship between some bishops and some Communities became strained, with unresolved disputes continuing for long periods. Finding solutions was sometimes hampered because there were no canons governing these matters. Many bishops, whether sympathetic or not to Religious Life, began to feel the need for some kind of regulation.

From the Communities' point of view, their growth and increasing contribution to the Church's ministry and witness entitled them to some formal recognition from the episcopal authorities. They sought an acknowledgement of their role and value, an official sanction and encouragement for their particular call. This, they believed, would afford protection against the (still) powerful voices in the Church, including some on the episcopal bench, who were hostile to Religious Life in principle.

The bishops at the 1897 Lambeth Conference therefore began discussion on the relations of bishops and Religious Communities, setting up a committee to produce a report. However, the suspicions which had arisen during the Victorian period made agreement difficult. Communities feared episcopal interference in their internal affairs by bishops with unsympathetic views, whilst bishops feared giving a recognition which might be exploited by maverick or undisciplined groups. The report when finally published in 1902 was not acted upon. The 1908 Lambeth Conference returned to the subject, but no resolution was reached before the outbreak of the First World War in 1914 produced more urgent priorities.

In the 1920s, the bishops' committee on Religious Communities in Britain took up the issue once again and in 1926 (before any effective consultation with the Communities themselves) had printed a set of draft regulations,

which then went through several revisions. Alarm began to spread through many Communities that regulations were about to be 'imposed', and to quell the fears a meeting was held in Oxford in January 1930. Up to one hundred Anglican Religious met.

They protested particularly about the idea that the diocesan bishop would *de jure* be the Visitor to a Community and insisted the choice of Visitor must be a freedom for every Community. The Religious chose representatives from their number to meet with representatives of the bishops on 11 February 1930, with the Warden of Keble College, Oxford, B J Kidd, in the chair. Kidd was a lecturer in theology and knowledgeable on the history and traditions of Religious Life and was seen as an impartial and authoritative facilitator. Despite much discussion - at the Lambeth Conference of 1930, and further meetings between the representatives of the two sides in January 1931 and again six months later - a compromise failed to emerge. However, from the meeting of 29 June - 1 July 1931 came the idea of the committee of joint representatives continuing to meet regularly. If there could not yet be regulations or canons passed by the Church, perhaps there could be an Advisory Council as a temporary measure? This would at least provide a place for concerned bishops or Religious to turn for advice when disputes arose. The Advisory Council would be chaired by a diocesan bishop and have representatives from the Communities, plus experts on church history and theology appointed by the Archbishops of Canterbury and York.

The suggestion was taken up, discussed and went through various draft structures until finally implemented in 1935. The Communities were allowed to elect their first six representatives. The Archbishops appointed their 'experts', including the only woman on the Council, the renowned spiritual director Evelyn Underhill. The Advisory Council had come into existence.

Yet at the beginning, it was still seen very much as an interim measure. The Council was expected eventually to produce a set of Regulations. Communities would then, it was envisaged, one by one accept these and 'enrol at Lambeth' as formally Recognised Communities. Their reward for this enrolment would be that their members would all join the electoral roll for the next Advisory Council elections, due after seven years in 1942.

But Communities remained divided as to their response. Some were prepared to go along with this scheme, others were adamantly opposed

until further freedom of action was granted by the bishops. Communities which were more 'Roman' in their outlook, and, for example, used Latin liturgies, were particularly wary of signing up to any regulations. Communities less anxious about such matters nevertheless felt unable to enrol as they saw the need for Communities to act together. They did not wish some to be recognised and others not.

The Second World War provided a legitimate reason for not holding elections in 1942; yet, they could not have been held anyway as no Community had 'enrolled' and hence there were legally no registered voters. Had the bishops insisted on such enrolment, the six representatives of Communities would have resigned, and the Advisory Council would have disintegrated with nothing to replace it. Its chair, Kenneth Kirk, the Bishop of Oxford, therefore advised the Archbishops to leave matters as they stood. The members of the Advisory Council therefore continued to serve. In 1943, they produced a set of guidelines for Communities and bishops, the very first *Directory* (now renamed the *Handbook*). The guidelines were simply that - there was no compulsion, no sanctions for non-compliance, just suggestions for good practice.

In 1944, the bishops decided the Advisory Council itself could decide on the electorate for future elections to the Council. The *Directory* had been well received by the bishops and they were content to abide by its contents. In turn, Religious Communities without any compulsion saw the value of the *Directory* and in general showed loyalty to its suggestions, seeing them as guidelines for good practice.

In succeeding years, the Council evolved through its own decisions, most noticeably the possibility of women and lay Religious serving as Community representatives. It remained until recently advisory, with technically no possibility of imposing any decision-making power over Communities or bishops. Yet, ironically, that gave added reason for its authority to be respected.

In recent years, the advent of new Communities, with a wide range of ministries, commitments and different expressions of community life, has meant the Advisory Council has evolved further guidelines for acknowledging them. Whilst respecting the variety of charisms that these new expressions of Community present, the principles that govern their lives and ministries have evolved to provide sound underpinnings for their future



The greatest change, however, has been the passing of a Canon on the Religious Life by General Synod in 2020. This recognition of the Religious Life in the canons of the Church of England has given the Advisory Council an even more significant role. It has now evolved to be the body to oversee the canonical regulations for Religious Communities of all types, recognised and acknowledged, and it has become a sub-committee of the House of Bishops to facilitate this authority.

Throughout the decades, the diversity of Religious Life has been allowed expression and still is and the new arrangements will safeguard good practice within all types of Community. The *Handbook* continues to provide a stable foundation for maintaining the order and discipline of the tradition. Both bishops and Religious in the Church of England and in the wider Anglican Communion have reason to be grateful.

## CHAPTER 1

### THE RELIGIOUS LIFE

*Jesus said to them, 'Follow me.'* (Matthew 4:19)

- 101** It is the calling of all Christians to be Christ-like. Sharing with other Christians in the baptismal mystery of Christ's death and resurrection, Religious are likewise members of the universal Body of Christ, but with a calling to live in Community under the evangelical counsels of poverty, chastity and obedience, as their particular way of responding to the Gospel. In the Benedictine Communities the evangelical counsels are interpreted primarily in terms of life-long stability in the Community for persevering in conversion of life. This is emphasised in their tradition by making vows in the specific form of stability, conversion of life and obedience.
- 102** Religious Communities, in that they celebrate the eucharist and live a common life inspired by the original apostolic community of which it is said, *'all who believed were together and had all things in common'*, and, *'they devoted themselves to the apostles' teaching and fellowship, to the breaking of bread and the prayers'* (Acts 2:44, 42), are themselves communities of the Church, sharing in its spiritual resources of faith and sacramental grace. However, they express their communion with the rest of the Church, apart from the structures of dioceses and parishes, through their own particular Constitutions and Rules and in relationship with their Episcopal Visitors.

Religious Communities relate to one another as a communion of Communities, within the communion of the Church, each one living out its own particular charism and objects, while all hold to their common foundation in the Gospel counsels of poverty, chastity and obedience. By this means the Religious Communities aim to serve the Church by witnessing to the spiritual riches that are proper to all Christians. Today this combination of prayer and withdrawal, of study, of Community life, often with apostolic works, has formed the basis of the Religious Life.

**103** Religious Communities vary widely in their practice of this way of life, reflecting the spiritualities of several pioneers of the past, whose written Rules have formed their particular ethos: St Basil, St Augustine, St Benedict, St Francis, St Ignatius. However, they share the following common purposes:

- i. to build up the Community in the Word of God before and on behalf of the whole human family in order to witness to God within and beyond all things;
- ii. to be signs, for those who have eyes to see, of the total commitment to which Christ calls all who would follow him;
- iii. by the offering of a Christian commitment to love both their sisters and brothers within the Community, and their neighbour, to show forth the true value of human relationships;
- iv. to engage in the prayer of Christ to the Father and to offer the common worship of heart and mind, and in so doing to provide encouragement and inspiration to others;
- v. to give to its members the freedom to devote themselves permanently to the loving service of God within a disciplined common life;
- vi. to stand alongside the powerless poor, the exploited and the marginalised, not only through ministry but also in prayer, entering into their sufferings to whatever degree is possible.

**104** To fulfil this commitment, and in accordance with their objects, the Religious Communities may fruitfully render, alongside other Christians, such acts of service as:

- i. a care for the underprivileged, the unevangelised, the sick in mind or body or in other kinds of human need;
- ii. a provision for teaching and learning, and growing in the spiritual life;
- iii. a place for others to come, whether Christian or not, for temporary withdrawal from the pressures and demands of contemporary living, within an atmosphere of prayer and recollection;
- iv. a sharing of ideals and manner of life on an ecumenical basis or as part of inter-faith dialogue as opportunity affords.

Some Orders fulfil their objects by maintaining an enclosure so that they might give themselves more effectively to prayer and the

contemplative life. As such they stand before God in solidarity with all Christians and intercede in Christ for the whole world.

**105**

- i. For such monastic Communities given to living the contemplative life the main work is the offering of the Divine Office together with periods of solitary prayer and *lectio divina*.
- ii. The Leader of the Community is the local 'ordinary' of the monastery or convent and is responsible for the Divine Office and eucharistic liturgy and the life of the Community that flows therefrom.

### **Registration**

**106** The distinctive character and objects of a Religious Community are defined in governing instruments such as a Constitution, Statutes and/or Principles. These are described within chapter 7 (Life in Community).

In November 2020, the General Synod of the Church of England enacted a new Canon DA 1, which gave formal recognition to Religious Communities. A Community will need to meet the criteria set out in Regulations under the Canon by the House of Bishops, to be declared and registered as a Religious Community in the Church of England.

The Advisory Council is able to register two types of Religious Communities.

- (a) The **Recognised** Communities are those in which the members make vows or promises either of stability, conversion of life and obedience (in the Benedictine tradition) or poverty, chastity and obedience (the evangelical counsels). The members share in a common life and live together, though not necessarily all in one place and have a Rule and Constitutions which provide for the ordering of the life of the Community.
- (b) The **Acknowledged** Communities vary in their practice and lifestyle. In most cases the members are dispersed, with opportunities provided for meeting together. In some Communities, all the members are single, with a vow of celibacy, whilst in others, members may be single or married. Some members of what a dispersed Community is otherwise

may have a shared life in one place. A Community initially established to minister in a particular place, might consist of married members and their families, as well as single members, with all living together in one house, or in several properties near to one another. There are many possibilities, and the Advisory Council accepts this fluidity and variety and seeks to encourage this growth in Community life in the Church.

The distinction between the Recognised and Acknowledged Communities is necessary in order to honour the single or unmarried state and the sharing of a common life under vows, which have always been characteristic features of the Religious Life and also because the professed members of the Recognised Communities elect representatives to the General Synod.

A register of the Recognised and Acknowledged Communities is held by the Secretary to the Advisory Council.

- 107** All these and other new Christian communities are to be encouraged within the life of the Church. Good communication and fellowship can be expressed and encouraged within such diversity.
- 108** An individual, called a Solitary, who lives the consecrated life, who is not a member of a Religious Community but who is committed by a Rule of Life and a vow made in the presence of a bishop, is recognised and considered in its own section of this Handbook (see Appendix V).

The bishop should register the names of all those who make this vow in public with the Secretary of the Advisory Council. Likewise, so should the Solitary register his/her name to help ensure accuracy of the register.

- 109** The purpose of the Canon, Regulations and registration of Recognised Communities, Acknowledged Communities and Solitaries is to provide a means of accountability, transparency and support by being fully integrated into the Church, especially in the area of Safeguarding (see Chapter 8).

## CHAPTER 2

### ADMISSION TO THE RELIGIOUS LIFE

*When you search for me, you will find me; if you seek me with all your heart.* (Jeremiah 29:13)

- 201** A Religious is one who, having fulfilled the requirements of a Community, has bound himself or herself by professing vows or promises to God, and has been admitted to membership of that Community, with the rights, privileges and responsibilities as set forth in its Rule and Constitution. Before admission and profession can take place, the candidate's vocation must first be tested in the noviciate of the Community, in accordance with the Community's Constitution. Each Community should ensure that the training offered to the candidate is adequate for introducing the candidate into its own particular charism and calling from God and its interpretation of the evangelical counsels, and how these form the pattern and character of its common life and ministry. Due care and consideration should be exercised in admitting new members when the numerical membership of the Community falls below seven.
- 202** A person who approaches a Community, with a definite desire to test a vocation to its life, is commonly called an Aspirant.

In preliminary discussion with such a person, attention should be drawn to possible difficulty in finding secular employment again in the event of not proceeding to profession. Enquiries should also be made regarding the candidate's financial obligations, insurance liabilities and pension provisions. The candidate should be free from any personal obligations that could conflict with the requirements of the Religious Life, for example, legal responsibilities towards a former spouse or towards children.

Candidates should make several occasional visits to the Community while they are considering asking for admission. Whenever possible it is desirable that a candidate should have a period of at least two weeks, when they stay and live with the Community. In approaching a Community for which the observances of enclosure and silence are an important part of the Rule, it is helpful to both the aspirant and

the Community that the aspirant should have an opportunity to live for a time alongside the Community before a decision is made to begin the postulancy (see paragraph 206).

## 203

- a) No aspirant can be received while still legally a minor. It is important that any aspirant should have had time to complete their education and to acquire the basic skills of life and for earning a living. In the conditions which now exist, it would be unusual for an aspirant to be received earlier than their mid-twenties. Leaders and those responsible for assessing the suitability of candidates should ask for the names of persons willing to provide references on behalf of those seeking admission. It is desirable that one of these should be a priest, connected to a faith community to which the candidate belongs.
- b) A certificate of baptism, and normally a certificate of confirmation, should be required. Reference should be made to other Communities where the candidate may previously have tested a vocation.
- c) The candidate should ask their doctor for a certificate of health or its equivalent. It may be desirable that a psychological assessment is made.
- d) Ordained persons should not be received without reference to the diocesan bishop under whom they have most recently served.
- e) Postulants should be asked to sign a document stating that they understand that during their time in the Community, the Community is not liable for any loss of income or other benefits in the event of not proceeding to profession.
- f) Every Community needs to comply with the Church of England's Safeguarding Policies<sup>1</sup> (see Chapter 8) especially, in this section, the one relating to *Safer Recruitment*. Those Communities who engage in active ministry and work with children and/or vulnerable adults may be eligible for a criminal record check.

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<sup>1</sup> These can be found at the Church of England's website, [www.churchofengland.org](http://www.churchofengland.org) and then go to safeguarding

Those who apply for membership in these circumstances, need to complete a Confidential Declaration<sup>2</sup> at the time of application followed, if their application is to be accepted, by a Disclosure and Barring Service check (DBS)<sup>3</sup>. This application process will usually be done through the House where the Leader resides or the Mother House of the Community.

### **Divorced candidates**

**204** Care should be exercised in the admission of a prospective Postulant who has a divorced partner still living. When one partner has by divorce intended to free the other to contract another marriage, this action has also implicitly freed that partner to contract the vows of Religious profession. Nevertheless, there should be a sufficient distance between the divorce and the time the candidate is admitted.

Divorced persons, from marriage or the dissolution of a civil partnership, may therefore be considered for admission to Religious vows. Such consideration may properly include asking to see the petition of divorce, and in all cases the Community should satisfy themselves that the inquirer has not applied pressure on an unwilling spouse. If the candidate is a parent with children who are minors or in any other way dependent either financially or psychologically, they are not free to undertake the commitment to a Religious Community.

Those considering admission of a divorced person to Religious vows should also bear in mind that a divorced person may mistakenly turn to the apparent security of a Religious Community in order to compensate for the psychological wounds and loss of security produced by the divorce; and that a divorced person may be tempted to think of the Religious Life as an escape from perceived personal failure or from public discrimination against the divorced.

Responsibility for the admission of a divorced person belongs to the Community concerned, but the Visitor should be consulted at an early stage.

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<sup>2</sup> A Confidential Declaration form can be found in the Safer Recruitment policy guidance

<sup>3</sup> [www.gov.uk/government/organisations/disclosure-and-barring-service](http://www.gov.uk/government/organisations/disclosure-and-barring-service)



## **Trans-gender candidates**

- 205** Great and sensitive care needs to be taken when applications from trans-gender candidates are received. As is the case with divorced candidates, it is important that enough time is allowed to make the necessary adjustments to the new mode of life. This will vary with different people. It is important that sufficient time has elapsed between any surgery and the person's admission to the Community. The candidate needs to have made the necessary psychological adjustments to functioning in their new gender, before undertaking testing their vocation in what can be the intense environment of Community life and all that it brings. Further advice can be obtained from the Secretary of the Advisory Council.

## **Postulants**

- 206** Unless the Constitution of the Community states otherwise, the responsibility for inviting or refusing candidates belongs to the Leader. An aspirant who is resident in the Community and has been accepted is known as a Postulant and, having been placed in the care of the Novice Guardian, will embark formally upon the preliminary course of formation and discipline which is required by the Constitution before admission to the noviciate.

## **Novices**

- 207** A Novice is a probationary member of a Community who, being of required age and in satisfactory health, having shown sufficient maturity to undertake the life of the Community, and having given adequate signs of a definite purpose and intention, has been admitted to formation and to training in its life and discipline.

Admission is accorded by the Leader under such conditions as the Constitution of the Community may require. In some Communities admission to the noviciate is signified by the giving of the habit.

The rite of admission of a Novice is a Community, rather than a public, event, since it marks an entrance into training, not an acceptance into the Religious Life. It appropriately takes a simple form including the reading and exposition of scripture, perhaps within a Community Office or other gathering, but not necessarily in church or at the eucharist.

- 208** The duration of the noviciate, preferably not less than two years and possibly longer, should be laid down in the Constitution, and provision made for the extension of this time where desirable, though with a clear limit.

There should also be provision regarding the circumstances and length of time for which a Novice may be granted time away from the Community without being obliged to begin the noviciate again.

See also paragraph 1004 concerning the personal property of a Novice.

- 209** Although as a probationary member the Novice has no right to a determining voice in the government and administration of the Community, the Constitution may provide for a share in its deliberations. The limits of such participation should be clearly defined.
- 210** The training of Novices is the corporate responsibility of the whole Community but is normally and immediately exercised through the Novice Guardian and those designated to assist the Novice Guardian, working in consultation with the Leader. All members of the Community have an obligation to help Novices share in the common life and to encourage them by the example of their lives and by their prayers. They must, however, take care not to interfere in the Novice Guardian's discharge of this personal responsibility (see also paragraph 903).
- 211** Responsibility for recommending a Novice for election to profession is normally shared by the Leader and the Novice Guardian, who may seek the advice of members of the Community who have been appointed to share in the Novice's training and in the assessment of progress. In some Communities such consultations are required by the Constitution.
- 212** The period of a noviciate may be terminated at any time by the Community, in accordance with the provisions of the Constitution. A Novice has the right to withdraw at any time from the noviciate and may not be detained by the Community against the Novice's own will or judgement. Although on such dismissal or withdrawal all obligations created by admission to the noviciate cease, both for the Community and for the Novice, the Community will properly have a

continuing concern for the future welfare of the individual. It is pastorally desirable that prayer should be made with the Novice at the time of departure.

## CHAPTER 3

### THE VOWS

*Offer to God a sacrifice of thanksgiving and make good your vows to the Most High. (Psalm 50:14)*

- 301** Religious profession is the liturgical, ecclesial and public act by which Christians can freely bind themselves to God through the vows of poverty, chastity and obedience or stability, conversion of life and obedience, after due training, probation and acceptance by the Community.
- 302** The substance of the vows is the gospel precepts as applied to the specific conditions of a Religious Community consisting of women or men (or both), who have chosen lifelong celibacy for the sake of the Kingdom of God. In scriptural usage a vow is more than a legal undertaking. As promises made to God, these vows presume a mature dependence upon God, and on-going prayer for the grace needed to fulfil the self-dedication which the vows express.

The vows a Religious makes at profession are a public declaration to live out their baptismal consecration in this particular form of gospel living in the context of a Religious Community.

