

The House of Bishops and Public Transparency

A briefing note

Transparency builds trust. Secrecy breeds distrust. Currently the Church of England's House of Bishops faces a serious trust deficit in its relationship with the other two Houses of General Synod, the House of Clergy and the House of Laity. This breakdown is generated partly by the cloak of secrecy surrounding House of Bishops proceedings, for which there is currently no public access and no published minutes. However, as this article demonstrates, public access is written into the House of Bishops Standing Orders, and publication of its minutes was guaranteed to General Synod by a former Archbishop of Canterbury. A thorough review of House of Bishops procedures is long overdue.

General Synod and Good Governance

The creation of General Synod in 1970 was a revolutionary moment in the life of the Church of England, designed to enhance its governance and to bring closer cohesion and accountability between the three Houses of Bishops, Clergy and Laity. In the wake of these legislative changes, the operation of the House of Bishops came under fresh scrutiny and was found wanting. For nearly half a century, since the Prayer Book controversy of 1927, the House of Bishops had been meeting *in camera*, and kept its record of proceedings confidential, but this secrecy was no longer deemed appropriate in a synodical system and less deferential age. Furthermore, the Houses of Clergy and Laity operated with formal Standing Orders, but the House of Bishops had none.

The drive for better governance and greater transparency was led by Canon Paul A. Welsby (1920-2002), one of General Synod's most senior clergy as Prolocutor of the Canterbury Convocation from 1974 to 1980. On behalf of the lower Houses of General Synod, he sought to hold the House of Bishops to account, as an essential feature of synodical good practice. In February 1975, Welsby asked whether the House of Bishops would begin to publish its minutes, to which the Archbishop of Canterbury (Donald Coggan) announced that, for the first time, they would publish their 'main decisions and recommendations' as an information bulletin for General Synod. Welsby, however, pushed further, requesting that the House of Bishops publish 'the minutes of all the proceedings of that House in the same way as the House of Clergy and the House of Laity do, bearing in mind that the House of Bishops is as much a part of the synodical structure as are the Houses of Clergy and Laity'. In a supplementary question, a member of the House of Laity asked also for the times and places of House of Bishops meetings to be published, along with its agendas and the voting figures behind its decisions. The Archbishop promised that this possibility would be considered 'very seriously'.¹

These initial steps towards increased transparency were widely welcomed. The *Church Times* celebrated that the 'veil of secrecy' surrounding the House of Bishops was at last to be lifted.² For two years, 1975-6, the House of Bishops produced a 'Confidential Record' of its

¹ *General Synod Report of Proceedings* vol. 6 (4 February 1975), pp. 67-8.

² 'Veil lifted on bishops' meetings', *Church Times* (7 February 1975), p. 24.

proceedings (equivalent to its previous minutes), circulated only to bishops, but also published 'Decisions and Recommendations of the House of Bishops', a short summary for General Synod. Although this was a step in the right direction, more was necessary. Therefore, at General Synod in February 1977, Canon Welsby returned to the same theme. He asked:

Is the House of Bishops

- (a) prepared to make publicly available one or more copies of the minutes of its meetings, as distinct from the paper giving selected 'Decisions and Recommendations of the House of Bishops';
- (b) prepared to admit members of the public to its deliberations on the same terms upon which they are admitted to meetings of the Full Synod and those of the Houses of Clergy and Laity;
- (c) governed in its business by Standing Orders in the same way as are the other Houses?³

The request was met with broad willingness. The Archbishop of Canterbury confessed that the House of Bishops did not yet have Standing Orders, but they were currently being drafted and the question of public access would be considered as part of that drafting. There would be some 'procedural and practical difficulties' in admitting the public, he observed, partly because they would need a bigger room and partly because 'a good deal of the business of the House is more akin to that of a committee ... than to the business of the other Houses'. Nevertheless, the minutes of House of Bishops meetings presented no such difficulties, so the Archbishop promised that they would be published with immediate effect, and circulated to members of General Synod, beginning with those of January 1977.⁴

Public Access

One vital part of good governance was robust Standing Orders. Informal gatherings of bishops for conference and discussion, such as the College of Bishops, did not require regulation. But when the House of Bishops met it was as one of the duly constituted Houses of General Synod, conducting formal synodical business. Therefore, as early as 1974, the General Synod's Legal Adviser (Brian Hanson) urged that Standing Orders were necessary because the House of Bishops' procedures were likely to be tested to the limit when they faced controversial questions like the ordination of women.⁵

When Hanson produced the first draft of House of Bishops Standing Orders in May 1975, they made no mention of public access to the meetings, under the presumption that the old pattern since the 1920s would continue.⁶ However, the final version adopted by the House of Bishops in May 1978 (and still current in the 2020s) made deliberate provision for public

³ *General Synod Report of Proceedings* vol. 8 (15 February 1977), p. 108.

