

Code of Conduct for Romsey Parochial Church Council Members

Version 0.1

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Draft

Introduction

This code applies to members of the PCC both individually and collectively. As well as their responsibilities under Church regulations, PCC members are charity trustees with legal duties and responsibilities. The most important of these are summarised in the Charity Commission's leaflet Responsibilities of Charity Trustees (CC3) which is distributed to PCC members following the Annual Parochial Church Meeting in April and before the first PCC meeting in May.

The function of the PCC

The functions of the PCC are set out in the Parochial Church Councils (Powers) Measure 1956:

- Co-operation with the minister in promoting in the parish the whole mission of the Church, pastoral, evangelistic, social and ecumenical;
- The consideration and discussions of matters concerning the Church of England or any other matters of religious or public interest, but not the declaration of the doctrine of the Church on any question;
- Making known and putting into effect any provision made by the diocesan synod or the deanery synod, but without prejudice to the powers of the council on any particular matter;
- Giving advice to the diocesan synod and the deanery synod on any matter referred to the council;
- Raising such matters as the council consider appropriate with the diocesan synod or deanery synod.

In particular, the measure states that the PCC is responsible for:

- The financial affairs of the church including the collection and administration of all moneys raised for church purposes and the keeping of accounts in relation to such affairs and moneys;
- The care maintenance preservation and insurance of the fabric of the church and the goods and ornaments thereof;
- The care and maintenance of any churchyard (open or closed)

Body Corporate

The PCC is a Body Corporate. This means that liabilities it incurs in contract (e.g. under a contract of employment or for the provision of goods or services) or tort (e.g. by a breach of a duty of care owed to a third party) are enforceable against it rather than against its members. Thus, a PCC member can only become personally liable for a debt of the PCC if he or she has voluntarily accepted legal responsibility for it (e.g. by giving a personal guarantee) or if the debt has arisen in circumstances involving a breach of the PCC member's fiduciary duties.

It should be noted that a PCC member can also be personally liable under a contract which, whilst purportedly made on behalf of the PCC, was in fact entered into by the PCC member personally because he or she had no authority to enter into it on the PCC's behalf.

Principles

1. PCC members will understand their role and responsibilities collectively and individually in relation to:
 - their legal duties
 - their stewardship of assets
 - the mission of the church
 - the external environment
 - the structure of the organisation.
2. The PCC will ensure that the Parish delivers its stated purposes or aims by:
 - developing and agreeing a Parish Mission Action Plan
 - agreeing operational plans and budgets
 - monitoring progress and spending against plan and budget
 - evaluating results, assessing outcomes and impact
 - reviewing and/or amending the plan and budget as appropriate.
3. The PCC will have a range of appropriate policies and procedures, knowledge, attitudes and behaviours to enable work in the Parish to be carried out effectively. These will include:
 - finding and recruiting new PCC members to meet changing needs in relation to skills, experience and diversity
 - providing suitable induction for new members
 - providing all members with opportunities for training and development according to their needs
 - periodically reviewing the performance of the PCC
4. PCC members will understand that they are accountable and will ensure that
 - staff and volunteers in the Parish understand and comply with all legal and regulatory requirements that apply to it
 - the Parish continues to have good internal financial and management controls
 - the PCC regularly identifies and reviews the major risks to which the Parish is exposed and has systems to manage those risks
 - delegation to committees, staff and volunteers works effectively and the use of delegated authority is properly supervised.
 - the PCC will provide good governance and leadership by behaving with integrity. It will
 - safeguard and promote the Parish's reputation
 - act according to high ethical standards
 - identify, understand and manage conflicts of interest and loyalty
 - maintain independence of decision making
 - deliver outcomes that best meets the needs of the congregation and the wider Parish.
5. The PCC will lead the Parish in being open and accountable, both internally and externally. This will include:
 - open communications, informing people about the Parish and its work
 - maintaining confidentiality when this is required
 - appropriate consultation on significant changes in the Parish
 - listening and responding to the views of the congregation, funders, those it serves, and others with an interest in the work of the Parish
 - handling complaints constructively, impartially and effectively
 - considering the organisation's responsibilities to the wider community including its environmental impact

Specific Responsibilities

Principle 1

PCC members have a duty to act within the legal and regulatory frameworks that apply to them and the Parish. PCC members should lead by example in a way that positively reflects its values. The values of the Christian Church should underpin the delivery of the PCC's activities or services and the achievement of its objects.