Since these vows are made with the formal agreement of the Community and often in the case of life vows also of the Episcopal Visitor, in the presence of the church in heaven and on earth, those who make them do not have the power to dispense themselves from the performance of them. Any dispensation or commutation of these vows must be granted by the competent spiritual authority as defined by the Constitution of the Community.

- 303** Vows of religion are a condition of entry into a new mode of life. They carry the obligations of a life lived in dedication to God in accordance with the evangelical counsels of chastity, poverty and obedience, within the common life of a Community, under a Leader and a Rule approved by episcopal authority. The Benedictine tradition expresses this principle by using vows of stability, conversion of life, and obedience.

**304** These vows in the context of a Community have primarily a spiritual and ascetical purpose. They provide a way of training for celibate men and women who have heard the call of the Lord to deny themselves, take up their cross and follow Christ in this way. For those called by God, this will be the way they will grow into the personal fullness God intends for them. Yet they also have certain juridical aspects which relate the specific obligations of the vows to the context in which they are observed according to the Rule and Constitution of each Community.

- a) By the vow of poverty, the Religious aims to follow Christ who *'though he was rich, yet for our sake he became poor'* (2 Corinthians 8:9). Seeking this dependence on God alone, and detachment from all material ties, Religious aim to share in the particular mode of simplicity of life set forth in the Rule of their Community. This renunciation involves the voluntary stripping of all possessiveness, preparing the Religious to share with thanksgiving in the Community's receiving from God all things necessary for their common life.

In learning to depend upon God for the material needs of their life, and to use all things for those purposes which are in accordance with God's providence, the Community and its members can be set free to share their common life and prayer in Christ with all who come to them, and with those whom they serve in an external ministry.

The juridical aspects of the vow of poverty are set out in Chapter 10 (Property - paragraphs 1004-1011).

*Go sell what you own, and give the money to the poor, and you will have treasure in heaven; then come, follow me.* (Mark 10:21)

- b) By the vow of chastity Religious undertake to present themselves to God for the sanctification of their whole being, so as to become a new creation in Christ.

In His life among us, Jesus renounced intimate sexual expression and the companionship of a partner. This is a costly discipline, which is the choice too of the Religious (Mark 3:21, 31-35). Sexuality, the power to love and creative energy for relationships and union, are of his making. The Religious is

called to be a witness, celebrating and channelling the potential for love in the new fruitfulness of the Kingdom. This can be achieved only when the deepest self is anchored in God as Jesus Himself bore witness: '*I and the Father are one*'.

The celibate life is one pathway to salvation that gives hope of attaining maturity and holiness as people who are loving, disciplined and free.

*Truly, I tell you, there is no one who has left home or spouse, sisters, brothers, parents or children, for the sake of the reign of God, who will not receive very much more in this age, and in the age to come eternal life.* (Luke 18:29, 30)

- c) By the vow of obedience, the Religious desires to grow in union with Christ, who sought not his own will but the will of God who sent him. They seek detachment from self-will, making this renunciation in a God-given spirit of faith and love. This is done through seeking to discern God's will in the requirements of the Rule, in the lawful demands made by the Leader and other officers of the Community, and in the discussions of the Chapter. The exercise of consultation and shared decision-making further underlines this fundamental character of the vow of obedience. This needs to be seen as a work of grace within the context of a common life in which the whole Community is growing in their realisation of the will of God for them, in accordance with the particular charism and calling of that Community.

Rights and claims of conscience are in no way restricted by the obligations of obedience, and any difficulties should be clearly and respectfully stated to those giving the order. A plea of conscience, however, cannot justify claims due to ignorance or self-will. In any grave difficulty regarding the vow of obedience, counsel should be taken, and in the last resort appeal made to the Visitor.

*I came from heaven, not to do my own will but the will of the One who sent me.* (John 6:38)

- d) By the vow of stability the Religious undertakes to remain constant in relationship with God in the context of the Religious family to which the individual has been called, demonstrating

publicly an intention of permanence of commitment, and providing a prophetic witness to the value of continuing relationship in a changing world.

In making this undertaking the Religious is aligned with Christ in his eternal mission to bring light and salvation to a world and culture absorbed by concerns of a transient and temporary nature.

*I am with you always, even to the end of time. (Matthew 28:20)*

- 305** Profession of vows within a Community is a dedication of the whole person to God and also involves a contract of mutual obligation between the Religious and the Religious Community. By profession the Community admits the Religious to membership according to the provisions of the Constitution, and the Religious offers his or her life to God within the Community according to its Rule and Constitution.
- 306** The formulae of profession should be set out in the Constitution. They should remain unaltered, except by recognised procedure laid down in the Constitution, to ensure that all members of the Community are bound by the same terms of obligation to God and to one another.
- 307** Most Communities provide for their members to make their life commitment under vows in two stages, the first at the end of the noviciate and the second after a period of further probation under vows (called first, temporary, simple or annual). In some Communities first vows are replaced by a form of promise, making a commitment to the life and practice of the Community for a specified period, which may be renewable in accordance with the Constitution. The Constitution should define how the Community relates these stages, the time limit for the first stage and the procedures for effecting the transition from the first to the final stage.
- 308** Profession under first vows or promises normally takes place at the eucharist, after the gospel and homily, and should be considered as essentially a response to the gospel. The appropriate habit or other insignia may be given at this rite.

In a tradition that has grown up from earlier monastic procedures, a short period under first vows or promises is followed by life vows. The Chapter rights of the former will be stated in the Constitution. The latter admits the Religious to the privileges of full membership in the Community.

The obligations undertaken at first vows or promises are binding with full effect until the specified time has expired, unless the Religious is dispensed by the appropriate authority and procedure as set out in the Community's Constitution. When the time limit is reached the Religious either renews the first vows or promises for a further specified period or proceeds to life vows, in accordance with the Constitution: or reverts to the secular state. Some Communities do not specify a time limit for first vows or promises and therefore they are not renewable.

- 309** At the close of the period spent in first vows or promises, the Religious, if accepted by the Community and wishing to do so, professes life vows, according to the provisions of the Constitution. Life vows (also called second, perpetual, final or solemn vows) are professed with the intention of lifelong obligation.

Life vows should be made with the most solemn of admission ceremonies in the presence of the Community and people after the gospel and homily in the eucharist. A solemn prayer of blessing and recitation of litanies are appropriate.

Some Communities may require and desire the presence of the Visitor or other representative at this most solemn ceremony. The Visitor attends to show the Church's witness and acceptance of the vows, but their presence is not otherwise required for theological reasons.

- 310** Members make life vows with the full intention of remaining in the Community for life. Each Community states in its Constitution the arrangements that need to be made regarding personal assets such as money and property. Both parties need to recognise the circumstances under civil law in which any monies made over to the Community can be reclaimed should the member depart and the circumstances in which this is not possible. Therefore, it is important



that a document to this effect should be signed, noting the sum involved, and careful records kept.

It is desirable that every member makes a Will at this stage.

Where a person is the owner of real estate and the Community requires that they dispose of such property prior to profession, the direction of the Constitution is to be followed. This may involve a direct sale or the transferring the deeds of ownership to family members, etc. If the Constitution gives no guidance the person needs to discuss the matter with the Leader and dispose of it appropriately. If the person wishes to give the property to the Community, and the Community is prepared to receive it, it is vital that legal advice is sought over the method of conveyancing, giving due attention to the complexities of current charity law if applicable. In some cases it may be appropriate for the individual to take independent legal advice.

For all Communities, especially those that are registered charities, when appropriate, for tax purposes, the life professed member at this point, may need to fill out and sign a Gift Aid Declaration form (or whatever is from time to time applicable) or a deed under which they covenant future income (including pensions) to the Community.

## CHAPTER 4

### TRANSFERENCE

*In my Father's House are many mansions. (John 14:2)*

- 401** Transference of a Religious in life vows to another Community should be seen as a response to a call from God to that Religious in person to follow Christ more nearly in the way of the evangelical counsels within a different context from that in which the vows were originally made. Both Communities involved need to be clear that this is the prime motive for any particular application for transference. Transference should not be resorted to because of incompatibility or lack of stability (see also paragraph 506(e)).
- 402** Transference is therefore not a second profession. The form of reception should acknowledge the vows already made, while enabling the transferring Religious to express lifelong commitment according to the Rule and Constitution of the receiving Community.
- 403** The chapter on transference in any Community's Constitution should accord with the provisions of the *Handbook*, so as to avoid misunderstandings between any two Communities involved in this process. It should also name the authorities for granting the permissions required, which should normally be the same as those granting permission for life professions within the Community. In any particular case of transference, the Leaders of the Communities need to compare the provisions of their respective Constitutions, and resort to the *Handbook* where clarification is needed regarding the process to be followed.
- 404** A Religious seeking transference to another Community should submit a medical certificate or other evidence of general health and in particular of mental stability. The Community in which life vows have been professed should grant leave of absence to cover the period of probation and training in the receiving Community, and give an undertaking, should the plan of transference be abandoned, to receive the Religious back without prejudice or loss of status. Financial arrangements for the maintenance of a Religious during this period of leave of absence should be determined by the Leaders

of the two Communities concerned. The Leaders should continue to communicate about the progress of the transferring Religious until the process has been completed. A document should be drawn up and agreed by both Chapters, containing details of the arrangements for the transference. This document should include particulars about the period of probation, the wearing of the habit of the receiving Community and the agreed financial arrangements.

- 405** A period of specific training is necessary to ensure that the transferring Religious has opportunity to absorb the ethos and way of life of the receiving Community. The length of the period of probation and the conditions of training should be agreed by the authorities of the two Communities concerned. This period should be not less than one and not more than three years. During the time of probation their status within and obligation to the original Community are in abeyance and their new status within the receiving Community needs to be made clear.
- 406** If, at the end of the period of probation, the transference is accepted by the receiving Community, the consent of its Visitor is to be obtained. The consent of the Visitor and Chapter of the Community in which profession was first made must also be obtained.
- 407** An appropriate proportion of any capital which the Religious gave to the first Community at the time of profession may be transferred to the receiving Community. (If the first Community holds the capital in a charity then legal advice may need to be taken as to the ability to transfer the capital to the receiving Community, which will depend on the terms on which the capital is currently held and the objects of the charity.) The Visitors of the two Communities shall jointly approve the appropriateness of such settlements. No other money need be transferred (see also paragraphs 1004-1006).
- 408** Even at these early stages of testing of this new vocation, there should be careful pastoral co-operation when a Religious wishes to move from one Community to another. Therefore, when a Novice or Religious in first vows or promises transfers to another Community there are no constitutional impediments since a fresh probationary period will be appropriate.

**409** When a Religious applies to transfer to a Community in another province of the Anglican Communion, due respect must be paid to any provisions concerning transference of Religious which may have been made by the ecclesiastical authority of that province.

## CHAPTER 5

### SEPARATION FROM THE COMMUNITY

*I will trust and not be afraid. (Isaiah 12:2)*

#### Temporary separation

**501** Temporary separation of a Religious from the Community may take either of two forms:

- (a) Leave of Absence; or
- (b) Exclaustration.

The Constitution of the Community may also provide for categories of detached service that differ in substance from what is described here and would be an arrangement whereby a member is required to live away from the Community for purposes of fulfilling a ministry or other objects of the Community.

**502** Leave of Absence, other than prescribed regular holidays, is given for temporary residence outside the Community, usually for a period of one year or less. The Religious remains subject to the authority of the Leader and throughout the period of absence retains such Chapter rights as are allowed by the Constitution or otherwise directed by the Chapter.

(a) The Constitution should state who has the authority to give such Leave of Absence. It may be given in circumstances such as the following:

- the need to care for a sick or elderly relative;
- where a lengthy convalescence is required;
- in order to re-examine vocation;
- to explore experimental forms of Religious Life;
- for a specific work or study;
- for other causes resulting from physical, psychological or spiritual needs.

(b) In each case there should be a written agreement, negotiated with the Community through the Leader or Chapter who define the period of leave and the conditions upon which it is given. The following matters may be clarified in the written

agreement:

- modifications to the rule of daily prayer (Divine Office, attendance at the eucharist and times of personal prayer);
  - the wearing of the habit;
  - relationship to the Community during the period of leave;
  - relationship to a local parish;
  - financial arrangements;
  - other matters relating to the observance of the Rule;
  - the frequency of meetings to review the situation with the Leader. The signatures of the member and the Leader express the agreement of each party to the modified Rule.
- (c) When leave is granted to an ordained Religious, or one who for other reasons holds a bishop's licence or permission to officiate in a diocese, the matter should be reported to the diocesan bishop. When a Religious takes up residence in another diocese during their Leave of Absence, the diocesan bishop should be informed of their presence with some indication of the circumstances pertaining.
- (d) Generally, Leave of Absence is granted only to those in life vows. However, where a Community is empowered to grant Leave of Absence to a member in first vows or promises, similar directions pertain, and it is recommended that a revised Rule of Life be agreed between the member and the Leader, during the time of Leave of Absence.

## **Exclaustration**

**503** Exclaustration is permission for a Religious in life profession to live outside any convent or house of the Community for a stated period, in the first place not exceeding three years. Normally after this time the Religious must either return to the Community or ask for secularisation. The Visitor should be involved. Exclaustration is granted only for serious reasons and assumes a dispensation from the communal obligations arising from profession, unless otherwise stated in a Decree of Exclaustration. It is a means of relieving the burden of obligations while retaining the support of spiritual fellowship and the guardianship of the vows. Extension of Exclaustration beyond three years may be given by the Visitor at the

joint request of the Community and the Religious concerned. The length of each period of extension should be defined, bearing in mind that the longer the period away, the more difficult reintegration becomes.

- (a) The Constitution of the Community should state who has authority to grant Exclaustration. In each case there should be a written statement of the period and conditions, including financial arrangements. A Decree of Exclaustration should be drafted which sets out the conditions of separation (see (g) below).
- (b) Permission for Exclaustration will first be considered by the same authority in the Community as that which admits members to life vows. If consent is given, the Visitor must be asked to ratify the decision, which then authorises a Decree of Exclaustration for the period assigned. The Decree becomes effective after the requesting Religious and also the Leader have added their signatures.
- (c) Should the Community not support an application for Exclaustration, the Religious making the application has the right to appeal to the Visitor. The Visitor may wish to consult with the Officers of the Community and may, further, consult the Advisory Council before deciding how to proceed. The Visitor may proceed to authorise a Decree of Exclaustration or refuse the application. The Visitor's decision is final.
- (d) During the period of Exclaustration, the Religious remains bound to the vows and by such other obligations of the Religious state as are compatible with the conditions of life allowed during the period of Exclaustration. Dispensation may, however, be granted from all or any of the particular forms of discipline prescribed by the Rule of the Community, such as the recitation of the Divine Office. The habit will not normally be worn, and the Community would therefore need to ensure that the member is provided with adequate suitable clothing that meets their reasonable needs.
- (e) During the period of Exclaustration, the Religious takes no part in the government of the Community and, if ordained, is subject to the Ordinary of the place of residence. The Community

should inform the diocesan bishop of any Religious who is granted Exclaustration, and the necessary licence or permission to officiate should be regularised.

- (f) Exclaustration ends when the agreed period expires, or earlier, by:
- i. the Religious applying to the Chapter to return and receiving its permission. On return, all the general obligations pertaining to membership are once again embraced; or,
  - ii. the Religious applying for release and secularisation (see paragraphs 504 onwards).
- (g) A Decree of Exclaustration may be worded in the following or similar form:

In response to the application of (N) ..... and following the resolution of the Community Chapter, (having obtained the ratification of ..... ), this Decree recognises the Exclaustration of the above-named member, according to Paragraph 503 of *A Handbook of the Religious Life*, and with the following understandings of the Leader and the member:

- i. [detail the length of the period of Exclaustration];
- ii. [detail the financial status of the Religious (with any arrangements agreed) taking into account the financial needs of the rest of the Community];
- iii. that the Religious will not during the period of Exclaustration act in any way that shall bring the name or reputation of the Community into disrepute;
- iv. [detail the arrangements concerning the wearing of the habit or the distinctive cross of the Community].

Having obtained the approval of the member and the Leader, the Decree should be issued, signed and dated by the Visitor.

### **Permanent separation**

- 504** Permanent separation may take either of two forms:
- (a) release; or
  - (b) dismissal.

Both forms involve secularisation (see paragraphs 508-510).



**505** *Release* is an act of the Community in response to a request from an individual Religious for separation from the Community. Unless other provision is made in the Constitution, the decision to grant the release rests with the body by which election to profession was originally made. The decision given by that body should be ratified by the Visitor. It is advised that the Constitution states the detailed procedures to be followed to effect release. Release is effected by an Instrument of Secularisation (see paragraph 510).

**506** *Dismissal* is an act by which the Community excludes from membership a professed Religious whose continued disobedience to the Rule and Constitution of the Community or whose deliberate misconduct is likely to bring the Community into serious disrepute. The Community should assemble the evidence with care and record the circumstances. Examples of possible disobedience or misconduct include but are not limited to:

- i. the public renunciation of the Christian faith;
- ii. the contracting of a marriage, civil partnership or an ongoing exclusive personal relationship;
- iii. persistently abandoning or disrupting the common life of the Community;
- iv. refusing to return to the Community after repeated admonition and persuasion;
- v. being convicted of an indictable offence where the nature of the offence was such that the member would not be able to live appropriately or effectively in Religious life.
- vi. failure to comply with any duties relating to safeguarding that apply to the individual.

In cases i, ii and v the Community may need to proceed to an immediate declaration of dismissal. However, in cases iii and iv, care should be taken to note other factors that may be pertinent to the situation and if appropriate, the possibilities of transference or exlaustration explored.

(a) *Ecumenical factors*

If a Religious joins an ecclesiastical obedience not in communion with the See of Canterbury, release will normally have been requested. If release has not been sought, the Community may

need to proceed to secularisation.

In some cases, change of ecclesiastical obedience may happen in conjunction with what is in effect a transference from one Community to another (see chapter 4); but in others a Religious joining another obedience will wish to be secularised (see paragraphs 508-510). The status of the consecrated life already being lived may become a matter of private vows of chastity, and possibly poverty, under the laws of the receiving Church.

(b) *Warnings*

In all cases of dismissal, the initiative lies with the Community, and the procedure is that provided by the Constitution. This procedure should include:

i. *Written Admonitions*

‘Continued disobedience’ shall be understood to be deliberate disobedience continued after at least two specific written admonitions by the Leader with the authorisation of the Visitor. Such an admonition shall specify the details of the behaviour being addressed; state specifically what change in behaviour is being sought and the time limit for that change in behaviour, specifying whether the admonition is the first or second one; and state that failure to conform to the requirements of the admonition is in itself a ground for dismissal. The Religious must be warned in writing at least one month before the case is considered formally by the Chapter and the Religious and the Chapter must be given clearly expressed reasons for the proposed dismissal. To become effective the dismissal requires ratification by the Visitor, who should ensure that every effort is made to promote reconciliation, and every aspect of the case fairly considered by the Chapter before making their decision.

ii. *Right of Appeal*

The Religious concerned has the right of appeal to the Visitor and the time limit by which such an appeal must be lodged and the time limit for the Visitor’s decision, which is final, needs to be stated.

(c) *Conditions of Dismissal*

The effect of dismissal in civil law may be detrimental to the Community should the dismissed Religious be able to bring legal proceedings in respect of their dismissal. If there are any concerns about potential legal proceedings, professional advice should be sought at the earliest opportunity and any process followed should be transparent and documented.

(d) *Confirming Dismissal*

The process of secularisation follows automatically upon dismissal, because it expresses the Community's authoritative declaration that the Religious concerned has no continuing obedience to the Community or the Rule. The Community should therefore obtain a decree of secularisation from the appropriate authority before confirming the dismissal.

(e) *Last resort*

Since a dismissed Religious may retain a subjective sense of vocation, dismissal should not be considered until all the possibilities of transference and exclaustation have been fully explored.