⁴ *Ibid.*, pp. 108-9. For prior agreement at the House of Bishops of the Archbishop's answer to Canon Welsby, see House of Bishops Minutes (26 January 1977), HB(77)(M) First Meeting, Lambeth Palace Library [LPL], HB/M/4. See also, William Pattinson, 'Question from Canon Welsby: Note by the Secretary-General' (17 January 1977), House of Bishops Documents, HB(77)8, LPL, HB/D/1977.

⁵ Brian Hanson to William Pattinson, 11 December 1974, LPL, HB/LS.

⁶ Brian Hanson to William Pattinson, 21 May 1975, with draft House of Bishops Standing Orders, LPL, HB/LS.

access, as a result of scrutiny from General Synod and what Hanson called ‘the mounting pressure for the admission of the public to these meetings’.⁷ The House of Bishops Standing Orders were henceforth printed as an appendix to the Standing Orders of General Synod.

There are deliberate parallels, but also contrasts, between the Standing Orders of the House of Bishops and the Standings Orders of General Synod. In 1978, the Secretary-General of the General Synod (William Pattinson) sent the House of Bishops draft, for advice, to the chair of the General Synod Standing Orders Committee (Oswald Clark). Pattinson highlighted that they were ‘somewhat different from the Standing Orders of the General Synod and of the other Houses. The differences, however, reflect the different functions of the House – which acts sometimes like the other Houses and at others more like the Standing Committee of the General Synod.’⁸ Pattinson emphasised ‘the need to distinguish, and to be seen to distinguish, between those occasions when the House of Bishops can properly meet in public, and those occasions when it needs to meet in camera.’⁹

Public and press access was laid down in General Synod’s Standing Orders as follows:

SO 159: Admission of Public

- (a) Subject to paragraph (c) of this Standing Order, the public shall be admitted to all sittings of the Synod within the limits of such seating capacity as may be allocated by the Secretary for this purpose ...
- (b) Subject to Standing Orders 108, 115, 116 and 151 no person other than a member of the Synod shall address the Synod and members of the public shall remain silent while in the hall.
- (c) Any member may move at any time, but not so as to interrupt another member’s speech, the motion ‘*That strangers do now withdraw*’; if that motion be carried, the Chairman shall ask members of the public to withdraw until such times as, with the general consent of the Synod, he gives instructions to the Secretary for their re-admission.
- (d) Such motion shall be a question of procedure and, by permission of the Chairman, shall not require notice.
- (e) The expression ‘public’ in this Standing Order includes the press.¹⁰

The Legal Adviser explicitly copied this form of words into the new House of Bishops Standing Orders, in order to establish clear parallel procedures between General Synod and the House.¹¹ In the House of Bishops Standing Orders it became SO 13 and SO 14:

SO 13: Admission of the Public

- (a) The public shall be admitted to all sittings of the House within the limits of such seating capacity as may be allocated by the Secretary for this purpose ...

⁷ Brian Hanson to L. G. Wadson, 18 January 1978, LPL, HB/LS.

⁸ William Pattinson to Oswald Clark, 17 April 1978, LPL, HB/LS.

⁹ William Pattinson, ‘House of Bishops Standing Orders: The Legal Adviser’s Draft: Comments by the Secretary-General’ (6 February 1978), LPL, HB/LS.

¹⁰ *General Synod of the Church of England: Standing Orders 1973, as Adopted on 21st February 1973* (GS 150), p. 67.

¹¹ For this explicit borrowing from the General Synod Standing Orders, see Brian Hanson to Gerald Ellison (Bishop of London), 18 January 1978, LPL, HB/LS.

- (b) Subject to Standing Orders 11 and 12 above no person other than a member of the House shall address the House and members of the public shall remain silent while in the hall.
- (c) The expression ‘public’ in this Standing Order and in Standing Order 14 includes the press.