The PCC will do this by:

- accepting ultimate responsibility for the way the Parish is directed and run, acting at all times in the best interests of the Parish and those that it serves
- ensuring the solvency and financial strength of the Parish
- safeguarding the Parish's assets and using them only in furtherance of its purposes
- acting reasonably in decision making and leadership of the organisation
- recognising and respecting that all PCC members are equally responsible in law for the PCC's decisions
- complying with all relevant legislation and regulation applicable to the Parish and the activities it undertakes and making appropriate public statements to confirm that this is the case
- ensuring that all PCC members are properly appointed and are not disqualified from so acting

Principle 2

The PCC exists to further the mission of the Church. Its role is to secure the optimum means of fulfilling it. The PCC should always bear this in mind, and make decisions in the best interests of the Parish. The PCC will do this by:

- ensuring that all activities, particularly new ones, are in line with the Church's mission and the Parish's charitable objectives.
- establishing and periodically reviewing the Parish Mission Action Plan (PMAP), ensuring that it is developed in consultation with the congregation and wider Parish, and is effectively communicated and easily understood outside the Church.
- regularly and timely reviewing management accounts, ensuring that all PCC members are in a position to read and understand them, in order to make informed decisions
- reviewing outcomes and assessing impact to ensure that the Parish delivers its purpose
- having regard to the Charity Commission's guidance and reporting requirements

Principle 3

To work in the best interests of the Parish, the PCC needs to identify individuals to stand for election at the APCM who together have a mixture of knowledge, skills and experience that is relevant to the Parish's circumstances and needs. They should have the requisite characteristics and skills to work as a committed, effective and supportive team, whilst retaining independence of thought with the maturity and ability to challenge constructively. They should embody diversity in its widest sense, strengthening decision making by bringing a broad range of backgrounds and perspectives. The PCC will do this by:

- complying with any qualifications and all requirements in the Church Representation Rules concerning who/how many may be appointed as PCC members, terms of office and manner of appointment
- complying with any regulations concerning the conduct of PCC meetings
- ensuring that PCC members are, and remain, eligible to act and that appropriate checks have been carried out including statutory disqualification and DBS checks. PCC members are required to sign a declaration of eligibility and willingness to act annually.
- members striving to attend all PCC meetings, ensuring they prepare for and contribute appropriately and effectively.
- members recognising that they take decisions together and have joint responsibility for them. The extent to which any one PCC member or group of members is empowered to speak for, or take action on behalf of the PCC, is a matter for all members to decide together

Principle 4

The PCC is ultimately responsible for the decisions and actions of the Parish. PCC members need to be assured that everyone acting in the organisation's name is complying with agreed PCC decisions and the requirements of law or regulation. The PCC will do this by:

- maintaining clear written terms of reference for PCC sub-committees, and advisory groups
- periodically reviewing the PCC's sub-committee structure to ensure that it continues to meet the PCC's governance needs
- taking a considered, proportionate and balanced approach to risk management, regularly reviewing the range and impact of risks the Parish faces.
- acting fairly and in accordance with good employment and equal opportunities principles in making decisions affecting the appointment, recruitment, professional development, appraisal, remuneration and discipline of staff.
- acting fairly and in accordance with good practice in making decisions affecting the recruitment, guidance and treatment of volunteers.
- taking appropriate professional advice where necessary before making important decisions, especially those involving material risk.

Principle 5

The PCC, both individually and collectively, have ultimate responsibility for the Parish's funds and assets, including its reputation. They take the lead in setting and championing the values and ethos of the Church. It is vital, therefore, that they maintain the respect of the congregation, the Diocese and the wider Parish by behaving with integrity both when acting as trustees and more generally. To behave otherwise risks bringing the Parish and its work into disrepute. The PCC will do this by:

- ensuring that confidential information or material (including those relating to clergy, staff, members of the congregation, those who we serve in pastoral or children's work, and commercial matters) that have been provided to or discussed at a PCC meeting remain confidential and within the confines of the PCC and must not be shared or discussed outside the PCC
- aiming to foresee and avoid any conflict of interest. Where one arises, a member must at once declare the interest and absent him/herself from any discussion or vote taken on the matter by the other members.
- ensuring that, except where legally authorised, PCC members do not gain financial or other material benefit for themselves, their families or their friends from their PCC membership.
- fostering a working environment that supports constructive challenge and welcomes different points of view
- members conducting themselves in a manner which does not damage or undermine the reputation of the Parish

Acknowledgements

Material in this document was based on information from:

Parochial Church Councils (Powers) Measure 1956 www.legislation.gov.uk/ukcm/Eliz2/4-5/3

The Church Representation Rules www.churchofengland.org/about-us/structure/churchlawlegis/church-representation-rules/church-representation-rules-online.aspx

Association of Chief Executives of Voluntary Organisations "Code of Good Governance"
www.governancecode.org/wp-content/uploads/2012/06/Code-of-Governance-Full1.pdf