(f) *Notice to local bishop*

The Visitor or the Leader of the dismissing Community should communicate the facts of the case to the bishop in whose diocese the dismissed Religious takes up residence, together with the Visitor's own statement as issued to the Community. Such pastoral care as may be necessary will be determined, after consultation with the Visitor, by the diocesan bishop concerned. If the dismissed Religious is ordained, the bishop may have to administer appropriate ecclesiastical discipline, according to circumstances.

(g) *Re-admission*

The Community, in its continuing pastoral concern, should commend the dismissed Religious to the diocesan bishop and should maintain as close contact as is possible. If the Religious seeks re-admission to the Community, the case should receive the most charitable consideration and the Visitor should be informed. In circumstances where the individual has been dismissed following a conviction for an indictable offence, the

Community should consider very carefully the safeguards that would need to be in place and the effect that such re-admission would have on the wider reputation of the Community, notwithstanding the need for charitable consideration.

### **Responsibility towards ex-members**

*Go and may the Lord be with you. (I Samuel 17:37)*

- 507** There are various circumstances that need to be taken into account where there is permanent separation either through release or dismissal.

Communities differ in their practices and customs regarding members continuing to receive personal income, retaining personal bank accounts and their making of personal Wills.

If, in 'renouncing all possessions' the Religious:

- (a) has legally transferred ownership of all assets to the Community at life profession, then the Religious will not be entitled to the return of such assets upon their departure from the Community;
- (b) only relinquished control of such assets (essentially as a long-term loan), whilst a member of the Community, then the Religious will be entitled to claim the return of such assets upon their departure from the Community (in accordance with any such terms as to repayment as may have been agreed previously);
- (c) has entered into a legal document (such as a Deed of Covenant) providing that all future remuneration, income or payment from any other source (including any future receipt of personal legacies) whilst they are a member of the Community is paid to the Community and they will not be entitled to claim the return of such monies received whilst a member upon their departure from the Community. In some cases, the Community may decide that the receipt of future legacies should be treated differently from other types of income.

As detailed in paragraph 1004 in Chapter 10, the Community should ensure that clear documentation is entered into making it clear as to the basis on which assets are held and future income is treated

following life profession.

If the departing member has made a Will in favour of the Community, such a Will would not be operative until their death and they may choose to change this at any point.

If a person wishes to make a gift, on leaving, to the Community from their returned assets they are free to do so (see paragraph 310).

Though the Community has continuing spiritual and moral responsibility towards an ex-Religious, the statutes should nevertheless explicitly state that no claim for on-going maintenance can be made on the Community, so that the Community may be protected so far as possible against legal or financial responsibilities. The Community should make this clear to any departing member and should ensure that this approach is followed consistently with all departing members to avoid setting inappropriate expectations. Redundancy and pension rights in secular law are invariably the prerogative of the employed person. However, as there is no employer/employee relationship in a Religious Community, there is no obligation of this nature. It is important and strongly recommended that Communities should pay National Insurance for all its members (whilst they are members of the Community) so as to provide them with basic government provision.

Consideration should be given to the moral claim for the immediate, and sometimes the permanent, need of the person concerned. Care should be taken over such matters as pension and royalties, which the Religious may have accrued. Some Constitutions make provision for continuing financial support. The return of the habit, Community cross and profession ring is required, but the Community should be prepared to provide adequate secular clothing or sufficient money to purchase it, to a standard determined by the Community.

Most Religious leaving the Community will not have independent financial resources and so should make application for relevant government help (i.e., social security benefit, income support and housing allowance). The person may need short term financial help from the Community.

Where the Community's funds are held in a charity there are legal restrictions governing the disbursement of charitable funds solely in

accordance with the charitable objects of the Community which are noted in Appendix IV.

**508** **Secularisation** is dispensation from Religious vows, which entails the return of the individual to the secular state. It may be an act of compassion to the individual, or a step made necessary by circumstances and effected by authority. Proceedings may be initiated by the Community, the individual or the bishop under whose jurisdiction the Religious lives or proposes to live. The Visitor must consult both the Community and the Religious concerned in the process leading to an Instrument of Secularisation.

- (a) The Archbishop of Canterbury has supreme authority in the provinces of Canterbury and York for dispensing persons who are under life vows, though in some Communities the Visitor of the Community exercises this prerogative. Constitutions should state clearly whether the Archbishop or the Visitor has authority to grant dispensation from life vows.

The Archbishop's authority rests on the Ecclesiastical Licences Act 1533 (25 Henry VIII 21.3), which deals with the so-called 'legatine powers'. Those Communities which recognise the authority of the Archbishop to dispense should forward these requests to him/her through their Visitor.

- (b) The Religious vows are indivisible whether of poverty, chastity and obedience or of stability, conversion of life and obedience and form a single contract with God and with the Community (see paragraph 303). Secularisation, following release or dismissal, always entails dispensation from all the vows.

Some dispensed Religious may wish to continue living as if under vows. It is advisable that such an arrangement be made only after a sufficient period has elapsed, say after two years, to allow a new start to be made without the encumbrance of the effects caused by possible negative circumstances which brought about their release. The making of a personal vow is discussed in Appendix V.

- (c) When it appears that a Religious is fundamentally unsuited to the life of the Community (including in circumstances where medical advice has been provided stating that the individual is

psychologically unsuited or physically or mentally incapable), secularisation may be an act of justice, but undue precipitancy should be avoided, since experience of living in the world may lead a secularised Religious to understand that the real remedy lies in personal conversion and the return to the Religious Life in the former or another Community.

- (d) Secularisation should not be considered unless it is reasonably certain that the Community is not able to make adequate provision for the sick Religious and that recovery of health cannot be expected. It is generally expected that Communities will make provision for a frail or elderly member with any kind of health problems within the Community. For their better care, they may be placed with professional carers. The advice of a consultant should be sought at every stage.

**509** When a Religious chooses to separate from his or her Community and moves to another province of the Anglican Communion outside the Church of England without having obtained dispensation from the obligations of Religious profession, the following principles should be applied:

- (a) The Community, in consultation with its Visitor, should decide whether the Religious should be secularised, or should be invited to receive such direction as may make possible the maintenance of the obligations of Religious profession.
- (b) If the process of secularisation is initiated by the Community, a statement of the case should be forwarded through the Visitor to the bishop of the diocese in which the Religious resides or proposes to reside. After receiving that bishop's comments, the Community will finally decide whether to transmit the application to the Archbishop of Canterbury or to the Visitor, according to the provisions of its Constitution.
- (c) If the process is initiated by the bishop of the diocese in which the Religious is living, the Community should refer the matter to the Visitor in order that the Visitor's opinion may be secured. The Religious concerned must also be given adequate opportunity to make representations. With the facts thus ascertained, the Community will decide whether secularisation is appropriate, and will forward the case to the Archbishop of

Canterbury or return it to the Visitor for decision, according to the provisions of its Constitution.

- (d) If the process is initiated by the Religious concerned, the Community must ensure that the bishop of their place of residence is kept fully informed of the proceedings.
- (e) In all cases, notice of dismissal must be sent by the Community to the Religious concerned and to the bishop of their place of residence.

**510** Formula for an Instrument of Secularisation:

Whereas N ... , known in religion as N ... of the Community of ...  
\*within our metropolitanical jurisdiction\*, has made application for secularisation (or has been deemed by the Community to require secularisation), we ... by divine providence Archbishop of Canterbury, (or we ... Visitor of the Community, acting in accordance with the Constitution or Statutes of the Community), after full examination of the matter do hereby dispense and release him/her from his/her vows of religion and declare him/her to have returned to secular life.

Given under our hand, this ... day of ..... in the year of our Lord .....

\* \* These four words are omitted if the instrument is signed by the Visitor.



## CHAPTER 6

### CHAPTER GOVERNMENT

*Test everything; hold fast to what is good.* (1 Thessalonians 5:21)

- 601** The Chapter is the seat of government of a Community and an integral and vital part of its corporate life.

Here it learns to be a part of the Holy Spirit's leading into a fuller realisation of the truth of its vocation.

*When the Spirit of truth comes, he will guide you into all the truth.*  
(John 16:13)

Each Community's Constitution will formulate guidelines, according to the requirements of **The Religious Communities Regulations 2020**, Part 2 (if Acknowledged) or Part 2 and Part 3 (if Recognised), which are to be adhered to by that particular Community.

In principle, a Chapter is not merely a legislative and decision-making body but also a forum where issues pertaining to the Community's life and the pastoral care of its members may be discussed. In all discussions, the members of Chapter will want to show a generous concern for one another in furthering their common vocation.

- 602** Membership of the Chapter is defined by the Constitution of each Community. This will state who may attend and who has voting rights at particular Chapters.

- 603** The Chapter represents the whole body of the Community, being bound by its Rule and Constitution, and has responsibility for holding together the tradition and the ongoing developing life of the Community, *'like the master of a household who brings out of his treasure what is new and what is old'* (Matthew 13:52).

The corporate mind of the Community is expressed when it meets in Chapter, presided over by the Leader or another as designated by the Constitution. Whether or not the Chapter includes all professed members, it is representative of the whole body. It is bound by the Rule and Constitution and has responsibility both for the tradition and also for the developing life of the Community.

- 604** It is important that there should be freedom of debate in Chapter meetings. Informal discussions, questionnaires and referenda may be useful in preparing for debate in Chapter, but the results should not be used as the equivalent of votes. Decisions on all important matters should be taken by vote after open discussion in a meeting of the Chapter.
- 605** Some of the functions of the Chapter may be delegated to councils or committees. If this is done, the different functions of such councils and committees should be clearly defined in the Constitution.
- 606** The Constitution should clearly state all matters relating to the Chapter, including:
- (a) the qualifications for membership of the Chapter;
  - (b) the functions to be discharged by the chairperson in the government of the Community; and the responsibility of the Leader to the Chapter and the relation of the whole Community to Chapter decisions;
  - (c) distinctions between different kinds of Chapter, such as greater, ordinary, general and special;
  - (d) the manner in which the Chapter is to be convened, including such matters as due notice, written agendas and reports;
  - (e) the frequency of meetings (there should be at least one annual meeting of the ordinary Chapter);
  - (f) special rules governing the Chapter summoned for the election of a Leader;
  - (g) the relationship between the various Chapters, Community councils and committees that may exist and the composition and function of such councils and committees.
- 607** The duties of these Chapters should include:
- (a) the election of the Visitor;
  - (b) the election of the Leader;
  - (c) elections to profession;
  - (d) decisions on questions of separation from the Community;

- (e) alterations to the Rule, Constitution or Statutes;
- (f) decisions relating to the disposal of property or expenditure of money as required by Chapter;
- (g) decisions on the beginning or closing of important activities or work of the Community, including the foundation and closing of houses;
- (h) decisions on beginning new ministries;
- (i) approving policies regarding Safeguarding and the resolution of conflicts.

**608** Meetings of the Chapter should begin and end with prayer, being aware at all times of its responsibility under God for the ongoing life of the Community.

- (a) Due notice as required by the Constitution should be given beforehand to each member who has the right to attend, together with a copy of the agenda. This notice and agenda should be sent whether the member is expected to be able to attend or not. Where the interests of an individual member are concerned (such as in a question of separation from the Community) due notice must be given of the method by which the matter will be brought to Chapter, so that all concerned may have adequate time for prayer and reflection.
- (b) A meeting of the Chapter should be presided over by the Leader or other person defined by the Constitution. The chairperson is responsible for maintaining the statutory and customary rules of procedure; for securing full exercise of rights of discussion for all members, whatever their rank or age, with impartiality and justice; and for expediting the business of Chapter. The right of all members to speak without fear or favour must be secured; and they should exercise this right with humility and respect.

The chairperson may present a personal view of any matter under discussion but is not entitled to impose this view on the Chapter.

- (c) The Constitution should state clearly which members are entitled to vote in elections to office, elections to profession

and other Chapter business.

- (d) The Constitution should also state which members are eligible for various offices in the Community.
- (e) The Constitution should state all who are qualified to vote and the methods of voting. The Constitution must also define what constitutes a majority in elections:

Either the elected candidate shall be the one receiving more votes than any other or such other majority as the Constitution requires.

- (f) The Constitution should make provision for securing the votes of those who by reason of permitted absence or other legitimate cause are not present at the meeting where votes are taken. This provision applies particularly to electoral voting, where the procedure is normally by secret ballot and without discussion, and also to voting for changes in the Rule and Constitution. The Constitution should define whether the vote of an absentee may be recorded either in writing or by the appointment of a proxy.
- (g) All members are bound in conscience to seek the will of God for the common good and to exercise their vote in this sense without regard to private interest or personal prejudice.
- (h) The rules of procedure at Chapter meetings should ensure that matters of importance cannot be introduced without notice under the heading 'Any Other Business' unless the matter is recommended by the chairperson for an emergency debate.

The Constitution should provide that emergency debates may only be held if they are approved by the chairperson and a majority of members of the Chapter at the beginning of the meeting.

- (i) The Leader may be required by the Constitution to seek the authority of the Chapter for certain courses of action. In these matters the Leader is bound by the decision reached in Chapter, unless exception is provided in the Constitution.

- (j) The agenda, attendance and minutes of each meeting should be recorded, and the adequacy of the minutes duly attested by agreement of those present, the minutes being signed by the chairperson.

**609** The Visitor may need access to Chapter records and to all other records in matters of dispute that are referred to him/her.

## CHAPTER 7

### LIFE IN COMMUNITY

*Let the foundations be strongly laid. (Ezra 6:3 AV)*

#### 701 Governing Instruments

- (a) *The Rule* of a Community is a document setting forth the spiritual, disciplinary and moral principles based upon the Gospel by which the lives of all the members are to be ordered. Explicit acceptance of the Rule is an integral part of the act of profession.

The Rule may have another name and may consist of the Principles of the Community's life, organisation and spirituality, often composed at or near the time of the Community's foundation, and possibly owing much to classic rules.

When the Rule is mentioned in profession or other formal ceremonies, no room for doubt should be left as to precisely which document or documents are intended.

Whatever its title, the Rule is in most Communities an historic document and a focus of Community identity and loyalty. The Constitution should make clear how, if at all, the Rule can be changed.

- (b) *The Constitution* is a body of enactments, of a legal nature, usually called *Statutes*, by which the life of a Community is administered. The Constitution should have a preamble setting out the aims and objects of the Community and should include all the matters in the schedule appended below (paragraph 702).

Some Communities use the word Statutes for the sections of the Constitution. Others use it to refer to a separate series of detailed enactments that can be revised more easily than the Constitution but will not be inconsistent with it.

In other Communities the document called the Constitution

governs the whole national or international body of the Community, while the word Statutes is reserved for documents that apply at local or provincial levels within the Community.

Since the usage of these terms may vary, references to Constitutions in this *Handbook* should be taken where applicable, as referring also to Statutes in Communities where the Constitution and Statutes are separate instruments.

Although the idea of a Constitution and Statutes drawn up in formal and legal language may seem repugnant to a Community living according to the gospel of grace, there is sound reason for requiring every Community to have an adequate Constitution. A good Constitution promotes the purposes of the Community and protects the interests and the freedom both of the Community and of its individual members. It is a means whereby corporate unity is maintained and provides a basis for relating to other legal entities.

In November 2020, the General Synod of the Church of England enacted Canon DA 1, on Religious Communities, with accompanying Regulations from the House of Bishops. Each Community is expected to be registered by fulfilling the Constitutional requirements as stated.

Additionally, this *Handbook* aims to pass on a sound tradition of good governance as already proved in the experience of existing Religious Communities.

While these general directives need to be applied to the particular circumstances of each Community, their application should nevertheless maintain as far as possible a common terminology comprehensible to the Church at large. This common terminology is appropriate to Communities which are or hope to become Recognised Religious Communities of the Church of England.

The *Handbook* provides for the wide variety of the Religious Communities of the church. In particular Community Constitutions however, there will need to be different emphases, say, in respect to the ordering of Chapter government or the Divine Office, as between a monastic

Community living in one place under the leadership of an Abbot or Abbess and a Community of brothers or sisters living a more dispersed life. Each Community will have its own structures for ordering its common life and worship, and for expressing its service to the Church and the world at large. The *Handbook* aims to make a common provision which includes these differences.

Every member of the Community should be familiar with the Constitution before professing vows, and copies of it should be made available to professed members. Failure to observe these points may jeopardise the Community in cases of dispute, such as appeals against dismissal.

The Rule and Constitution form the ground for the covenant relationship entered into by the Community with each of its members at profession.

- (c) The *Customary*, sometimes called a Handbook or house rule, is a body of regulations by which the daily domestic life of a Community house is ordered. It has neither the spiritual weight of the Rule, nor the legal force of the Constitution, and its provisions can be altered with minimal formality by the Leader or the Chapter, acting within the powers given by the Constitution.
- (d) If the funds of the Community are held in a separate charity, the charity will also have its own constitutional document that should be consistent with the Rule and Constitution of the Community. The charity's constitution will provide how the trustees of the charity are appointed and by whom.

## **702 Matters to be considered for provision in the Constitution**

Those headings marked \* are required in accordance with **The Religious Communities Regulations 2020**:

1. *The aims and objects of the Community*
2. *Community obligations*
  - (a) holy eucharist
  - (b) choir Office
  - (c) silence and prayer



- (d) work
  - (e) enclosure
    - i. character
    - ii. regulation
    - iii. permission to leave
  - (f) recreation
- \* 3. *Visitor* (see also chapter 11)
- (a) eligibility and appointment
  - (b) term of office
  - (c) retirement
  - (d) unrestricted access of Community members
  - (e) extent of responsibility
  - (f) provision for
    - i. visitation (see also chapter 12)
    - ii. appeal
    - iii. checking Safeguarding Policies and arrangements
    - iv. other duties
- \*4. *Leader*
- (a) by whom and how elected
  - (b) duration of office
  - (c) provision for termination of office
  - (d) duties and rights
  - (e) relation to Chapter (and Council if there is one)
  - (f) duties in appointment of administrative officials
- \*5. *Administrative officials*
- (a) duties
  - (b) qualifications
  - (c) how and by whom appointed
- \*6. *Chapter* (see also chapter 6)
- (a) constitution
  - (b) functions and authority
  - (c) matters on which Leader is bound by its vote
  - (d) president
  - (e) qualifications for membership
  - (f) duration of membership
  - (g) by whom appointed or elected
  - (h) manner of convening

- (i) fixed times at which Chapters are to be held
  - (j) special rules of procedure
  - (k) character of votes required for specific objects
  - (l) method of voting
  - (m) votes of absent members
  - (n) method of reckoning majority of votes
7. *Council* (if there is one) (see also chapter 6, paragraph 605)
- (a)-(m) as in 6 above
  - (n) relation of Council to Chapter
8. *Foundation and closure of houses*
9. *Warden or Chaplain-General* (where applicable)
- (a) by whom and how appointed
  - (b) duration of office
  - (c) re-appointment
  - (d) termination of office
  - (e) responsibilities and duties in regard to
    - i. Leader
    - ii. Chapter
    - iii. chapel, services, etc.
    - iv. Chaplains
    - v. Community works, branch houses, etc.
    - vi. matters on which the Warden has a right to vote
    - vii. rights of access and appeal
10. *Chaplains*
- (a) by whom and how appointed
  - (b) duration of office
  - (c) re-appointment
  - (d) termination of office
  - (e) responsibilities and duties in regard to:
    - i. Warden
    - ii. Community
    - iii. other persons
11. *Confessor extraordinary*
- (a) by whom and how appointed
  - (b) duration of office
  - (c) re-appointment

- (d) termination of office
  - (e) responsibilities and duties in regard to:
    - i. Warden
    - ii. Community
- \*12. *Aspirants and Postulants* (see also chapter 2, paragraphs 202-206)
- (a) who accepts
  - (b) minimum age for admission
  - (c) requirements (e.g., health, ecclesiastical recommendations, baptism, confirmation)
  - (d) duration (minimum and maximum)
  - (e) dismissal and by whom
- \*13. *Noviciate* (see also chapter 2, paragraphs 207-212)
- (a) (b) (d) (e) as in 12
  - (c) freedom to leave
- \*14. *Profession* (see also chapter 3)
- (a) by whom elected and, on whose initiative, (at each stage if there be more than one)
  - (b) minimum age (at each stage)
  - (c) stages of vows
    - i. first vows or promises
    - ii. life vows
  - (d) formulae of profession (for first vows or promises and life vows)
  - (e) what authority may grant dispensation
  - (f) rights and privileges of those in first vows or promises
  - (g) minimum and maximum period of duration of first vows or promises
  - (h) conditions of renewal
  - (i) terms of release or dispensation
  - (j) authority granting permission for life vows
- \*15. *Transference* (see also chapter 4)
- (a) by whom permitted
  - (b) method of both sending and receiving
  - (c) with what effects

\*16. *Separation* (see also chapter 5)

- (a) leave of absence
  - i. by whom
  - ii. with what effects
- (b) exlaustration
  - i. by whom
  - ii. with what effects
- (c) secularisation
  - i. procedure
  - ii. by whom granted
- (d) dismissal
  - i. procedure
  - ii. conditions
  - iii. financial provisions

\*17. *Safeguarding and other policies*(see Chapter 8)

- (a) approving a Safeguarding policy
- (b) approving a Bullying and Harassment policy
- (c) approving a Whistle-blowing policy
- (d) approving a Procedure for Formal Complaints (including resolution of disputes)

18. *Health and Safety*

\*19. *Property and Finances* (see also chapter 10)

- (a) Community property
  - i. its nature
  - ii. by whom legally owned
  - iii. details of any separate charity, including how trustees are appointed
- (b) individual property
  - i. administration of property of Novices and those in first vows or promises
  - ii. whether members retain possession or not and any entitlements on departure from the Community;
  - iii. members to make their wills on profession or not;
  - iv. property acquired after profession;
  - v. management of life interests;
  - vi. royalties and copyright.