SO 14: *Committee of the Whole House*

- (a) By direction of the Chairman or resolution of the House, the House may at any time during a session go into Committee of the whole House. Any member may move at any time, but not so as to interrupt another member’s speech, the motion ‘*That the House do now go into Committee*’; if that motion be carried, the Chairman shall ask members of the public to withdraw until such time as with the general consent of the House, he gives instructions to the Secretary for their re-admission.
- (b) Such motion shall be a question of procedure and, by permission of the Chairman, shall not require notice.¹²

These parallel Standing Orders remain in place today. SO 13 and SO 14 of the House of Bishops stand as originally adopted in 1978. SO 159 of General Synod is now renumbered SO 150, entitled *Press and Public*, but retains the same provisions for public access, except that the motion, ‘That strangers do now withdraw’ is replaced by the motion ‘That the public gallery now be cleared’ or ‘That the press and public do now withdraw’.¹³

However, in practice, these parallel Standing Orders have been put into directly opposite use within General Synod and the House of Bishops. Within General Synod the public and press are actively welcomed as part of a commitment to transparency and accountability. General Synod’s power to remove the public under SO 150 is never used. In fact, with the aid of modern technology, General Synod has sought to increase access beyond the chamber, with proceedings livestreamed and tweeted. Meanwhile the House of Bishops use their parallel Standing Orders with the opposite intent. Far from seeking maximum transparency, they seek maximum secrecy. Their commitment to admit the public under SO 13 is always ignored. Their power to remove the public under SO 14 is always used.

This misuse of the House of Bishops Standing Orders began very soon after their adoption. The public were admitted from January 1979, with House of Bishops meetings held in the Convocation Hall at Church House, Westminster, to allow sufficient room. Sometimes the whole proceedings were public, sometimes particularly sensitive items on the agenda were taken ‘in committee’ under SO 14. However, as early as October 1980, the entire House of Bishops meeting – a two-day residential at High Leigh Conference Centre, Hoddesdon – was held in private under SO 14, perhaps because the venue made public access more difficult.¹⁴ The same approach was taken for the three-day House of Bishops residential in May 1982 at All Saints Pastoral Centre, London Colney.¹⁵ By the following year, the House of Bishops had drifted into a pattern of conducting their entire proceedings under SO14, for every meeting,

¹² *General Synod of the Church of England: Standing Orders ... Standing Orders of the House of Bishops, Adopted on 16th May 1978* (GS 275F), p. 81D.

¹³ *General Synod of the Church of England: Standing Orders* (July 2023 Edition).

¹⁴ House of Bishops Minutes (22-23 October 1980), HB(80)M5, LPL, HB/M/5.

¹⁵ House of Bishops Minutes (24-26 May 1982), HB(82)M2, LPL, HB/M/5.

regardless of the agenda. The last time SO 14 was used discriminately was in January 1983. At every subsequent meeting for the last forty years, since May 1983, every item on the agenda has been taken under SO 14 apart from basic preliminaries like consideration of the previous minutes and matters arising.

This indiscriminate use of SO 14 became a public scandal as early as the mid-1980s. For example, in February 1984 the House of Bishops met in London to discuss the introduction of church weddings for divorcees, a subject of significant public interest. After the opening prayers, the Archbishop of Canterbury (Robert Runcie) immediately proposed under SO14 that the rest of the agenda should be in private, so the public and press were told to leave. Aware that this procedure was the focus of much debate, even consternation in some quarters, the Archbishop justified their approach: ‘I would simply say that there is no House of Bishops in any episcopal Church in all the world that doesn’t have to conduct much of its business in private discussion.’ However, before being excluded from the meeting, the *Church Times* reporter was surprised to observe how SO 14 was treated in a perfunctory manner by the bishops, without genuine consideration: ‘There was no debate on the proposal to go into committee, nor was any vote taken. And, when the Archbishop asked, “Is that agreed then?”’, no dissenting voice or gesture could be discerned amid the nods and murmurs of “Agreed, agreed.”’¹⁶

At every subsequent meeting of the House of Bishops, for four decades, SO 14 has been called at the start of the proceedings. Bishops take it in turns to propose ‘That the House do now go into Committee’, but it has become a performative ritual, and sometimes almost a comic parlour game. There is no genuine reflection on whether SO 14 is strictly necessary for each item of business in question, and the House of Bishops routinely ignores the original intention and commitment of their own Standing Orders to admit the public. Meeting venues are no longer advertised, because there is an unwritten presumption that the public will be excluded, even though the Standing Orders lay down that the public will be welcomed. One recent letter to the *Church Times* describes the habitual use of SO 14 as ‘a deliberate pre-emptive move against openness, transparency, and accountability’, a ‘legislative loophole’ and ‘an abuse of process’. ‘Can the Bishops set us a better example’, the writer pleads, ‘and end this unnecessary secrecy?’¹⁷

Published Minutes

When publication of the full House of Bishops minutes was first called for at General Synod in 1975, the Secretary-General was initially hesitant, believing that the House’s ‘contribution to the work of the Synod would be limited’ by full disclosure.¹⁸ Nevertheless, he agreed that voting figures should be included in the published ‘Decisions and Recommendations of the House of Bishops’.¹⁹ Two years later, he had come to the view that there was nothing to hinder

¹⁶ ‘Bishops’ new plan to resolve impasse over remarriage’, *Church Times* (3 February 1984), pp. 1, 20.

