



# The role of the churchwarden and being a charity trustee

June 2021



@vwvlawfirm

[vwv.co.uk](http://vwv.co.uk) | Offices in London, Watford, Bristol & Birmingham



# Introduction

- Churchwardens' duties under ecclesiastical law
- Transition
- PCCs as charities, churchwardens as ex-officio PCC members, and trustees of ecclesiastical and parochial charities
- Safeguarding

- Canon E1
- Officer of the Bishop
- Close working relationship with the incumbent, clergy in the parish and the PCC
- Encourage feedback from parishioners
- Use best endeavours to encourage parishioners in *“the practice of true religion and promote unity and peace”*
- Maintain order and decency in the church and churchyard
- Hold title to moveable goods

- Assisting the PCC to discharge its duty to care, repair, insure and maintain the fabric of the church
- Annual report on the fabric of the church and all articles belonging to the church
- Church log book
- Represent the parish in faculty proceedings

- Seating
- Communion
- Offerings and collections

- Closed churchyards
  - Orders in Council
  - Rules regarding coffin burials and the interment of cremated remains
  - Liability for maintenance
- Gravespace reservations and PCC policies
- Exhumations
- Further burials in a 'full' churchyard

- Together with the rural dean (and any others appointed by the Bishop), have responsibility for maintaining the life, worship and mission of a benefice during a period of transition
  - Control of parsonage
  - Continuation of services
  - Maintenance of registers and files
  - Meetings

- All PCCs are charities
- Charity Commission is regulator of all PCCs
- Most are excepted from registration (until 2031)
- More robust approach to role as regulator
- Powers of the Charity Commission



- Ex-officio member of the PCC and member of the standing committee
- Duties and responsibilities of a charity trustee
- Charity Commission guidance – “The essential trustee: what you need to know, what you need to do (CC3)”
- Eligibility to act as a charity trustee

- Ex-officio trustees
- Conflicts of interest/duty
- Knowledge and record keeping

- General management and control of the administration of the charity
- Ensure it is solvent, well run and delivering charitable outcomes for the benefit of the public
- Exercise such care and skill as is “reasonable in the circumstances”
- General duty to act solely and exclusively in the best interests of the PCC
- Key areas:
  - Objects and powers
  - Personal benefits
  - Conflicts of interest
  - Acting personally / delegation

- Safeguarding and Clergy Discipline Measure 2016
- “due regard” to guidance issued by the House of Bishops on matters relating to the safeguarding of children and vulnerable adults
- Duty imposed on churchwarden as well as the PCC (as a corporate body rather than individual members)
- Statement of compliance to be included in PCC’s annual report

- Disqualified from acting as a churchwarden if included in a barred list
- Power of Bishop to suspend a churchwarden if:
  - he/she is arrested on suspicion of committing an offence under the Children and Young Persons Act 1933 or is charged with such an offence without being arrested; or
  - the Bishop is satisfied, on the basis of information provided by a local authority or the police, that he/she presents a “significant risk of harm”
- Churchwarden may appeal against a suspension

- “Protecting people and safeguarding responsibilities should be a governance priority for all charities”
- As part of fulfilling trustee duties, you must take reasonable steps to protect from harm people who come into contact with the PCC
- If something goes wrong, charity trustees are accountable and responsible for putting it right
- Assure yourselves that safeguarding arrangements are robust
- Requirement to report “serious incidents”

- All trustees should be aware of Charity Commission guidance: *How to report a serious incident in your charity*
- The Charity Commission requires charities to report serious incidents “promptly”
- A serious incident is an adverse event, whether actual or alleged, which results in or risks significant:
  - harm to the charity’s beneficiaries, staff, volunteers or others who come into contact with the charity through its work;
  - loss of the charity’s money or assets
  - damage to the charity’s property
  - harm to the charity’s work or reputation
- Examples include: fraud, thefts, significant financial losses, criminal breaches, safeguarding







**Jos Moule**

**Registrar**

**[jmoule@vww.co.uk](mailto:jmoule@vww.co.uk)**

**07771 870741**



[linkedin.com/in/name](https://www.linkedin.com/in/name)



[@vwwlawfirm](https://twitter.com/vwwlawfirm)

**vww.co.uk** | Offices in London, Watford, Bristol & Birmingham  
Lawyers & Parliamentary Agents