20. *Oblates, Tertiaries or Associates*

- (a) conditions of acceptance
- (b) regulations
- (c) obligations
- (d) dismissal
- (e) resignation

\*21. *Dissolution and/or Closure of the Community* (see also paragraphs 907, 1002, 1103 and Chapter 14)

- (a) when required
- (b) care of residual members
- (c) disposition of property

\*22. *Alteration or Suspension of the Constitution, including experimental change.*

**703 The Divine Office**

Religious Communities have traditionally used orderly recitation of the Psalter as the core of their daily prayer. Bible readings, readings from spiritual writings, songs (both hymns and responsories) and prayers are added to the psalms in regular daily liturgical worship. This daily corporate prayer is known as the Divine Office and forms part of the life of every Community.

The precise form and content of the Office is determined for some Communities by the Rule or the Constitution. In other Communities this decision rests with the Chapter.

The obligation of attendance at the Office prayed in common, or of private recitation, should also be defined by the Constitution or Rule.

**704 Enclosure**

The enclosure or cloister is that part of a Community's house and grounds which is reserved for the sole use of the members of the Community, to ensure necessary privacy and quiet. The extent of the enclosure and the regulations which govern it vary with the character of the Community.

The enclosure should be clearly marked off from the rest of the house and property. Rooms for the reception of guests and day visitors, or for transacting business, should be clearly designated.

Most Communities assign a room or cell to each member for sole

occupation. Its purpose is to provide complete privacy. The Rule or the Customary should determine regulations about the use of the cell and will reflect the Community's attitude towards the ideals of solitude and silence.

Where the degree of enclosure is a mark of the Community's Rule, it may still be necessary for non-Community members to enter and work within the enclosure. The Constitution should also regulate permission for Community members to leave the enclosure.

## **705 Recreation**

Every Community, paying due regard to the provisions of its Rule of life, should ensure that adequate daily and weekly periods of relaxation, both corporate and individual, are provided. Regular attendance at communal recreation strengthens the life of the Community; free time for the individual is a psychological necessity.

Members of the Community should also have adequate annual holidays, suitable to the character of the life.

## **706 Association with the Community**

A Community may make provision for those who wish to be associated with its prayer and work, while following a calling outside the Community. Their association with the Community may be expressed in different forms, among which are those traditionally known as Oblates, Associates and Companions. Oblates were originally distinctive of the Benedictine tradition, closely bound to a particular monastery. They have been instituted and adapted by other Communities. They do not profess vows but make promises for such periods as the Constitution of the Community determines.

Some Oblates or Associates may live in the Religious house with which they are associated, sharing, in such measure as may be appointed by the appropriate authority in the Community, the life and worship of the Community. Such persons are usually described as intern oblates or interns.

Alternatively, they may live apart from the Community in a society of their own, with a Rule and Constitution provided by the Community.

Oblation and association may also be a means whereby Oblates or Associates follow the ideals of the Community while remaining in

their own state of life. They accept a degree of authority from the Community in their spiritual lives, observing a personal Rule of life administered by the Community, to which they are closely bound in prayer.

- 707** Some Communities may wish to integrate into their lives groups of persons not living under Religious vows, sometimes termed Alongsiders. This plan may involve a modified form of internship, with or without promises, and on an informal basis for a limited period of time. Sensitivity is required to protect the integrity of the Religious Life and to protect the individual from inappropriate or unrealistic expectations. It is recommended that the Community members and the Alongsider are clear about what is required and expected in a written agreement. Depending on the nature of housing involved, a tenancy agreement may be appropriate.
- 708** A Third Order (whose members are usually called Tertiaries) is part of the Franciscan tradition, and involves a Rule of life and commitment by the members to each other. This constitutes a separate Order, parallel to and closely connected with the Community, but distinct from it.
- 709** Any person who is closely identified with the Community and who engages in the Community's ministries will be subject to similar scrutiny as for Community members themselves, and it is the responsibility of those in authority in Community to obtain the required level of check (see Chapter 8).

## CHAPTER 8

### SAFEGUARDING

*What does the Lord require of you but to do justice, and to love kindness, and to walk humbly with your God? (Micah 6.8)*

**801** ‘The care and protection of children, young people<sup>4</sup> and vulnerable adults<sup>5</sup> involved in Church activities is the responsibility of the whole Church. Everyone who participates in the life of the Church has a role to play in promoting a Safer Church for all.’<sup>6</sup> The House of Bishops have approved a Safeguarding Policy and practice which applies across all dioceses and includes Religious Communities (Recognised and Acknowledged). The current safeguarding requirements for Religious Communities are detailed in the Safeguarding section of the Church of England website: *Safeguarding in Religious Communities*<sup>7</sup>.

Therefore, it is of highest priority that Religious Communities ensure that:

- (a) internally, their members (including those on Leave of Absence), those living in a Community house, guests, volunteers and employees;
- (b) and externally, those to whom members’ minister; are kept safe.

**802** A Community is a closed system demanding loyalty and obedience. Thus, when abuse is believed to be happening there can be a real tension between obedience and whistle-blowing and genuine complaints. High standards of openness, probity and accountability are not inconsistent with the vow of obedience. It is not appropriate

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<sup>4</sup> **Young people/person** – means any individual(s) aged 14-17 years old

<sup>5</sup> **Vulnerable adult** – Section 6 of the Safeguarding and Clergy Discipline Measure (2016) defines a ‘vulnerable adult’ as ‘a person aged 18 or over whose ability to protect himself or herself from violence, abuse neglect or exploitation is significantly impaired through physical or mental disability or illness, old age, emotional fragility or distress, or otherwise; and for that purpose, the reference to being impaired is to being temporarily or indefinitely impaired.

<sup>6</sup> *Promoting a Safer Church*, Safeguarding policy statement (2017), House of Bishops of the Church of England

<sup>7</sup> [www.churchofengland.org/safeguarding/promoting-safer-church/policy-practice-guidance](http://www.churchofengland.org/safeguarding/promoting-safer-church/policy-practice-guidance)



for Leaders or others to use the vow of obedience as a means to silence members who raise concerns.

### **803 Roles and Responsibilities**

1. The role of the Chapter and the Leader of the Community is to:

- (a) Accept its requirements of care to *Promote a Safer Church* for all members of the Community, those living with the Community, its employees, volunteers and guests and ensure there is a safeguarding action plan<sup>8</sup> in place;
- (b) Create a culture which is welcoming, respectful and safe from abuse, and enables and encourages concerns to be raised and responded to openly, promptly and consistently;
- (c) Adopt and publicise a Safeguarding Policy<sup>9</sup>
- (d) Adopt a Bullying and Harassment Policy;
- (e) Accept, comply and abide by the House of Bishops' *Safeguarding in Religious Communities*;
- (f) Provide a structure to manage safeguarding in the Community with clear lines of accountability;
- (g) Appoint a Designated Safeguarding Person (DSP) who must be trained in safeguarding at the leadership pathway level and takes day-to-day responsibility for safeguarding practice, awareness raising and ensuring there is safeguarding training provision in place. The DSP is the person to whom all concerns must be reported ;
- (h) Seek advice from and provide information to, the Community's Diocesan Safeguarding Adviser on all safeguarding concerns or allegations. The DSA will keep the Diocesan bishop fully informed, as required. These should also be reported to the Episcopal Visitor;
- (i) Ensure secure storage of records;
- (j) Ensure responsible Community members, staff and volunteers attend diocesan safeguarding training in line with the *House of Bishops' Safeguarding Training and Development Practice Guidance* and that it is refreshed every three years;

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<sup>8</sup> The action plan should address areas that the safeguarding self-assessment/checklist and/or other lessons learnt that reviews/inspections have identified as requiring improvement.

<sup>9</sup> This policy should be in line with the House of Bishops' *Promoting a Safer Church Safeguarding policy statement*.

- (k) Provide appropriate insurance cover for all activities in the name of the Community and retain for future reference all appropriate insurance documentation;
- (l) Adopt a Formal Complaints and a Whistleblowing procedure which can be used for those who wish to complain about the handling of safeguarding issues;
- (m) Complete national safeguarding self-assessments/checklists as required;
- (n) Ensure compliance with any registering body guidelines as required dependant on the provision of services to children, young people and vulnerable adults offered by the Community e.g., the Care Quality Commission (CQC), the Care Inspectorate Wales and the Charity Commission;
- (o) Ensure suitable training is provided for Community members in line with the training and development practice guidance and refreshed every three years;
- (p) If the Community is a charity (or is overseen by and accountable to a charity) it has a duty to report any serious incidents (including safeguarding) to the Charity Commission.
- (q) Review progress annually;
- (r) Review all safeguarding policies every three years.

2. The role of the Episcopal Visitor is to:

- (a) Check safeguarding policies and arrangements, including the Community's safeguarding checklist/self-assessment as part of each Visitation. This includes having regard to the extent to which such policies may already be reviewed by an independent body;
- (b) Maintain a record of the safeguarding aspects of each Visitation and share the outcome with the appropriate DSA and the diocesan bishop;
- (c) Inform the appropriate DSA and the diocesan bishop if they have any safeguarding concerns in relation to the Community;
- (d) Be available to deal with any appeal subsequent to the Formal Complaints' procedure;
- (e) Develop a sense of whether the Community has a safe and healthy culture

To undertake this role effectively episcopal Visitors need to be aware of the safeguarding expectations in Communities<sup>10</sup>.

## **804 Bullying and Harassment <sup>11</sup>**

### **1. Introduction**

Within a Religious Community are ‘all sorts and conditions’ of human beings, diverse in age, gender, sexual orientation, ethnicity, education and with different kinds of ability and in different stages of membership: life professed, first professed, novices, and postulants. The Community is a body whose members acknowledge their individual needs, and which recognises the human capacity for even the best to go wrong. Indeed, a number of the letters of the New Testament are written to dysfunctional church communities struggling with damaged and damaging human relationships.

Sadly, illegitimate use of power, bullying and harassment sometimes occurs within a Community as in other areas of human society. In a Community called to witness to the eternal dignity of every human being, we have a unique responsibility to challenge such behaviour and create communities where each person has the sustaining reassurance that they will be treated with the respect that is due to all human beings made in the image of God and precious to God.

The commandment to ‘love one another as I have loved you’ (John 13.34) is central to our Christian discipleship.

Bullying and harassment, whether intentional or not, can greatly undermine the effectiveness of individuals and the Community to which they belong as well as being extremely hurtful to those involved.

The purpose of a policy is to set out a framework in which, wherever possible, relationships can be rebuilt, and trust restored. In this, as in everything we depend on the grace and

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<sup>10</sup> It is recommended that they undertake safeguarding training to enable them to understand the safeguarding expectations in Communities

<sup>11</sup> Adapted from *Getting on Together*, Diocese of Chelmsford

power of the Holy Spirit to form each of us more into the likeness of Christ.

**2. Statement of Commitment**

A Religious Community is required by God to foster relationships of the utmost integrity truthfulness and trustworthiness. Abuse, harassment and bullying – however rare – should not be tolerated in the Community. All complaints of abuse, harassment and bullying should be taken seriously and thoroughly investigated.

**3. Standards of Behaviour**

Those with pastoral responsibilities for Community members: Leaders, Novice Guardians etc., and Chapters should commit themselves to do all in their power to build a culture of mutual respect where individuals: professed, novices, postulants, those living with the Community, employees, volunteers and guests, feel respected and safe, and treat one another with dignity. They should recognise the importance of setting a good example in this work and should undertake to participate in training in support of this policy.

**4. Responsibility**

The Leader together with the Chapter are responsible for establishing and reviewing a Policy for the Community. This policy should apply to all members of the Community who have personal responsibility for up-holding the principles of equal opportunity. They are expected to comply with the provisions of a policy and help others to achieve its aims. Every member of the Community, every person living with the Community, every employee, every volunteer and every guest is responsible for conducting themselves in a manner consistent with the Policy in all Community-related activities.

**5. Definitions**

- (a) Any behaviour, always involving the misuse of power, which an individual or group knows, or ought to reasonably know, could have the potential effect of offending, humiliating, intimidating or isolating an individual or group should be regarded as unacceptable.

- (b) 'Unacceptable behaviour' changes its label to 'bullying' or 'harassing behaviour' when it causes actual harm or distress to the target(s), normally but not exclusively, after a series of incidents over a prolonged period of time. Lack of intent does not diminish, excuse or negate the impact on the target, or the distress caused.
- (c) If it is not challenged it is likely to escalate and lead to significant difficulties for all concerned.
- (d) The legal definition of harassment – as applied to gender, age, sexual orientation, religion or belief, and race and ethnic and national origin is: 'unwanted conduct that violates people's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment'. The Protection from Harassment Act 1997 makes it illegal for someone to pursue a course of conduct which amounts to harassment: bullying has been successfully claimed as harassment under this Act.
- (e) Bullying is most easily identified when it is continuous, frequent, repetitive and part of an overall pattern. However, some abuse is serious enough to be recognised even if the behaviour occurred only once and is therefore defined as bullying.
- (f) It is safest to take the view that if a member, a person living with the Community, an employee, a volunteer or a guest complains that they are being bullied or harassed, then they have a grievance, which should be dealt with regardless of whether or not their complaint accords with a standard definition.
- (g) Every complaint of bullying or harassment should be taken seriously and investigated appropriately. It may be difficult for someone who is a target to make a complaint.

## 6. Recognition

- (a) Bullying may manifest itself in a variety of different ways. It is usually persistent, and often unpredictable, and can amount to severe psychological intimidation. It is insidious and undermines the ability and confidence of the person

suffering from it. It can lead to fear, isolation, demotivation and reduced ability to work, poor concentration, symptoms of stress, sickness, and psychological, emotional and physical harm.

- (b) Harassment in general terms, is unwanted conduct affecting the dignity of members, those living with the Community, employees, volunteers or guests. It may be related to age, gender, sexual orientation, race, disability, religious belief (including theology or church tradition), nationality or any personal characteristic of the individual, and may be a persistent or an isolated incident. Differences of gender or ethnic background for example, may mean that what is said or done is not understood or heard as it was intended. The important point is that the actions or comments are viewed as demeaning and unacceptable by the recipient.
- (c) A list of behaviours, though not exhaustive, which give a clear indication of actions that constitute bullying or harassment include:
- Removing areas of responsibility without discussion or notice;
  - Isolation or non-cooperation;
  - Persistently picking on someone in front of others;
  - Overloading with work without paying attention to any protest;
  - Verbal or written harassment – offensive jokes or language, gossip and slander;
  - Spreading malicious rumours to third parties; making false accusations;
  - Coercive or menacing behaviour;
  - Unwanted physical contact ranging from touching to serious assault;
  - Demanding confidentiality in order to silence individuals;
  - Sexual harassment: unsolicited or unwelcome sexual advances; requesting or pressuring a person to grant sexual favours by the use of threats or inducements; inappropriate sexual jokes or stories;

- Racial harassment: any hostile or offensive act or expression by a person of one racial or ethnic origin against a person of another racial group;

The most serious incidents might result in:

- Creating an unsafe working and/or living environment;
- Ignoring signs of overwork and extreme stress;
- Putting a member's health physically, emotionally or psychologically at risk by making them upset, frightened and/or ridiculed.

- (d) It is important to distinguish between bullying and behaviour that is reasonable in a Community context. There may be occasions where shortcomings in Community living are being addressed and more incisive behaviour is interpreted as bullying simply because the recipient is unused to being challenged or asked to account for their actions.

## 7. Dealing with Bullying and Harassment

- (a) If a member, a person living with the Community, an employee, a volunteer or a guest is experiencing bullying or harassment s/he should not suffer in silence or feel that they are to blame in some way for inviting bullying behaviour.
- (b) The target should keep a factual log of all incidents of bullying –dates, times, nature of incident, details of accusations, criticisms, emails and other correspondence. This may be needed in evidence should harassment, victimisation or bullying continue or subsequently recur.
- (c) The target should try to get witnesses to bullying incidents and avoid situations where they are alone with the bully. They may be able to find out if they are the only person being bullied or whether other people are also affected now or have been in the past. By talking to others, they might discover if others will offer support.
- (d) The target needs to consider what support and advice is available within the Community or outside, if necessary, including an Harassment Adviser of the Diocese. They will

advise on procedures for dealing with claims of bullying and harassment and help to clarify the impact of the behaviour being experienced so that the person can decide what s/he wants to do about it.

## **8. First Informal Steps**

- (a) If a member (professed, novice or postulant) considers that they are the target of bullying or harassment, s/he should speak to the Community Leader. If the Leader is the alleged perpetrator, then their Assistant or a member of Chapter should be contacted.

If either a person living with the Community, an employee, a volunteer or a guest considers that they are the target of bullying or harassment, s/he should speak to a member of the Community, who should inform the Leader as soon as possible.

It is helpful to aim to speak to this person as soon as possible after the incident concerned. It is, however, recognised that complaints of this nature may relate to cumulative actions taking place over a period of time. The person who considers themselves a target may also contact a Diocesan Harassment or Safeguarding Adviser.

- (b) It is the duty of the Leader to investigate the allegations and, if there is sufficient evidence to justify a complaint, to speak to the person allegedly perpetrating the harassment. It is the Leader's responsibility to take speedy action to stop harassment and it is important that it is made clear to the perpetrator that such behaviour is unacceptable and will not be tolerated. Silence or inaction can be seen as collusion and endorsement of such behaviour.
- (c) By trying the informal route, it may be possible to get the harasser or bully to stop their behaviour and so prevent the matter becoming public, or of escalating and making the victim's situation more difficult.
- (d) Those investigating claims of harassment should consider all the circumstances before reaching a conclusion, and particularly the perception of the complainant, as harassment is often felt differently by different people.



Having gathered all the evidence those investigating should ask themselves 'could what has taken place be reasonably considered to have caused offence?' In some cases, it may be possible to rectify matters informally. Sometimes people are not aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease. It may be that the individual will choose to do this themselves, or they may need support.

- (e) Every effort should be made to use informal means, including considering alternative dispute resolution such as mediation or restorative justice to stop the offensive behaviour before formal procedures are invoked. But it should also be made clear that if the behaviour continues a formal complaint will be made. This may be enough to sort things out, particularly if the person(s) involved was/were unaware that their behaviour was causing offence.
- (f) It is recommended that electronic communication such as email should only be used, if at all, for administrative purposes such as setting up meetings, and not for discussion of any allegations made.
- (g) All investigators should balance the importance of a swift response to allegations of bullying and harassment, with the need to spend appropriate time investigating and reflecting on the issues.
- (h) Leaders and Chapter members are strongly encouraged to draw on the advice and support offered by a Diocesan Harassment Adviser or Safeguarding Person who has been trained for this work;
- (i) If a member, a person living with the Community, an employee, a volunteer or a guest complaining about bullying or harassment considers the process followed to have been inadequate, s/he should next approach a Diocesan Harassment Adviser or Safeguarding Person.