¹⁷ Letter from Harry Olsen, *Church Times* (1 October 2021), p. 14.

¹⁸ ‘Working Arrangements of the House’, in House of Bishops Confidential Record (29 January 1975), HB(75)(M) First Meeting, LPL, HB/M/4.

¹⁹ ‘Working Arrangements of the House’, in House of Bishops Confidential Record (20 March 1975), HB(75)(M) Second Meeting, LPL, HB/M/4.

publication of the full minutes after all. This new policy was agreed by the House of Bishops and announced to General Synod by the Archbishop of Canterbury.

The first House of Bishops minutes to be published were from January 1977, issued as a 10-page A5 booklet and circulated to members of General Synod.²⁰ In succeeding years, they varied in length according to the nature of the business – just one page in January 1978, but 16 pages in February 1978, for example.²¹ Sometimes, when particularly sensitive subjects were discussed under SO 14, there was also a confidential annex for bishops' eyes only, with a fuller record than was possible in the published minutes. But the general aim was to enable the maximum transparency possible.

Nor was there a presumption, let alone a policy, that legal advice received by the House of Bishops would remain confidential. For example, during the 1980s there were major legal questions over whether new Church of England regulations concerning the remarriage of divorcees would require an amendment to Canon B30 ('Of Holy Matrimony'). The Archbishops sought legal advice from the Dean of Arches, the Vicars General of Canterbury and York, the Legal Adviser, and the Standing Counsel. Their legal opinions, including dissenting statements on some points, were published and circulated to members of General Synod as an appendix to the published House of Bishops minutes.²²

The publication of House of Bishops minutes continued unimpeded for two decades, from 1977 to 1997. This policy was reaffirmed in 1991, for example, as part of a review of House of Bishops confidentiality procedures. It reiterated that 'The minutes of the House are public documents', circulated to members of General Synod.²³ Nevertheless, towards the end of the decade the House of Bishops drifted back into their old habits. The published minutes became shorter and more perfunctory until from 1997 they ceased and were replaced with a 'Summary of Decisions', a practice which still continues in the 2020s.

This return to the less transparent days of the pre-1970s has regularly been challenged. For example, Adrian Vincent was a member of staff at the National Church Institutions, working from 2000 to 2007 for the Central Secretariat and as minute taker for House of Bishops meetings. As a member of the General Synod's House of Laity in 2010, Vincent asked why these minutes were not published. The Archbishop of York (John Sentamu) defended the practice of issuing only a 'Summary of Decisions', not the minutes, because House of Bishops meetings 'could involve candid and robust discussion. In my judgment, bishops need to be able to "speak the truth in love" in the privacy of their meetings without being inhibited by the thought that a detailed account of the exchanges is to be published'. There is, of course, a distinction between minutes and a detailed account of exchanges, but Sentamu elided these two concepts. In a supplementary question, Vincent asked whether the House of Bishops still held private meetings at which no minutes were taken, which Sentamu confessed was the case.²⁴

²⁰ House of Bishops Minutes (26 January 1977), HB(77)(M) First Meeting, LPL, HB/M/4.

²¹ House of Bishops Minutes (30 January and 22 February 1978), HB(78)(M)M1 and M2, LPL, HB/M/4.

²² 'Appendix to the Minutes of the House of Bishops' (April 1984), LPL, HB/M/6.

²³ 'Confidentiality of the Papers and Proceedings of the House' (5 June 1991), House of Bishops Documents, HB(91)34, LPL, HB/D/1991.

²⁴ [*General Synod Report of Proceedings*, November 2010]

Conclusion

The current procedures of the House of Bishops do not serve anyone well – either the House of Bishops itself, or the General Synod, or the wider Church of England. A formal review is long overdue. The review should examine the use and abuse of SO 14. Since 1978 the House of Bishops Standing Orders have included provision for public access, but apart from a brief period between 1979 and 1983 this has been universally ignored. Such habitual disregard brings the Standing Orders into disrepute, if they are not functioning as originally intended. The review should also examine the publication of House of Bishops venues, agendas, voting figures, and full minutes. Published minutes were promised to General Synod by the Archbishop of Canterbury and for two decades the House of Bishops carried through on that promise, until shortly before the turn of the millennium. But memories are short, and that guarantee has since been forgotten. If General Synod is to function well, with good governance and proper cohesion between all three Houses, an overhaul of House of Bishops procedures is necessary. The time is ripe for a re-set of our assumptions, with bold new creative thinking which enables the maximum possible transparency, because transparency builds trust and trust is at the heart of healthy ecclesial relationships.

*Andrew Atherstone
Oxford
October 2023*