- (j) Any target approaching their Leader or Chapter member, or Diocesan Safeguarding Adviser may be accompanied by a friend or colleague.
- (k) It is expected that those involved in the process will each seek to ensure that it is surrounded by prayer at every stage.

**9. Formal Procedures**

If an informal approach does not achieve satisfactory results, or the nature of the incident(s) prompts the target to make a more formal approach, a formal complaint should be made in writing to the Leader, and dealt with by *A Procedure for Formal Complaints*, paragraph **806**.

**10. Confidentiality**

It is important that in a Community policy it is clear that these matters are to be treated with absolute confidentiality and that no action will be taken by anyone without the willing consent of the person who feels that s/he has been a target.

**11. Reporting to Third Parties**

In all cases the Leader, DSA or other responsible person should consider whether it is necessary to make any kind of report to a third party. For example, if the Community is or has a registered charity, it may be appropriate to file a Serious Incident Report with the Charity Commission.

**805 Whistleblowing**<sup>12</sup>

**1. Principles**

- (a) The members of a Community should be committed to the highest standards of openness, integrity and accountability.
- (b) An important aspect of accountability and transparency is a mechanism to enable Leaders and all members of the Community, those living with the Community, employees, volunteers and guests to voice concerns in a responsible and effective manner. Nevertheless, where a member, a person living with the Community, an employee, a

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<sup>12</sup> Adapted from *A Safe Church*, Diocese of Southwark

volunteer or a guest discovers information which they believe shows serious malpractice or wrongdoing within the Community then this information should be disclosed internally without fear of reprisal.

- (c) In order for the Community to fulfil its commitment to safeguard and promote the welfare of children and vulnerable adults, whistle-blowing principles may also apply to safeguarding situations.
- (d) A policy is intended to assist members, those living with the Community, employees, volunteers and guests who believe they have discovered malpractice or irregularity. It is not designed either to question decisions of the Chapter or used to reconsider matters already addressed under bullying, harassment or safeguarding procedures. Once the whistleblowing procedures are in place it is reasonable to expect members and those living with the Community, employees, volunteers and guests to use them rather than air their complaints outside the Community.
- (e) The concerns that a policy covers could include:
  - i. Financial malpractice, irregularity or fraud;
  - ii. Failure to comply with charitable status or legal obligation;
  - iii. Dangers to health and safety or the environment;
  - iv. Criminal activity;
  - v. Improper conduct or unethical behaviour;
  - vi. Attempts to conceal any of these.

## **2. Protection**

Protection is offered to those members of the Community, those living with the Community, employees, volunteers and guests who disclose such concerns provided the disclosure is made:

- (a) In good faith;
- (b) In the reasonable belief of the person making the disclosure that it tends to show malpractice or irregularity and if they make the disclosure to an appropriate person (see below)

and being aware that malicious or wild allegations are inappropriate and may result in further action.

### **3. Confidentiality**

The Community should treat all disclosures in a confidential and sensitive manner. The identity of the person making the allegation may be kept confidential so long as it does not hinder any investigation. However, the investigation process may reveal the source of the information and the person making the disclosure may need to provide a statement as part of the evidence required.

### **4. Procedure for Making a Disclosure**

- (a) Concerns, suspicions or uneasiness about practice, performance or behaviour of an individual should be voiced as soon as possible;
- (b) Be specific about what is of concern, what has been heard or what has been observed;
- (c) Inform the Community Designated Safeguarding Person and the Leader. If there is good reason to inform someone outside the Community, then the Diocesan Safeguarding Adviser should be informed;
- (d) Ideally put concerns in writing outlining the background and history, and providing dates and times;
- (e) Provide as many facts as possible, do not rely on rumour or opinion;
- (f) If the concern relates to safeguarding children or vulnerable adults, it should be investigated according to those procedures; If not, it should be investigated according to *A Procedure for Formal Complaints*, paragraph **806**;
- (g) The whistle-blower is not expected to prove the truth of a concern or investigate it;
- (h) Within the bounds of confidentiality, the whistle-blower should be given as much information as possible on the nature or progress of any enquiries;

- (i) The Leader or his or her Assistant should ensure the whistle-blower is not harassed or victimised;
- (j) No action will be taken against a whistle-blower if the concern proves to be unfounded and was raised in good faith;
- (k) Malicious allegations from a whistle-blower should be considered very seriously and may raise pastoral concerns which should be addressed by the Leader in consultation with his or her Chapter.

## **806 A Procedure for Formal Complaints**

### **1. Introduction**

- (a) When a complaint is made against a member of the Community, or a member of the Community makes a complaint against someone living with the Community, a guest, a volunteer or an employee, the following gives guidance relating to the considerations and an outline for a Complaints policy.
- (b) All proceedings should be kept confidential unless for good reason, and a written record should be made.
- (c) The Policy should state clearly to whom complaints are to be directed as well as to whom the complaint is made, if that person is the subject of the complaint (hereafter referred to as the 'subject').
- (d) The Policy should state clearly who makes the judgment.
- (e) In the hearing of complaints it is important to minimise or exclude the risk of actual or apparent bias.
- (f) It is also important to ensure that the focus is on the issues rather than personalities involved.
- (g) At all stages of the procedure, the sensitive pastoral care of both complainant and the subject should be of the utmost importance.
- (h) At any stage of the procedures the advice of the Community's Diocesan Safeguarding Adviser may be sought.
- (i) All need to feel assured there is a way of raising concerns that is confidential and fair and responded to promptly.

- (j) Reconciliation is the desired outcome, but never at the expense of failing to deal adequately with the issues raised.

## **2. Stage 1: Informal**

- (a) Where a complaint has been made orally, the Leader should firstly inform the subject with the detail of the complaint.
- (b) The aim should be to resolve complaints speedily and fairly by discussion, problem-solving, mediation and negotiation. Problems should be brought directly to the person(s) deemed responsible for the area of dissatisfaction or disquiet, and hopefully resolved in this way, ideally within two weeks of the complaint being made.
- (c) If, however, after this the complaint remains unsolved, more formal action as in Stage 2 may be needed.

## **3. Stage 2: Formal**

- (a) If the complainant wishes to proceed, a written document must be provided by him/her to the Leader or other responsible Community member, or a Chapter sub-committee setting out the precise nature and circumstances of the complaint. If no written document is received, the matter is concluded.
- (b) On receipt of the written complaint, the subject and the Community Chapter members should be informed and each provided with a copy of the complaint.
- (c) The Episcopal Visitor should be informed and subsequently be available to hear any appeal.
- (d) At this point in the procedure, the Chapter should decide on whether the complaint is serious or otherwise and a realistic timetable for the completion of the procedure as soon as possible, ideally within two months of receiving the written complaint.
- (e) If the complaint is a safeguarding issue the Community's *Safeguarding Policy*, should be strictly followed. If there is obvious risk of scandal the advice of the Diocesan Press Officer should be sought.

- (f) If the complaint is serious and the subject is the Leader of the Community then he/she should be suspended from that Office until a judgement is made regarding the complaint. It should be the responsibility of the Chapter to make a judgement on the matter following a panel enquiry, and after a discussion of the panel's report submitted to a Chapter meeting. The members of this panel should be decided by the Chapter, bearing in mind the need to enable as fair and unbiased a hearing as possible and including at least one person independent of the Community with no connection to the relevant parties, to chair the inquiry. The meetings should follow the procedure in (h) to (k) below, with the exceptions noted above.
- (g) In other instances the complaint should be dealt with by a panel, appointed by the Chapter, consisting of the Leader, a member of the Community Chapter or an appointed sub-committee of the Chapter and another person, independent of the Community with no connection to the relevant parties, who will be asked to chair the panel.
- (h) Various meetings need to be arranged by the panel chair. These meetings need to be conducted in such a manner as to enable as fair and unbiased a hearing as possible. The panel will meet with the complainant, who may be accompanied and/or represented by a friend or other supporter, to listen to and note the facts of the complaint. They will then interview the subject, who may also be accompanied and/or represented by a friend or other supporter if they wish, to listen to their response to the complaint brought against them. The panel may then interview any other relevant parties.
- (i) A written record should be kept of all these meetings.
- (j) The panel should write an agreed summary from the meetings held with the hope of furthering a resolution and promoting reconciliation and drawing conclusions. From this they should make a judgement whether to uphold the complaint or not. Both the complainant and the subject should be informed of the decision by the chair of the

panel, in writing, as soon as possible, and each should indicate, in writing, within one week whether the outcome is acceptable.

(k) The Visitor shall be informed of the decision.

#### **4. Stage 3**

(a) Each also has a right of appeal to any decision taken which would be directed to the Episcopal Visitor. It may be necessary at this point or earlier to obtain legal advice.

(b) The decision of the Episcopal Visitor will be final, the result being conveyed in writing, as soon as possible, to the Leader, the complainant and the subject.

(c) The pastoral care of any persons concerned and wise counsel for the Leader are essential at all stages of the investigation. It is equally important that all members of the Community show both fairness and courtesy to those involved, without prejudicing the situation, and that a line of honesty and integrity is maintained.

(d) If the matter is likely to lead to court proceedings, legal representation becomes necessary.

#### **5. Serious Incident Report**

Throughout the process those involved should continue to review whether it is necessary to report to any third party, e.g. if the Community is or has a registered charity it may be appropriate to file a Serious Incident Report with the Charity Commission.



## CHAPTER 9

### OFFICERS AND EMPLOYEES

*Guard that which was entrusted to you with the help of the Holy Spirit who lives in you. (2 Timothy 1:14)*

- 901** The principal officers of a Community are the Leaders and Novice Guardians. Others may be required by the Constitution.
- 902** A Leader is one to whom responsibility for the common good and the good of each member is entrusted by constitutional appointment, usually by election. Different areas in this constitutional responsibility are expressed by a specific description added to the titles such as general, assistant, provincial, and local. Every Leader exercises a ministry of oversight and service towards the members of the Community. In certain traditions special terms are used for Leaders, such as Abbot, Abbess and Prior and Prioress among the Benedictines; Minister and Guardian among the Franciscans; Reverend Mother, Mother Superior, Father Superior, Director and other terms in other Communities.
- 903** The Novice Guardian is a Religious to whom is committed the formation of Novices in the Religious Life (see also paragraphs 210 and 211).

The Novice Guardian is the Leader's deputy in regard to Novices and must therefore act within the bounds laid down by the Statutes and in obedience to the Leader. The Leader should ensure that the Novice Guardian has reasonable freedom in the exercise of this delegated authority.

The Novice Guardian should not be assigned any duties which might impede the primary obligation of caring for the Novices. If Novice formation is assigned to a team, the Novice Guardian should co-ordinate the work of the team in consultation with the Leader.

The Leader and Chapter should be kept regularly informed about the progress of Novices.

The manner of appointment of the Novice Guardian should be defined by the Constitution.

- 904** If the Constitution requires a Warden or Chaplain General, it should also specify the method of appointment by the Community. It should be clearly understood that such appointments are made to serve the appointing Community and not the appointee. Should a matter of concern or dispute arise, either the Community or the Warden should consult the Visitor and the Advisory Council.

The functions of a Warden or Chaplain General should be clearly defined in the Constitution, with explicit provisions relating to:

- i. appointment;
- ii. rights and duties;
- iii. term of office;
- iv. the possibility of reappointment;
- v. retirement;
- vi. the possibility of removal from office;
- vii. relation to other priests, such as assistants, Chaplains and confessors.
- viii. remuneration

An ordained person appointed to such a post and residing within the diocese requires an appropriate licence or permission to officiate from the diocesan bishop, unless the bishop's licence is already held in respect of some other ecclesiastical post. An ordained Warden residing outside the diocese must hold a licence or permission to officiate from a diocesan bishop.

It is inadvisable for a Community's Constitution to multiply the number of external officers by specifying assistant wardens, sub-wardens or other functionaries.

- 905** A Warden or Chaplain-General should not expect the Community they serve in this capacity to conform to their personally held views on various issues.

- 906** It is not advisable to have the Warden or Chaplain General as a trustee of the Community's funds or any separate charity that holds the Community's funds.

**907** In this position of trust, particular care needs to be taken in cases where the Community is moving towards planning for closure. Responsible arrangements must be made for dealing with the Community's property and financial assets according to charity law (if the Community is or has a charity); the wishes of the remaining members and the original aims and objectives of the Community.

Ample provision must be made for the full ongoing care of the members and their wishes regarding how they live out the rest of their Religious lives must be honoured, for example, they may wish to transfer to another Community. Any receiving Community should be assured of receiving adequate provision for their ongoing care, particularly for their latter years and possible incapacities, from any remaining assets.

The warden or chaplain-general must not benefit personally, nor any enterprise or project they are personally engaged in, from the disposal of the Community's assets.

**908** Where a Community wants to appoint a chaplain, the chaplain needs to be licensed by the bishop of the diocese. The rights and duties of the chaplain in relation to the warden and the Community should be clearly defined in the Constitution, or by some other means, e.g., in a resolution of the Chapter. There should be a written contract stating the length and conditions of the chaplain's appointment. If accommodation is provided in the Community's property refer to paragraph 1014 when drawing up the contract. To ensure that the contract is consistent with the requirements of employment law the contract should be drawn up with the advice of the Community's solicitor.

**909** Communities, particularly those which are enclosed, may appoint a number of confessors, some Religious and some secular priests, giving the members of a Community freedom of choice and the right to resort to any of those appointed. It may be advisable that priest members do not hear the confessions of members of their own Community.

Leaders should not normally hear the confession of members of their own Communities.

The confessors should be experienced in hearing confession and knowledgeable about the obligations and requirements of the Religious Life. In no case has the confessor, as such, any right to intervene in the internal or external affairs of the Community or to dispense from any part of the Rule.

- 910** Individual Religious may be permitted to choose as spiritual director some suitable person other than the priests who minister to the Community. A formal approach to a spiritual director who is not an officer of the Community should be made only after receiving the Leader's approval.
- 911** Important posts such as Bursar, Infirmary and Archivist should be held by competent people within the Community or be employed or appointed by it. In the case of employees there needs to be a contract which clearly states the terms and conditions of employment. It should also state to whom they are responsible and the method and frequency of reporting. A job description and a clear written understanding of each particular job enable good responsible stewardship regardless of the status of the one holding the post.
- 912** Professional advice and assistance are more necessary than ever before in this time of complex new legislation and possible litigation. Skilled and experienced professional people should be engaged to assist in such matters as finance, investments, insurance, the administration and maintenance of property, legal and medical affairs.
- 913** For all salaried officials and regular employees of the Community, especially those provided with accommodation, a contract of employment should be carefully drawn up with the advice of a solicitor.
- 914** New legislation regarding the duties and responsibilities of employers is continually coming into effect. It is the employer's responsibility to ensure that they know and implement all current legal requirements and good practice. (See Chapter 15, UK Government Regulations and Legislation)

- 915** It is the responsibility of the Leader and the Chapter to ensure that every Officer of the Community, every member and every employee working with vulnerable adults and children:
- (a) is familiar with the National Safeguarding Policies of the Church of England (see Chapter 8);
  - (b) is familiar with the Safeguarding Policy of the Community;
  - (c) has undergone the necessary checks with the Disclosure and Barring Service;
  - (d) ensures the appointment of a Designated Safeguarding Person for the Community.

## CHAPTER 10

### PROPERTY AND FINANCE

*No one claimed that any of the possessions were their own; they shared everything they had. (Acts 4:32)*

#### **1001 Property and Finances of the Community**

Every Community is required to make sufficient and adequate arrangements in law for the ownership and protection of the property, other fixed assets and investments for which it has stewardship and responsibility. This will be through a Deed of Trust, or public or private trustees, or by a Scheme of the Charity Commission, or by the incorporation of either a company limited by guarantee or a charitable incorporated organisation (CIO).

The Constitution of the Community, which in some established Communities does itself act as a foundation document, should define how these may be held. Where appropriate, Communities should register with the Charity Commission and due attention should be given to the current statutory requirements in regard to the preparation and auditing or independent examination of charity accounts and the responsibilities of charity trustees (on which helpful guidance is available from the Charity Commission).

Competent legal and other professional advice should be sought in all decisions regarding the purchase and sale of all fixed assets, including the services of an estate agent and, where required by law the services of a qualified surveyor, in respect to real estate, and an investment manager in regard to public investments. Negotiating adequate cover by insurance against loss or damage to the Community's assets is a further responsibility of trustees or Chapter.

#### **1002 Enabling the Ongoing Life of the Community**

In the past, Communities were able to provide care for their older members within their own houses and by their younger members providing nursing care for those who were frail. This is largely no longer the case and so needing to be able to afford adequate

nursing and/or dementia care within a Community setting or a private or Local Council Care Home is a current financial liability. Trustees and/or Community Bursars need to plan for investment to provide adequate funds for resourcing care for members, both in the present and in the future.

Getting good professional advice regarding financial planning, budgeting and investing is essential for the responsible well-being of the Community, enabling it to make the best use of the resources with which it has been blessed. It is both responsible and essential to be able to provide for the future and for the Community's continuing outreach and mission. By doing this they also honour all those who have contributed and supported the ministry in the past.

### **1003 Role of Trustees**

Trusteeship of a charitable Fund (whether in the form of a charitable trust, charitable company or CIO) carries specific responsibilities, whether that Fund is of the Community to which the sister or brother belongs or some other Fund to which the member has accepted the role of trustee. It is therefore important that individual trustees understand these responsibilities and assess whether they are competent to undertake the role which can be demanding.

All trustees are required to be familiar with the Fund's governing documents and understand that the role carries legal duties and financial responsibilities. They may only act in the best interests of the charity to assist it to achieve its aims and objects.

Where appropriate therefore, new trustees should be selected according to a clear policy of recruitment which should also give guidance concerning selection of trustees with an appropriate range of skills and the training of trustees in their duties. At all times 'best practice' and processes which are transparent should be seen to be operating in all area of public accountability.

In many Communities smaller membership makes it more difficult to recruit internally for trustees with the necessary experience and skills needed. It is recommended that the Community, with appropriate professional advice, takes what steps might be

needed to select and appoint people from outside the Community, to serve as trustees. It is important to do this to enable the Charity/Community to continue its ministry. The Community and the new external trustees need to be clear about and committed to the continuation of the particular Charity as long as it is viable. This is particularly important when there are no longer surviving members of the Community serving as trustees.

Pertaining to Religious Communities in particular, professional skills as well as wisdom and discernment are required at a time when a Community can no longer sustain its life or fulfil its stated objects. Communities are advised to have included in the governing documents the procedures in the event of closure. (see also chapter 14: Closure).

Considerable assets may be involved and, in so far as assets need to be disposed of, charity law will generally require them to be disposed of on the best terms reasonably obtainable, unless being transferred to another charity with similar aims and objectives. There is, however, no right on the part of other Communities or charities to lay claim to them. Thought therefore needs to be given to the possibility of including provisions in the Constitution document of the charity providing that, if the Community closes, its net assets can be transferred to some other similar Community, Communities, or charity.

Also, the trustees might consider the Anglican Communities Development Trust which provides financial aid and support to existing and emerging Anglican Religious Communities. This could be the means by which the objects of the Community may in some form continue. This could avoid their assets needing to be sold on the open market. The Advisory Council may be invited to assist in the earlier stages of consultations, though the trustees will work closely with the Community members, the Visitor and local advisers. In all cases, professional advice is essential to the carrying through of such matters and a qualified surveyor's report may be required if disposing of property.



#### **1004 Property of Individual Religious**

- i. Novices and Religious in first vows or promises retain the legal ownership of their personal property, which, however, they administer only with the permission of the Novice Guardian, Leader or Chapter. They may be required to pay for their maintenance. They may not alienate or dispose of, either temporarily or permanently, any property without express permission. They may not make over any of it to the Community at this time.
- ii. On profession in life vows, a Religious will dispose of personal assets, in the spirit of the evangelical vow of poverty and to the extent that this is required by the Community's Constitution. When this is done, the needs and the rights of the claims on property, of the natural family and others to whom the Religious is tied, as well as the needs of the Community, are considered. The Religious will need to assure the Community that the task of 'renouncing all possessions' has been duly completed according to that particular Communities' practice and any documents have been duly signed and are in safe keeping.

**1005** How individual Communities arrange and understand the disposal of assets varies greatly. Every Community needs a clear policy regarding their practice and needs documentation signed by the individual to make it clear that they understand the consequences of their financial actions now and in the future. Where significant sums are involved the individual should be advised to take independent legal advice before completing any documentation. There needs to be signed and witnessed documents regarding any property or monies made over to the Community. Communities differ in the practices they adopt in relation to the assets any individual may make over to the Community at the time of life profession, together with any subsequent legacies or inheritances made to them personally. Normally the Religious will either:

- (a) legally transfer ownership of all assets to the Community, in which case they will not be entitled to their return upon departure from the Community; or

- (b) merely relinquish control over such assets (essentially as a long-term loan) whilst a member of the Community, in which case they will be entitled to them being repaid if they leave. Depending on the arrangements, there will need to be signed documents to this effect clearly stating the amounts originally involved. Separate records need to be kept. The money may be invested or used by the Community, but funds must be reasonably available to replace the capital if required in the event of that member withdrawing from the Community. Capital would be returned without interest.

In addition, in some cases the Religious may enter into a legal document providing that all future remuneration, income or payment from any other source (including receipt of any personal legacies) whilst they are a member of the Community, will belong to the Community.

The Central Board of Finance of the Church of England Funds are collective investment schemes established by the Church Funds Investment Measure 1958 (amended in 1995). They are available to Anglican Religious Communities registered in England for deposit and investment purposes. However, monies that are deemed in law to belong to an individual cannot be so deposited or invested with them, unless they are held by the Community on the 'interest-free loan' basis described in the paragraph above. There are several choices of other Funds available for investing or depositing Community monies available to Communities though they must represent a secure investment with acceptable interest yield.

No constraints may be put on a Religious to endow the Community beyond the extent of a contribution to the common funds of a Community made at profession, when such is required by the Constitution. Beyond this, the Religious remains a free agent in the disposal of personal property. Equally, there is no constraint upon the Community to accept any endowment or benefaction. However, it would seem prudent that any member, having considerable assets to dispose of at life profession, should consider making an interest-free loan to the Community, of at least such an amount as would be needed to re-establish

themselves in the unexpected eventuality of their being released from the Community.

- 1006** In the case of income, whether regular or capital, which is received or earned by a Religious, the Community's Constitution should state how such items are received and receipted. Salaries, stipends, royalties and pensions are normally received and accounted for by the Community. Sometimes the amount of income tax deducted from personal income may be recovered by the Religious Community, and advice may be sought from the charity division of HM Revenue and Customs or other adviser. A legacy bequeathed to a Religious would, unless otherwise stated in the Constitution, be directed to the funds of the Community for its general charitable purposes, or, if the legatee so authorised, be assigned to a third party. Where a Religious is the beneficiary of a life interest, the basis on which the income is accepted should be agreed between the member and the Leader. The appropriate Community officer should then be informed of the arrangement, so that due regard be given to all the parties involved, including the reversionary owners.
- 1007** Some Communities permit their members to retain ownership of property in their own names, even after making a life commitment. In such cases it is advised that the administration of their assets be so arranged as to cause the least disturbance, both materially and spiritually, to the member and Community alike. The Community's Constitution or Statutes should direct the means of appropriating such sources of income between the common fund and elsewhere. An attested will should be completed by the member, which settles their property at the time of death.
- 1008** Royalties and other income that will continue to arise after the death of a member should be the subject of a clear agreement in law (such as the member's will) that identifies the recipient of these funds.
- 1009** Where a Religious receives gifts for a specific project in relation to a work or ministry to which they become attached and which is outside the Community's financial accounting, it is desirable that proper records are maintained and submitted to the appropriate authority. Regular reports should be offered to the Leader or

Chapter in order that they may be kept informed of the situation.

**1010** A Religious will not retain a gift for personal use without seeking guidance from their Leader or Chapter.

**1011** The means of attracting funds to provide for and maintain the Community when members reach old age should be carefully considered and reviewed. It is strongly recommended that Communities pay National Insurance contributions to enable each member to be entitled to whatever government benefits that may be available (Le. state pension). Voluntary contributions to the state or other pension schemes may provide regular income for the Community in future years. Other state benefits are available to a Religious who may be assessed as incapacitated and/or requiring regular attendance, and such income should be applied and accounted for by the Community. Professional advice should always be sought when in doubt.

**1012 Copyright**

Copyright is normally vested in the individual creator of an original work, e.g., a musical composition, artwork, articles, etc. Within a Religious Community two factors should be noted in particular.

Firstly, a member professed under vows will normally wish any personal copyright to be assigned to their Community. In this case there needs first to be a document setting out the relationship between the two parties (the register of profession will suffice). Further, to make the assignment legally effective it is necessary that a simple Deed of Assignment be signed and witnessed. In it the member declares that he or she has assigned to the named Community the copyright in all works which may have been made, written or composed since the date of their profession.

Secondly, permission to reproduce a work for which the Community holds a copyright may, at the discretion of the Leader or Chapter, be given with an acknowledgement in writing accompanying the work reproduced. A statement on the following lines should suffice: 'Copyright in [ ] is owned by the Order/Society/Community of ... by whose kind permission it is reproduced.'

**1013** Where a copyright permission is sought, the Community should make the appropriate application for permission from the copyright owner or licence authority. For education and research purposes it is acceptable for a small portion of a work to be copied by the person giving or receiving the instruction -but not by reprographic process. Reproduction of material for general use, e.g., the copying of a song for a time of worship, would require either the permission from the copyright owner or the cover of a licence. Many groups find it helpful to purchase an annual licence, e.g., the Church Copyright Licence (CCL), allowing the licensee to reproduce hymns and worship songs or combine the CCL with a Music Reproduction Licence (MLR), to photocopy music from authorised publications.

**1014 Tenancy**

(a) Communities intending to offer accommodation for a set period of time should be aware of the rights and legalities which pertain to such matters and should seek appropriate legal advice. Tenancies fall into two categories: residential and commercial. In the case of residential letting any written agreement should be drawn up on the basis of an 'assured short hold tenancy' which enables the owning party to recover possession of property without hindrance of any lawful rights of the tenant. All offers of accommodation should be subject to the signing of the appropriate document, and occupancy should not commence until this has taken place. A commercial tenancy (that is, for business use in the widest sense) does require careful negotiation, and legal advice should be sought in drafting a formal tenancy agreement. It is when tempted into an informal tenancy arrangement that the Community can discover, and be held to, unforeseen rights which favour the tenant. This should be strongly resisted. Also, the Charity Commission expect the Community to gain proper financial benefits from their assets and any disposal of property must be supported by appropriate advice from a qualified surveyor's report in accordance with the statutory requirements. Where a tenant is offered a discounted rent, it must be in fulfilment of the objects of the Community and where such an act of charity

can be justified otherwise the approval of the Charity Commission will be required.

- (b) **Tied Accommodation** is the term applied when a property is occupied in return for a range of duties. The letting of a property to an employee may attract a Benefits-in-kind charge for Income Tax purposes. To overcome this factor the need for the employee to be resident has to be demonstrated. Any rights of spouse or family need to be clearly stated in the tenancy agreement or the contract of the one employed.
- (c) **Property on Licence/Lease of Property**: Letting property 'on licence' is a form of occupancy which falls some way between an assured short hold tenancy and a lease. The drafting for this sort of agreement is complex and requires legal advice.

## CHAPTER 11

### COMMUNITIES AND ECCLESIASTICAL AUTHORITY

*They entrusted themselves to the one who judges justly. (1 Peter 2:23)*

- 1101** Every Community must have an episcopal Visitor. Visitors are the guardians of the Constitutions of the Community and guarantors to the Church at large of the Community's sound administration, stability and right to confidence. In order to safeguard both Visitors and Communities it is recommended that bishops should not accept this role for more than three Communities at any one time.
- 1102** The Visitor must be a bishop extraneous to the life and membership of the Community. Another title may be used e.g., in Franciscan usage the title Protector is used.
- (a) The Visitor's authority extends to all houses of the Community, except those situated outside the jurisdiction of that national church. Other Community Provinces or Houses in other countries normally would have their own Visitors duly appointed in accordance with the Constitution of the Community. Visitors are the normal court of appeal for the maintenance of the Community's discipline.
  - (b) Visitors should be chosen by the Community. Some Communities' Constitutions require them to have the bishop of the diocese in which the foundation headquarters or Mother house is situated. The Constitution of the Community should contain provisions regulating the manner of appointment of the Visitor and specify matters or occasions on which their intervention is required.
  - (c) Before accepting the appointment, Visitors should familiarise themselves with the ethos and work of the Community; with the details of the Constitution relating to their responsibilities and the precise extent of their authority; and the current condition of the Community. If they have not already acted as Visitor to another Community, they should inform themselves as to both the

theological and legal status of Religious Communities in the Church of England, so that when called upon to make judgements they may do so on the basis of sound principles.

- (d) The House of Bishops' Advisory Council for Religious Communities is available to assist Visitors, especially those newly appointed. Every Community is asked to inform the Secretary of the Council promptly when a new Visitor is appointed, or reappointed, together with the term of office. The Secretary will then send the Visitor a copy of the *Handbook* and the annual reports of the Advisory Council. The term of office and the conditions for retirement should be laid down in the Community's statutes.
- (e) Visitors have the inherent right to make visitations at their own discretion. They should make visitation at least once in every five years in order that they may satisfy themselves on all matters of which they are guardians and guarantors. They have a particular responsibility of ensuring that proper safeguarding policies and arrangements are in place.
- (f) Visitors also have the right and duty of hearing appeals, whether addressed to them by the Chapter, or privately submitted by any professed member of the Community, or by any responsible person external to the Community, recognised by the Visitor as being a proper person to appeal to them. In the event of a formal written complaint being received by the Leader, the latter will submit a copy to the Visitor and keep them informed of all the subsequent action. If the Leader is unable to resolve the matter, the Visitor is the next level of appeal (see paragraph 806 4). Constitutions should make it clear that every professed member of the Community has the right of unhindered appeal to the Visitor.
- (g) Beyond the functions described above, whether inherent or statutory, the office of Visitor does not convey any right of intervention or initiative in the affairs of the Community. Therefore, the Constitution of any Community should make clear the precise function of the Visitor.



- (h) Under no circumstances should the Visitor expect a Community to conform to personally held views on different topics.
- (i) If a Community declines to accept the advice of its Visitor, especially with regard to the provisions in the *Handbook* about the Constitution, both parties should report the facts to the Advisory Council. The Advisory Council will consider the matter and may advise the House of Bishops and if necessary, initiate a review of the situation.
- (j) Should a Community's Constitution require the consent of the Visitor to be changed and the Visitor refuse against the wishes of the Community, the Community may appeal to the Advisory Council, who would act as mediator.

**1103** Particular care needs to be taken in cases where a Community is close to or in the process of closure (see also chapter 14: Closure). Arrangements regarding the assets of the Community, either in property or financial, are to be settled in accordance with the Community's original aims and objects and with the wishes of the remaining members. If the Community is or has a charity then all such arrangements need to be consistent with charity law.

The Visitor, therefore, will ensure that arrangements are made for the proper transfer of the temporal treasures of the Community and the future care of the Community's archives.

Visitors must not benefit personally, nor their diocese or any enterprise or project they are personally engaged in, unless such beneficiaries are within the remit of the Community's charity, its aims and objectives.

It is of the uttermost importance that the Visitor sees that where possible the Chapter has made adequate provision for the full care of the remaining members. Their wishes regarding how they spend the rest of their lives as Religious should be provided for. Any receiving Community should be assured of receiving proper provision for their care from the remaining assets.

**1104** Religious are subject to the ordinary jurisdiction of the bishop of the diocese in which they reside. 'Ordinary' is a legal term derived from Roman civil law, describing jurisdiction that is inherent in the

rank or office (Latin *ordo*) held and is not delegated. So far as Religious Communities are concerned, this means that ordained Religious are subject to the provisions of statute and canon law, in particular with regard to licences and ecclesiastical discipline.

The members of every Community house should be aware of and compliant with the Safeguarding Policies of the Church of England and with its requirements.

Every Community should possess a copy of the Revised Canons Ecclesiastical kept up to date. Superiors and ordained Religious should take particular care to be familiar with the canons. The Leader of the Community is the 'local Ordinary' of each of its houses and is responsible for the Divine Office, the eucharistic liturgy and the life that flows therefrom.

- 1105** Religious who exercise a ministry within a diocese must hold the appropriate licence or 'permission to officiate'. They are responsible to the diocesan bishop for their public actions and utterances.
- 1106** The Leader should consult the bishop before moving any Religious who holds a diocesan appointment.
- 1107** In the Church of England, ordained members of Religious Communities have no exemption from episcopal oversight and only limited privileges, such as participating in the election of the Communities' clerical representatives to the General Synod; but the bishop's oversight does not involve any right of intervention in the internal affairs of a Community.
- 1108** Many non-ordained members of Communities carry out various ministries that come under the general heading of 'Pastoral Care'. These ministries may cover areas such as spiritual direction, spiritual accompaniment, counselling, and pastoral visiting. It is desirable that members should be appropriately trained for this and be under some type of supervision. It is helpful if a Community has its own guidelines for pastoral care and practice. As it will be the perception that Religious are related to the diocese in which they minister, it is important to know and to comply with any diocesan guidelines in place.

Any Religious who is working with children, young people or vulnerable adults should have enhanced disclosure clearance through the Disclosure and Barring Service. This should be done through the Diocese in which s/he lives and serves or through a Diocese that has a special arrangement with the Community (e.g., SSF and CSF). They should undergo regular training in a Diocesan ongoing training programme and be familiar with the necessary reporting procedures. (see Chapter 8: Safeguarding)

- 1109** A Community which proposes to take up residence in a diocese, whether it be re-locating a Mother or main house or opening a branch house, should consult the diocesan bishop at an early stage in its planning. The diocesan bishop will consult with the local parish priest and clergy. Likewise, the Community should inform the diocesan bishop of its intention to move or close a house within their jurisdiction.
- 1110** A Religious who is assigned as an assistant in a parish is responsible to the parish priest in all matters relating to parochial work. There must be a written agreement between the Community and the parish priest, including a formal job description with provision for payment, dismissal and withdrawal. This agreement must also make clear the extent of the Community's responsibility for ordering the life of the Religious concerned and should define relations between the parish priest and the Community.
- A similar agreement should be made with the diocesan bishop when a Religious is appointed as an incumbent of a parish.
- 1111** Similar agreements should be formalised with cathedral Chapters, colleges, schools and other institutions to which Religious may be sent to minister.
- 1112** The diocesan bishop may license a minister to perform the Offices and services of the Church of England in any college, school, hospital, or public or charitable institution, including institutions maintained by Religious Communities (Canons B41.2 and 3; and CS.4). If no such licence is issued, the institution remains within the cure of the local incumbent.

- 1113** Religious in holy orders who are assigned by their Community to parochial or diocesan work are subject to the same episcopal jurisdiction and canonical obligations as the rest of the diocesan clergy.
- 1114** A diocesan bishop may admit to holy orders, without any parochial or other title, members of Religious Communities living in houses within the diocese (Canon CS.2e). Candidates for ordination from Religious Communities will be interviewed by the bishops' selectors under the auspices of the Archbishops' Council's Ministry Division, subject to any special circumstances, which are a matter for the discretion of the ordaining bishop and the Visitor of the Community concerned. The most likely exception will be a candidate who would expect to exercise the ministry wholly within the Community's houses. Applications for this special procedure should be made by the Community Chapter to the Visitor. On the Visitor's recommendation, the ordaining bishop may then consult the Ministry Division. Bishops should bear in mind that a lay Religious may be tempted to seek ordination as a precaution against possible separation from the Community or closure of the Community. It is to be hoped and desired that the call a Religious may feel towards ordination is in fact a further deepening of the primary call and commitment to Religious Life.
- 1115** Some Communities with houses in different dioceses have requested and used the ordination selection procedure through the diocese of their Visitor. This can be of great benefit to the Community as it offers a more unified approach.

## CHAPTER 12

### GUIDELINES FOR EPISCOPAL VISITATIONS

*By Wisdom a house is built and through understanding it is established. (Proverbs 24:3)*

- 1201** The New Testament account of the visit of Mary to Elizabeth provides a model for understanding the nature and opportunity of a Visitation. This is three-fold: firstly, the grace of mutual encouragement; secondly, a relationship which recognises the gift of life and the quickening power of the Spirit, often in that which lies hidden; and thirdly, thanksgiving for the 'wonderful works which God has done'.
- 1202** Historically the reasons and purpose behind Visitations have been and are to offer spiritual and pastoral support, encouragement and challenge. When preliminary discussion is taking place in preparation for a Visitation, it will be helpful to consider the current priorities and problems. There are also occasions of particular need or crisis when the Visitors will need to work closely with a Community through a difficulty but that will not be a normal Visitation.
- 1203** The effectiveness of a formal Visitation is dependent on the relationship which exists between the Visitor and the Community. It is therefore desirable that there be opportunities at other times for more informal visits and mutual exchange.
- 1204** The primary role of the Visitor is that of episcopal guarantor to the Church at large of the Community's right to the Church's confidence and the Community's guide in maintaining that confidence (see also paragraph 1101).
- 1205** While a Community will wish to keep its Visitor informed of major events and changes in its life as they happen, nevertheless, a formal Visitation provides the Visitor with the opportunity to be assured of the Community's faithfulness to its Rule and Constitution, so that they may guarantee this to the Church and reassure the Community of this trust.

- 1206** A Visitation may take many forms. What works for one Community at a particular stage in its history may be inappropriate and unhelpful at another time. It is therefore essential that due recognition is given to the particular ethos and evolving nature of a Community in order that the Visitation may serve to quicken the gift of the Spirit and make known the hidden works of God. Communities are therefore encouraged to draw up their own guidelines. The mutual co-operation between the Visitor and the Leader in preparing for the Visitation is of utmost importance.
- 1207** The more the whole Community is involved in the process of planning and preparation the more effective will be the outcome of the Visitation for all concerned. Consultation between the Visitor and the Community over such matters as timing, the appointment of assistants, the structure of the Visitation and the areas of the Community's life to be covered by it, is highly desirable and to be encouraged wherever possible. The Community needs also to recognise its responsibility in helping the Visitor to prepare as fully and effectively as possible.
- 1208** In advance of the Visitation the following information should be available to the Visitor and the assistants if they do not already have it:
- i. a copy of the Rule and Constitution;
  - ii. a list of all the members of the Community, with age and date of profession;
  - iii. audited or examined accounts of the Community for the last financial year, if the Community is a registered charity and accountable to the Charity Commission -otherwise for the last three years (see Appendix II);
  - iv. current safeguarding policies.
- 1209** Depending on the form the Visitation is to take, it may be helpful to gather information in advance in the form of a questionnaire. It is advisable that such a questionnaire be drawn up in consultation with the Leader and his/her Council or Chapter. (see Appendix II)
- 1210** The Visitor will need to spend several days with the Community and be prepared to visit all the Community houses. If this is not

possible for practical reasons, it is desirable that the assistants visit. The more time spent with the Community by the Visitor and the assistants, the better the Community will be served.

- 1211** The Visitor may be formally welcomed in the chapel or Chapter room. The degree of formality should be agreed between the Visitor and the Leader. The Visitor may at this juncture address the Community explaining their expectation of the Visitation.
- 1212** The method followed for the Visitation will have been decided by the Visitor and the Community. Although every member of the Community may not be seen, any who wish to see the Visitor must be allowed to do so. The assistants may see all the officers of the Community as directed by the Visitor, and any others who specifically ask to see them.
- 1213** At least one of the Community or conventual eucharists should be presided over by the Visitor during the Visitation.
- 1214** At the end of the Visitation, the Visitor may meet with the Community to give a summary of the team's considerations. However, both in preparing this and the final charge, the Visitor will be advised to check comments and suggestions with the Leader and perhaps some members of the council or Chapter. In this way making recommendations that would be impractical or contrary to the ethos of the Community may be avoided.
- 1215** It is preferable for the Visitor to send the full report/charge in written form after the conclusion of the Visitation. Alternatively, it could be delivered to the Community at a later date. In either form, the final document should be received within three months of the end of the Visitation.
- 1216** A Visitation may lead to the Visitation team making recommendations for the consideration of the Community and its Chapter. These are recommendations only. However, matters which highlight any deviation or disregard of the Rule and Constitution by the Community, or a member of it, are to be noted and acted upon.
- 1217** The Leader should ensure that all members of the Community have a copy of the Visitor's report/charge.

**1218** When the Community has had adequate time to consider the Visitation charge, a written response should be made to the Visitor. This would include any changes which have been made or decided upon as a result of a recommendation. Where the Community has decided not to accept a recommendation, it may be helpful to the Visitor to be informed of the reasons for this.



## CHAPTER 13

### NEW COMMUNITIES

*Behold I make all things new. (Revelation 21:5)*

#### **Recognised Communities**

**1301** Along with the renewal of existing Communities, the Holy Spirit may be expected to call into being new forms of Religious Life for responding to the needs of the times. While welcoming such new experiments, the Church may usefully offer them support and guidance, and put them to the test of perseverance in the hope that they can bear the fruit of the Spirit in the on-going development of the Religious Life in the Church before enrolling them along with the established Religious Communities.

It should be recognised that the difficulties of a common life under vows are not immediately apparent to those without experience of it, and therefore it is important that such new Communities grow by stages and are willing to draw upon the experience of the past as embodied in existing Communities and upon the guidance of the Advisory Council.

**1302** The granting of recognition by the House of Bishops will be a gradual process beginning when the Community first approaches a diocesan bishop. The Advisory Council should thereafter be kept informed of the Community's growth and development. Vows binding for life should not be taken before the Advisory Council has agreed to this.

**1303** The following guidelines are proposed for the development of a new Community as steps to be taken on the way to official recognition:

- (a) Members of a new Community should first live together under a simple Rule in order to test their capacity for a corporate life and to clarify their aims.
- (b) When the corporate life has reached a stage at which its aims and distinctive spirituality can be formulated, the advice of the Advisory Council should be sought in drafting a Rule and Constitution.

- (c) When the Community has lived under the Rule and Constitution for at least a year, the Advisory Council should be asked to approve the establishment of a noviciate.
- (d) The duration of the noviciate need not be determined precisely at this stage; but after a period of not less than two years, the Community, after consultation with the Advisory Council, should advise the diocesan bishop of their wish to elect a Visitor to authorise admission to annual vows or promises.
- (e) These annual vows or promises should be renewed for at least three years, and if necessary, for a further period until there are at least four members who have completed three years in annual vows. Life vows may then be taken with the agreement of the Visitor.
- (f) When there are seven members in life vows application may be made through the Visitor for recommendation by the Advisory Council that the Community be officially recognised by the House of Bishops.
- (g) During the initial stages leading up to life vows, the members of the Community should make over all personal income for the maintenance of the Community while retaining their personal property in their own names. Community property should be held by trustees, and the trust deed or other constitutional document should indicate how this property would be disposed of were the Community to come to an end. In the transition period towards official recognition, the Constitution of the trustees should be settled with the advice of the Advisory Council. Advice should be sought also about the advisability of applying for registration as a charity (see paragraph 1001).

**1304** When a group within an already existing Community proposes to found a new Community, the bishop of the diocese in which the new Community proposes to settle should consult the Visitor of the parent Community and the Advisory Council. The Advisory Council should seek to assess the maturity of this group and the motivation for their move so as to advise whether any time should

elapse before the proposed new Community is permitted to receive Novices or admit to profession, and what stages of development might be needed to proceed towards recognition as a new Community.

### **Acknowledged Communities**

**1305** Communities that seek Acknowledgement vary considerably in size, gifts and focus of ministry. It is not possible to establish a detailed procedure that fits all of them. The intention of the Advisory Council in providing a process is to enable a Community which is considering Acknowledgement to discern the leading of the Holy Spirit in its life. The Advisory Council seeks to provide support and encouragement. The process that is outlined and the guidelines that are provided are intended to help a Community give attention to key aspects of its life.

It is not necessary for a Community which is considering Acknowledgement to wait until it feels it might be ready for Acknowledgement before making contact with the Advisory Council. The Advisory Council encourages Communities to contact the Advisory Council in the early stages of the Community's life. The best way to do this is for the Leader or a person appointed by the Community to contact the Chair of the Advisory Council. Once the information that the Advisory Council needs has been gathered, the Advisory Council will appoint one or two members to liaise with the Community, to provide advice and support and to ensure that the contact between the Community and the Advisory Council is maintained.

During this time the Advisory Council will expect the Community to look at the following areas of its life. Some of these things the Community may well have already worked on, others will need clarification and others will be new. All of them will need to have reached a satisfactory stage for the Community to be considered for Acknowledgement.

### **1306 Guidelines and Expectations**

(a) The Community needs to be able to say what its particular vocation is in the service of the gospel. It should be able to express how it feels God has called it into being and what gifts he is giving for its life and ministry.

- (b) There needs to be a Rhythm or Rule of Life which seeks to express the particular spiritual aspirations and practices of the Community. This does not need to be a very detailed document and needs to be flexible to leave room for development.
- (c) It is important that the Community seeks ways for its particular calling to be formed in the life of its members.
- (d) The Community must draw up guidelines about its expectations of leadership, how the Leader is chosen, elected or replaced and the length of periods of office. It must do similar things for any leadership group that might be formed and ensure that there are clear accountability structures, where appropriate.
- (e) The Community must ensure it has good structures for governing the life of the Community so that the views of each member can be clearly heard. Eventually the Community will need to draw up a constitution or governance document. See paragraph 1307 for matters to be considered for provision in the Constitution.
- (f) Financial matters must be dealt with carefully and records kept of donations made and expenses paid. How this is done will depend on the size of the Community but whatever the method, great care is needed as this is an area in which difficulties and misunderstandings can arise.
- (g) The Community needs to be able to express its involvement and commitment to the life of the Church. This will vary according to the particular vocation of the Community. In the case of a dispersed Community, for example, this will depend on the particular ministry of each of the members. For a Community living a common life in a particular place, it will most likely be expressed in the life of the local church and in the life of the diocese. It is important that a Community doesn't see itself as, or develop into, an alternative church.
- (h) The Community needs to develop a working relationship with a bishop, who will act as an episcopal advisor and

sponsor. When the members of a Community are in several dioceses, the Community must find a bishop who is willing to take on this responsibility. When a Community is located in one diocese, the initial contact and support should come from the diocesan bishop. In either case, the agreement of the diocesan bishop must be sought for any necessary liturgical authorisation.

- (i) The members of the Community must not make vows or promises without the agreement of the Advisory Council. It is not necessary for a Community to be Acknowledged before agreement for vows or promises is made. The Advisory Council does not encourage members of Acknowledged Communities to make life vows.
- (j) There will need to be at least six members of the Community before Acknowledgement will be given.

**1307** Matters to be considered in the drawing up of a Community constitution. Those items marked \* are required in accordance with **The Religious Communities Regulations 2020** Part 2.

1. The Name of the Community.
2. The objects and purpose of the Community.
3. **Consecration and Mission**
  - i. The fundamental spiritual values and obligations, ethos and charism of the Community;
  - ii. Basic expectations of members regarding participation in the prayer life of the Community;
  - iii. Basic expectations of members regarding participation in the common life of the Community;
  - iv. The essential elements of the Rule of Life or Rhythm of Life;
  - v. Basic expectations of members regarding participation in the mission of the Community.
4. **Membership and Governance** \*
  - (a) Membership
    - i. Expectation of members;
    - ii. Stages of membership and their time length;

- iii. Discernment processes for those seeking to join or before proceeding to another stage of membership;
  - iv. Promise or commitment made on becoming a full member;
  - v. Review of membership and annual (or other) renewal of commitment;
  - vi. Register of members;
  - vii. Symbols of membership, if any;
  - viii. Formation into the Community and ongoing formation;
  - ix. Leave of Absence; \*
  - x. Termination and Dismissal processes. \*
- (b) Leadership
- i. Leader /Leadership Team \*
  - ii. Expectations and job description,
  - iii. How and by whom appointed, elected or replaced;
  - iv. Length of term of Office.
- (c) Community Meetings
- i. nature and frequency of meetings of the decision-making body;
  - ii. Who calls a meeting and the notice that needs to be given;
  - iii. The structure of meetings and how decisions are made, and the meeting recorded;
- (d) Other Administrative Officers
- i. Assistants in the administration of the Community e.g., Secretary, Treasurer;
  - ii. Job descriptions, expectations, how and by whom appointed.
5. **Property and Finance** \*
- (a) The funds of the Community need to be administered by the implementation of efficient methods of budgeting and accounting and an annual report made to the decision-making body of the Community;

- (b) Any communal ownership of property would need legal advice.
6. **Safeguarding and Other Policies** (see Chapter 8) \*
    - (a) Agreed policies following Church of England guidelines and practice, regarding:
      - i. Safeguarding children, young people and vulnerable adults;
      - ii. Bullying and Harassment;
      - iii. Whistleblowing
      - iv. A Formal Complaint's Procedure. (resolution of disputes);
    - (b) Safeguarding training for members when appropriate;
    - (c) Appointment of a Designated Safeguarding Person;
  7. **Episcopal Visitor** \*
    - (a) Role and duties;
    - (b) How appointed and length of term of Office;
    - (c) Unrestricted access for all Community members;
  8. **Government Regulations and Legislation** (see Chapter 15).
  9. **Archives** (See Appendix III).
  10. **Closure of Community** (see Chapter 14). \*
  11. **Community Documents**
    - (a) Ensuring all members have access to a copy;
    - (b) Authorisation to vary, cancel or add to the Community's documents and Constitution.

### **1308 The Process of Acknowledgement**

When the Community decides that it wishes to seek for Acknowledgement by the Advisory Council and the member or members of the Council who are advising the Community support this, then the procedure is as follows:

- (a) The Leader or Leadership team of the Community should write to the Chair of the Advisory Council, formally requesting Acknowledgement.
- (b) The Community should be able to present to the Advisory Council a Rule or Rhythm of Life and governance

- documents or constitutions in accordance with The Religious Communities Regulations .2020 Part 2.
- (c) If not already done, an Episcopal Visitor will need to be appointed.
  - (d) It is envisaged that the Community and the member or members of the Advisory Council acting as advisors will have worked together to ensure that everything has been done to comply with the guidelines for Acknowledgement laid down by the Advisory Council. The Advisory Council may ask for further clarification of certain matters if it sees fit.
  - (e) If the Advisory Council agrees with the request for Acknowledgement, the secretary of the Advisory Council writes to the diocesan or sponsoring bishop, the Leader of the Community and the Visitor to inform them.
  - (f) The Secretary of the Advisory Council enters the Community in the register of Acknowledged Communities.
  - (g) The secretary of the Advisory Council writes to the editor of *Anglican Religious Life* to ask for the Community to be included in the next edition.
  - (h) It is hoped that the process would conclude with an appropriate commissioning service.



## CHAPTER 14

### CLOSURE OF A COMMUNITY - CALL TO WITNESS TO THE PASCHAL MYSTERY

*O give thanks to the God of heaven: for his steadfast love endures for ever.*  
(Psalm 136:26)

- 1401** The vocation of a Community is always to seek to be obedient to the will of God. As well as being faithful to the charism of its founding members and to the Spirit of its Rule, each Community is called to be alert to the 'signs of the times' and to be continually searching to follow God's will in the age in which we are living. The time may come when the Community has completed its particular vocation. However difficult or painful the process of bringing to a close a Community's life and ministry, it must always be remembered that both for the Community and its members the goal is resurrection not survival.
- 1402** The reality of the present time seems to be that many Communities will have fulfilled the purpose for which they were founded. Falling numbers and the lack of aspirants may reduce a Community to such a small size that there is no hope of recovery and the reality of preparing for closure has to be accepted and worked with. This may come about earlier through the inability to fulfil its vocation, cope with the physical work required or to care properly for elderly or infirm members. But when a Community has been reduced to four in number and there have been no new members in the last three years this suggests that definite action needs to be taken in discerning and planning for the future.
- 1403** A Community with ageing members and a lack of new members needs to recognise and accept with courage the need to make decisions concerning the closure of the Community, and to make adequate provision for remaining members.

Members will need time and support to accept the reality of the situation. They will have a whole range of responses -grief, pain, relief, anger, fear -and these need to be recognised both inside and outside the Community. It is important that Community members

do not feel they are having advice and solutions imposed upon them as they plan for the future.

One of the other factors that may need to be dealt with is other people's unreal expectations of the Community.

**1404** In order for this situation to be as life-giving as possible, this process needs to start early enough to allow for making suitable arrangements to provide for the final and adequate care (financial physical and spiritual) of remaining members. When Community members become unable to act as trustees of the funds of the Community, it is important that those appointed trustees from outside the Community are sympathetic towards and have some understanding of the Religious Life in addition to their professional skills. Such arrangements can be implemented gradually as the Community numbers diminish making it desirable to start this process sooner rather than later. Making adjustments of this magnitude stands a better chance of being life-giving if they happen when members are able to be as flexible as possible in order to adapt. As a general rule people find it more difficult to adapt to new living situations as they grow older.

**1405** There are several ways in which a Community might be enabled to plan for positive closure which could be a living example of new life and ways of functioning with diminishment. The earlier such possibilities are able to be explored and planned for, the greater the chance of their bearing fruit.

Some possible options for consideration might include:

- (a) One or more remaining members of a Community to seek transference to another Community as a way of fulfilling their vocation;
- (b) The exploration the of amalgamation with another Community with similar spirituality and aims and objects;
- (c) The members continue to live the vowed life as individuals outside a Community setting. In this instance the Community is closed but trustees continue to manage the financial affairs of the charity with the same aims and objects of the Community and with a duty of financial care for the remaining vowed members;

- (d) Another Community may be able to accommodate the remaining members enabling them to continue to live together as a group as long as possible;
- (e) A Community may be able to retain a suitable house to live in, but this should not be done as a way of evading making a final decision about the existence of the Community;
- (f) Particular pastoral sensitivity needs to be shown to the elderly and infirm especially if this involves them being placed in residential or nursing care when a Community is no longer able to give them suitable care;
- (g) Some Communities have obtained a dwelling in a retirement village or rented a flat in sheltered housing.

**1406** The Constitution should state who will make the final decision about closure. This would normally be the Chapter. There could be circumstances which require the Visitor to take the initiative, but this must be done in full consultation with any remaining members and with the advice of the Advisory Council.

**1407** The Constitution of every Community should contain provisions for closure and/or dissolution in the event of the Community becoming so small that it is unable to manage its own affairs. Legal advice needs to be obtained to ensure that any obligations, legal or moral are fulfilled. Where the Community is a charity, or any of its funds or property are held in full or in part of a charity, it needs to be remembered that any dissolution or disposal of assets must comply with charity law.

Provision needs to be made for the full and proper maintenance of members both before and after the Community's closure. The increasing cost of the possible need for extended care in senior years, with the likelihood of increasing disability, needs, if possible, to be provided for. This is the case whether the future care of members is with some other Community or within the provision of the local authority.

**1408** The Constitution should also state what arrangements, bearing in mind charity law, if applicable, are to be made regarding the handing on or disposal of the Community's property and assets. The disposal of property and assets in all cases needs professional

guidance which will be required in the possible setting up of any trusts for the ongoing support of surviving members. This may be allowed by the terms of the original charity or may require the forming of a new charity (see also paragraphs 907, 1002 and 1103).

**1409** The Role of the Visitor in the Closure of a Community

- (a) The Visitor carries a responsibility for ensuring that the arrangements regarding assets of the Community, either property or financial, are dealt with in accordance with charity law, the Community's original aims and objects, and with the wishes of the remaining members;
- (b) The Visitor will ensure that the Secretary of the Advisory Council is informed;
- (c) The Visitor needs to be sensitive to the pastoral needs of the remaining members of the Community at this significant stage of their life. The use of an external and experienced facilitator could also be helpful together with suggestions from the Advisory Council;
- (d) The Visitor will ensure that arrangements are made for the proper transfer of the temporal treasures of the Community and the future care of the Community's archives. One of the Community's important assets is their Archives. It is essential to honour the Community heritage and to make sure that suitable arrangements are made for them. They should be duly set in order and placed with a recognised body for safe keeping. Advice may be sought from the county or diocesan records officer, from the Librarian and Archivist at Lambeth Palace, London, or directly from the Royal Commission on Historic Manuscripts.

Visitors, their diocese or any enterprise or projects in which they are personally engaged are not to benefit directly from any of the assets of the Community, unless such work or projects are in line with the fulfilment of the aims and objects of the Community. This is also the case for any warden, chaplain-general or chaplain (see also paragraph 903).

**1410** When the decision has been made to move towards some kind of closure it is important that there be a suitable event celebrating the

life and witness of the Community. This would honour and give thanks for the Community and the faithfulness and commitment of all the members and associates living and departed.

Thanks be to God.

## CHAPTER 15

### UK GOVERNMENT REGULATIONS AND LEGISLATION

*Everything should be done in a fitting and orderly way. (I Corinthians 14.40)*

**1501** The following areas of legislation and regulation should be the concern of trustees, Leaders and Chapter members who need to know about, keep up to date with and implement, and for which they are likely to be held responsible.

This is not however an exhaustive list, and the law and legislation expands and updates on a regular basis. This chapter is only intended to be illustrative of issues that may need to be considered by the Community and should not be read either as definitive legal advice or as a statement of current law. In all cases appropriate legal or professional advice should be taken as necessary and the Community should take appropriate steps to ensure that it is updated as to applicable changes in the law that may be relevant to their situation.

**1502 Data Protection**

The Data Protection Act 2018<sup>13</sup> is the UK's implementation of the General Data Protection Regulation (GDPR). This Act gives individuals more rights than previously, over information a Community holds about them. Communities can be fined for a breach of the Act by the Information Commission.

You are a **Data Controller** if you hold **Personal Data** (see below) on an individual. You are a **Data Processor** if you use that information in some way.

The GDPR only covers **Personal Data**, which can be divided into two sub-categories; **General** and **Sensitive**. Any information held regarding a deceased individual or a non-person is not covered by this Act. Everyone responsible for using **Personal Data** has to follow strict rules called 'data protection principles'.

**General Personal Data** is information which can identify a living individual either on its own or when added to other information held by the **Data Controller** or to any person to whom information

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<sup>13</sup> [www.gov.uk/data-protection](http://www.gov.uk/data-protection)

is being disclosed.

**Sensitive Personal Data** is information that is always considered personal data. The categories include but are not limited to race/ethnic origin, political opinions, religious beliefs, previous offences, trade union membership, health, sexual life or orientation.

**Personal Data** can be held in paper records or electronically. All personal data held in the Cloud should be held in a paid for service, that guarantees the information is held in the EEA. Similar provision should be given to websites and social media.

Personal data given to a Community, can only be used within that Community and cannot be shared with another organisation unless permission is gained, or it is for a legal or legitimate purpose.

As part of the Act, a Community must be able to provide all an individual's data held by it to the individual if requested within a suitable time frame. If requested, the Community must also amend any incorrect information and delete any information, unless the information is held for legal purposes.

Each Community has a legal obligation to comply with the Act and to be aware of any updates to it.

### 1503 The Charity Commission

The Charity Commission regulates the administration and affairs of charities registered in England and Wales.<sup>14</sup>

- a) **Gift Aid** is a Government scheme whereby a charity may recover income tax from any pecuniary gift received from a tax-paying donor. The basic requirement is that the donor signs a simple declaration form. Declaration Forms for one-off or multiple donations can be downloaded from the website<sup>15</sup>.
- b) **Gift Aid Small Donations Scheme (GASDS)** is a scheme whereby Gift Aid can be claimed on donations of £30 or less without a declaration form<sup>16</sup>.
- c) **Risk Assessment and Management.** Anything that could prevent your Community achieving its aims or carrying out its objectives is a risk. The types of risks your Community might

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<sup>14</sup> [www.gov.uk/government/organisations/charity-commission](http://www.gov.uk/government/organisations/charity-commission)

<sup>15</sup> [www.gov.uk/claim-gift-aid](http://www.gov.uk/claim-gift-aid)

<sup>16</sup> [www.gov.uk/claim-gift-aid/small-donations-scheme](http://www.gov.uk/claim-gift-aid/small-donations-scheme)

face vary. Guidance is available on assessment and management.<sup>17</sup>

**1504 Health and Safety**

Where Communities are dealing in any way with the public it is necessary to be aware of the requirements and restrictions to which a Community may be subject and the liabilities that follow. Particular aspects to be attended to relate to fire precautions, adequate control of health and safety risks arising from the workplace and ensuring that you are maintaining safe plant and equipment. The independent regulator, the Health and Safety Executive (HSE), can offer information and advice about work-related health and safety issues<sup>18</sup>.

**1505 Food and Hygiene**

As with Health and Safety, Communities are dealing with the public in the preparation and serving of food. The Community needs to be aware of Food Safety and Hygiene Regulations and to show it has exercised due diligence in food preparation and storage. Information can be found from the local Council and UK Government website relating to the Food Safety Act and Food Hygiene Regulations.

**1506 Visas and Immigration**

Information can be obtained from<sup>19</sup> under Tier 5 (Temporary Worker-Religious Worker).

**1507 Employment**

Information on contracts and other employment regulations can be found at the website<sup>20</sup>. The law on workplace pensions has changed. Under the Pensions Act 2008, every employee in the UK must put certain staff into a pension scheme and contribute to it. This is called 'automatic enrolment'. Information and guidance can be obtained from the Pensions Regulator<sup>21</sup>.

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<sup>17</sup> [www.gov.uk/guidance/how-to-manage-risks-in-your-charity](http://www.gov.uk/guidance/how-to-manage-risks-in-your-charity)  
[www.gov.uk/government/publications/charities-and-risk-management-cc26](http://www.gov.uk/government/publications/charities-and-risk-management-cc26)

<sup>18</sup> [www.gov.uk/health-and-safety-executive](http://www.gov.uk/health-and-safety-executive)

<sup>19</sup> [www.gov.uk/browse/visas-immigration/work-visas](http://www.gov.uk/browse/visas-immigration/work-visas)

<sup>20</sup> [www.gov.uk/browse/employing-people](http://www.gov.uk/browse/employing-people)

<sup>21</sup> [www.thepensionsregulator.gov.uk](http://www.thepensionsregulator.gov.uk)



**A VISITATION QUESTIONNAIRE FOR INDIVIDUALS**

1. Are there any significant changes in your life since the last Visitation of which you are aware?  
How has life in Community affected you physically and emotionally?  
Have there been areas of strain that have had an adverse effect on your overall well-being?
2. What nourishes your life at this stage?  
Do you find it generally possible to maintain a spirit of inner peace in the midst of the demands of life?
3. Has there been provision for sufficient mental stimulation?  
What courses or training have you undertaken since the last Visitation?  
Have you found them helpful and creative?
4. Have you been able to make good use of leisure activities of a relaxing and creative nature?  
Do you take your holidays?
5. Are you happy with the quality of life in the Community or do you find yourself often thinking and speaking negatively?  
Do you feel you are receiving adequate guidance, support and pastoral care?
6. Do you feel your life and the life of the Community are guided by Gospel values?  
Is the Community following the spirit of the founder/foundress? What do you consider the value of the Religious Life for today's world?
7. Do you feel comfortable with the Rule and related documents? Are Chapter meetings conducive to free expression?
8. Is your work and ministry fulfilling?  
Do you see it as promoting or at least undergirding the mission/ministry of the Community?
9. Are there any areas of difficulty for you, e.g., relationships, work, authority, environment?

10. Do you feel fully involved in the life of the Community?  
Is there any particular work to which you feel drawn?  
Along what lines would you see change and development and your part in this?
11. What difficulties, if any, do you experience in being present at the eucharist and Offices?  
Do you feel you have the right conditions for personal prayer, retreat days and annual retreat?
12. Have you any suggestions as to how the Community's personal or corporate prayer life might be enriched or deepened?
13. Has Community life made you more aware of your own particular strengths and weaknesses?  
If so, do you feel this has helped you grow or diminished you as a person?  
Are there ways in which the leadership could enable you to grow more?
14. Are there any personal concerns you wish to share?

## A VISITATION QUESTIONNAIRE FOR THE LEADERSHIP TEAM

*(If the Community has other provinces or houses overseas they need to be appropriately included.)*

1. What was the date of the last Visitation in this and the other provinces?  
If there are other provinces or houses overseas, what are the arrangements regarding Visitations and what was the date when this happened last?

### **Administration**

2. In the government or administration of the Community, where actions by the various Chapters or councils are required by the Statutes:
  - a. has due notice of the agenda been given on all occasions?
  - b. has a record of proceedings been kept?
3. Have all members of the various Chapters or councils had complete freedom in their deliberations?
4. How often do the different Chapters or councils meet?
5. Have such meetings of Chapters or councils as are prescribed by Statutes been duly held?

### **Noviciates and Houses**

6. List the noviciate and branch houses (if applicable including those overseas) together with the names of the Religious residing in each.
7. What arrangements are made for the Leader to visit the houses?
8. How is contact maintained with the different houses?
9. Have any houses overseas been closed, or new ones opened since the last Visitation and has any new work been started or finished?
10. Are there any significant changes planned for the foreseeable future?
11. What are the arrangements concerning the Visitor and chaplains (including overseas houses)?
12. Where Religious are living singly, please give names and addresses.

13. What arrangements are made to meet the spiritual requirements of the life of each house?
14. Give details of the current warden/chaplain-general's term and how the office is fulfilled.
15. What provision is made for confessors and spiritual directors for members?
16. What is the provision made for sufficient time for private prayer, silence and solitude?

### **Financial and Legal**

17. Are the auditors/ or independent examiners satisfied that the financial affairs of the Community are satisfactory?  
If specific recommendations have been made have they been implemented?
18. List any other legal entities, charities, etc., related to the life, well-being and finances of the Community.
19. Are all the Community's members, staff, work and property adequately insured?
20. Have 'risk assessments' been completed on all relevant aspects of the Community's life, related charities, work and properties?
21. What professional advice is available to you in regard to the Community's investments?
22. Who provides the Community with legal advice?

### **Fabric**

23. Is the professional advice of an architect, surveyor or clerk of works available in regard to the property held by the Community?
24. Is the fabric of the property/ies deemed to be in a satisfactory condition?  
Are any substantial repairs or alterations needed, in either long or short term?  
If so, is the necessary money available?
25. Are there any substantial alterations of systems, fittings or appliances (e.g., heating or electrical equipment, etc.) necessary, involving considerable expense?

Is the necessary money available?

### **Safeguarding**

27. Please attach a copy of your safeguarding policies, including bullying and harassment, whistleblowing and formal complaints.
28. Who is your Designated Safeguarding Person?
29. Is progress reviewed annually?
30. Have any formal complaints been made against a member of the Community?  
Has the complaints procedure been followed?
31. Have any Serious Incident Reports been filed with the Charity Commission?

### **Changes in Membership**

32. Have any Religious been transferred since the last Visitation?  
If so, please name them.  
Has any transference been ratified by the Visitors of both Communities concerned?  
Please name any Religious who is in the process of exploring transference to this Community.
33. Are any members of this Community exploring transference to another Community?  
If so, what steps have been taken to ensure that the recipient Community undertakes and is able to provide maintenance and spiritual provision as permanent as has been previously secured?
34. Have any members of the Community been released and secularised since the last Visitation?
35. Are there any members who have absented themselves without permission and have refused to return when summoned?  
If so, what action has been taken?
36. Have any members been secularised since the last Visitation?

### **Affiliated Persons**

37. What name is used for this association?  
How many members are there?  
What is the relationship with the Community?

## **The Life of the Community**

### **Worship**

38. Give a brief description of the Community's life of common worship in the eucharist and the Office, listing the books used. Have there been any major changes since the last Visitation?

### **Ministry/Work**

39. What are the main work commitments of members:  
(a) within each house;  
(b) outside the house they live in, paid or Voluntary?

### **Study**

40. What provision is made for members to read and study?  
In what way is this encouraged or guided?
41. Are members enabled to take further courses of study or training?  
How many have done so since the last Visitation? Leisure

### **Leisure**

42. What annual provision is made for holidays?
43. How much time each week is there for creative leisure?

### **Health**

44. Is medical assistance easily available?  
Who are the physicians to the Community?
45. What are the arrangements regarding dentists?
46. What arrangements are made for those in need of nursing care?
47. Is professional psychiatric advice and help easily available?  
What is the number of members receiving therapy?

### **External**

48. What is the relationship between the Community and the local parishes?
49. What ecumenical contacts has the Community had?  
Is there an exchange of Religious with the Communities of other Churches?
50. How far are the Community's members allowed or encouraged to become involved in social questions and those of peace and justice?

### **New members**

51. What arrangements are made to check the medical and mental suitability of new members before acceptance?
52. What is the process the Community uses to check possible new members with the Disclosure and Barring Service?
53. What provision is made for the training of those testing their vocation?
54. Who has been received as a novice since the last Visitation?
55. Who has been professed in first vows or promises since the last Visitation?
56. Who has been professed in life vows since the last Visitation?
57. Who has withdrawn from the Community in first vows or promises since the last Visitation:
  - (a) through their own initiative?
  - (b) through the determination of the statutory authority of the Community?

Please attach a full list of members of the Community, their year of profession, the year of ordination if ordained, age and any professional qualifications (e.g., in teaching, social work, etc.).

### **GUIDELINES FOR THE ADMINISTRATION OF ARCHIVE COLLECTIONS**

It is recommended that every Community appoint an Archivist, either from its members or from outside, to oversee the care, content and use of the collection. The Archivist will need to have appropriate qualifications for the task or be encouraged to acquire such qualifications. The Archivist's responsibilities for collecting material, and making it available for authorised use, should be clearly defined.

It is therefore helpful in for a job description to be drawn up. This will include terms of appointment, expected hours to be apportioned to this department and areas of confidentiality. Responsibilities in regard to museum items, photographs, audio-visual and machine-readable material should be set out. Volumes or documents pertaining to an archive collection include:

- Items relating to the founder or foundress: diaries, correspondence, personal biographical papers, portraits or photographs.
- Documents concerning the Community's foundation (Constitution, Rule, provision of house, etc.)
- Legal papers relating to property occupied or owned by the Community.
- Financial and administrative papers (items of historical significance, annual accounts, agreements with local authorities, and also illustrations of daily living).
- Papers relating to members (passed on from the Leader's office) with consideration as to the appropriate confidentiality and possible period of closure.
- Memorabilia drawn from special occasions in the life of the Community.

Agreement should be reached between the archivist and all Officers of the Community on the timing and method of transfer of non-current papers to the archive collection.

Ideally, appropriate provision should be made for the systematic storage of the archives, together with a realistic budget for the upkeep and



administration of the records. A storage area should be allocated exclusively for the archives and the room made secure. Direct sunlight should be avoided, and levels of temperature and humidity be kept even. A record should be kept of material removed from the collection and the photocopying of original documents can be a sensible means of providing required material without risking loss or unnecessary wear and tear.

Communities would normally wish to open their archives to those undertaking research. However, it is wise to draw up written rules concerning supervision and for access by visiting scholars and other researchers. These should include working arrangements, security, supervision, photography and photocopying, the lending of material, etc. The overall purpose for such work should also be established and where advisable it should be stated that nothing may be published without the permission of the Leader. Terms of copyright should be established. Most record offices, including church organisations, open papers to the public after thirty years, or in the case of personal papers a hundred years. Papers should not be withheld from use without good cause. (See Officers and Employees paragraph 911; Communities and Ecclesiastical Authority, paragraph 1103 and Closure, paragraph 1408).

**CHARITY LAW REGARDING THE PAYMENTS  
TO INDIVIDUALS<sup>22</sup>**

Under Charity law, a Charity can only make payments to individuals:

- By making a payment in accordance with the Objects of the Charity;
- By making a payment pursuant to a contractual obligation;
- By making a compensation payment in settlement of a legal claim;
- By way of an ex-gratia payment, where the Charity believes it is under a strong moral obligation to make a payment, but only then with the consent of the Charity Commission<sup>23</sup>.

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<sup>22</sup> Embracing Change, Stone King & Buzzacott 2015

<sup>23</sup> Section 106(2)(b) Charities Act 2011

## HERMITS AND SOLITARIES

The terms Hermit and Solitary are often used interchangeably but for the purposes of the *Handbook*, the term 'hermit' refers to a member of a Religious Community and the term 'solitary' refers to one who is not a Religious.

### 1. **Hermits: Religious living the eremitical life**

The life of complete solitude prayer and silence before God is a continuing element of the Christian spiritual tradition. Although it involves external separation from society, it is a life lived in profound communion with the whole Church and with all humanity. Living in simplicity and poverty, the Religious is identified with all humanity in its need and poverty before God.

Vocation to the eremitical life is sometimes part of the developing vocation of a member of a Religious Community. There is also an intermediate form in which a small Community devoted to prayer and silence, often with individual dwelling places, bears many marks of the eremitical life without a complete withdrawal from all social intercourse.

A Religious who is aware of a strong call to the eremitical way of life requires experienced guidance during a lengthy period of preparation before the matter is laid before the Community for implementation. There must be close collaboration between the spiritual director, the Leader and the Visitor. The bishop of the place where the Religious is to live should be informed.

A period for testing this vocation may be provided in a place near the buildings of the Community; or in a settlement of hermits; or, if all those involved in guidance are agreed, in a place of greater physical isolation.

The Religious remains a member of the Community in which vows have been professed, even though the eremitical life has distinctive characteristics, demands and obligations.

The Chapter must give approval before a member undertakes this way

of life. Once this life been undertaken, the Chapter government of the Community will have no direct relevance to the life of the hermit, who will be under the personal direction either of the Leader of the Community or some other experienced person agreed by the Leader and the Religious, and approved by the Chapter. During the period of probation, the Religious will relinquish Chapter rights. If the period of probation proves that there is no permanent vocation to solitude, the Religious should return without question to the place formerly held in the Community.

If the vocation proves permanent, it should eventually be given formal recognition by the Chapter. This recognition would imply final relinquishment of Chapter rights on the part of the member, and acknowledgement of the permanence of the eremitical vocation by the Community. The Community will retain concern for the spiritual and physical well-being of the hermit, especially in old age.

Communities should bear in mind that many Religious feel the need for shorter or longer periods of solitude in which they may give themselves more completely to silence and prayer. This natural need may have to be distinguished from an eremitical vocation in particular cases. Some Communities will provide suitable accommodation for such periods of withdrawal or permit some of their members to spend periods sharing in the life of a monastic Community where normally more silence and solitude are part of the life.

Those concerned with the administration of Communities must be prepared to distinguish clearly between a true vocation to the eremitical life and the temptation of some Religious to seek this way of life as a way of avoiding the obligations of obedience and the demands of the common life. In general it will be found that the possessor of a true eremitical vocation will be characterised by humility and will be undemanding, a good Community member without marked foibles, but with a genuine attraction to silence.

### **The Spiritual Direction of Hermits**

The Religious who is able to undertake a life of prayer in solitude will be one who already has a stable relationship with God in prayer and is simple and uncomplicated in relating to other people and in the material concerns of life. This disposition of unwavering trust in God,

and in God's providence through those who minister to their basic spiritual and material needs, is necessary for sustaining a spirit of solitude and inner silence. The spiritual director, though not themselves living the life, should be of a similar disposition. The hermit and the director need to be able to recognise each other as kindred spirits in this respect.

Since the hermit's rhythm of life and mode of prayer should be created out of their direct dependence upon, and co-operation with, the Holy Spirit, and will be unique to that person, the director should not interfere with that formation, nor normally initiate changes. However, the director should be sufficiently knowledgeable concerning the Church's tradition of spiritual growth and of the eremitical life in particular as to be able to detect deviations from the way. In monitoring the hermit's life from the point of view of its goal - union with God through Jesus Christ - the director should be available to encourage, to confirm developments, to warn of temptations, to keep trials in proportion, and always as a fellow pilgrim to point the way to God.

Frequent meeting is not desirable, and most questions might be dealt with by correspondence. Above all, the director must maintain detachment, so as to be able to identify with the hermit in prayer and counsel without imposing self-generated patterns or solutions to problems arising. There must be a mutual listening for the leading of the Holy Spirit. If not a priest, or not living at a convenient distance from the hermit, the director may suitably arrange for another sympathetic priest to celebrate the eucharist occasionally in the hermit's dwelling-place and (with the permission of the Ordinary of the place) reserve the Blessed Sacrament for regular holy communion.

The director needs remember that it is the Leader of the hermit's Community who makes provision for their accommodation, decides with the member how Community observances such as the Divine Office or enclosure are to be adapted for their life, provides for their maintenance, and is responsible for decisions about health care, and when they have become too infirm to live in solitude. In all such matters the task of the director is to help the hermit make the best use of what is provided or decided.

## 2. Solitaries

There have always been some who believe that they are called by God to dedicate themselves by a vow and to live as consecrated celibates, whose primary concern is to build up the body of Christ in unity and love, though without living a community life and a common Rule. This autonomous vowed life has been recognised in the Eastern and Western Churches from earliest times as an authentic Christian vocation. Because it is not a life lived in community according to the norms of the Religious Life, it does not come within the normal scope of the Advisory Council; but since it has some similarities to the situation of Religious living under vows, bishops and others have frequently referred cases to the Council.

The Council offers the following guidelines:

- a) The whole-hearted commitment, dedication and offering of any Christian to God is to be encouraged and supported by the Church. However, the desire of anyone to make the commitment publicly by pronouncing a vow of celibacy needs to be examined and discerned carefully and wisely. A person believing they are called to do so should discuss this with their parish priest and their spiritual director, and with their support approach the diocesan bishop. The bishop alone has authority to receive such a public commitment by vow. Advice may be obtained from the Single Consecrated Life (SCL)<sup>24</sup>, which can also provide a service for making and blessing the vow, though those making a vow of consecrated celibacy are not obliged to be part of the SCL network.
- b) It is unlikely that people living alone within the context of, say, a parish community could undertake the other traditional vows of poverty and obedience, since these vows would imply shared ownership of resources and communally ordered decision-making for the sake of the kingdom. Therefore, normally only the vow of celibacy should be undertaken.
- c) The wearing of a habit similar to that worn by members of a Religious Community is inappropriate, since those who make a vow outside of a Religious Community are not included in the

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<sup>24</sup> [www.singleconsecratedlife-anglican.org.uk](http://www.singleconsecratedlife-anglican.org.uk)

formal category of Religious. For the same reason it is not desirable that a Religious name or title be adopted.

- d) In receiving this vow, the bishop should make it clear that they or their successors are not responsible for providing work, an income, or accommodation. As chief pastor of the diocese, they take spiritual responsibility for the person under vow, though they would normally delegate this to a designated priest of experience.
- e) Should the person under vow move into another diocese, the bishop who has previously acted as guardian of the vow should commend that person to the care of the bishop of the receiving diocese. Likewise, a retiring bishop should commend any such under their care to their successor.
- f) The bishop and the Solitary should both register with the Secretary of the Advisory Council the names of all those who make this vow in public.
- g) The dispensing authority for this vow is the bishop who is currently the guardian of the vow.