

Churchwardens and the faculty process

Liz Kitch, SCBO (DAC Secretary)

Legal Responsibilities of a churchwarden

The *Canons of the Church of England* [Canons E1.4 and E1.5] state (amongst other things!) that churchwardens shall: **maintain order and decency in the church and churchyard, especially during the time of divine service. The property, in the plate, ornaments and other moveable goods of the church, is vested in them, and they should keep an up-to-date inventory of these items, and deliver them to their successors.**

Practically this means:

- Applying for List B or faculty permission for works.
- Arranging Quinquennial Inspections
- Doing a quarterly walk around the church
- Ensure the building and its contents are appropriately insured
- Ensure electrical and gas safety checks are carried out, that you have an asbestos risk assessment, any lightning conductor is maintained and tested
- Rainwater goods (and French drains) are cleared out and water is draining away from the church
- There is a Terrier, (the list and description of any land or buildings belonging to the church)
- an annually updated inventory and photographic record of all the items belonging to the church is retained
- a log book of all alterations and repairs to the church and its lands and contents exists
- proper records of any property transactions, including licences under Faculty and tenancy agreements and leases are kept
- Making sure all valuable items are securely kept.

The DAC Team and what we do



Liz



Sophie



Hannah



Katherine



Christine

What is the DAC?

Diocesan Advisory Committee for the Care of Churches

- Committee of 25 clergy and lay members
- Membership includes architects, archaeologists, historians, conservation officers, M&E engineers, archdeacons and parochial clergy
- Founded in 1916, and a statutory body since 1938
- Deals with around 700 faculty applications a year

Why do we have the DAC?

Ecclesiastical Exemption

- Keeps ecclesiastical buildings under ecclesiastical control
- Enables historic buildings to be altered for worship
- The exemption can be revoked at any time by ministerial order
- The LPA alternative – Listed Building Consent
- Faculty is much more detailed than LBC, but...

We're free and can give one to one support, as well as enabling you to alter your building far more than LBC would – we have a vested interest!

Planning Permission is still required

What does the DAC do?

Two key roles:

1. Statutory function - Advise the Chancellor of the diocese whether or not to accept petitions for faculty. **Chancellor is the decision maker, not the DAC officer, or committee members.**
2. Advise parishes on anything and everything building, churchyard, or contents related!

What does the DAC do?

- Encourage mission and development whilst ensuring that the most appropriate thing is done for the building.
- Protect the PCCs interests, practically and financially.
- Offer project management support at every step of the process. Look after your case officer! They are the link between parish and DAC committee.

The DAC are NOT there to say no, but they might say YES... but!

What can the DAC do for **you**?

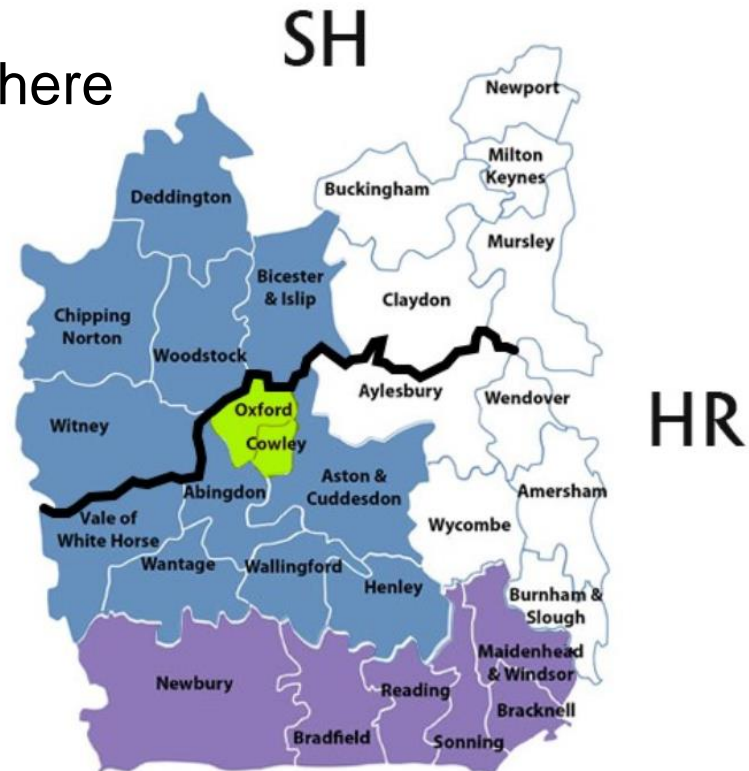
Case officers give direct one to one support

We can attend PCC meetings or public consultations

DAC Surgeries

Being a churchwarden is tough – we are there to make your life easier, not harder

Buildings ARE mission



What can the DAC do for you?

- Site visits
- Give advice on how you can best use your building to further mission in the community
- Review of draft submission documents
- Guide you through the application process including what to submit, when, what outside bodies you will need to consult.

What can the DAC **NOT** do for you?

- We are limited by resource, and remit
- Design your scheme
DAC members and advisors are volunteers, many still work full time. You need to employ professionals to develop your scheme, and the DAC advisors will then review the application.
- Write your application
- Police your project – we are not building control
- Recommend contractors – but we can point you in the right direction
- Give permission!

What does Faculty Jurisdiction Cover?

Nearly everything!

Church building (even if like for like repairs)

Church contents (even if not fixed down)

Churchyards – trees, tombs, walls, paths

If you need to carry out works and you're not sure please call – a 5 minute conversation can save so much time.

Types of permission

List A

Minor maintenance, clearing of gutters etc

No diocesan permission required – does not include any works which involve historic fabric, so no repointing etc

List B (Archdeacons Notice)

Minor repairs, repointing and alterations to heating, lighting etc

Apply through the DAC, around 1 or 2 weeks

The list is exhaustive, with conditions, and exclusions!

Faculty

Everything else.

2 Stage process, DAC and Formal Petition 2 months +

FJ includes – Church buildings, contents, churchyard, tombs, trees

If in doubt, call us! 01865 208216

What if we have an emergency?

CALL US 01865 208216 or 07393235371

If you can't reach us call your Archdeacon

If you can't reach the Archdeacon call the Diocesan Registry 01865 297208

We have an emergency procedure

Interim faculty permission – granted by the **Chancellor (not the Archdeacon or DAC)**

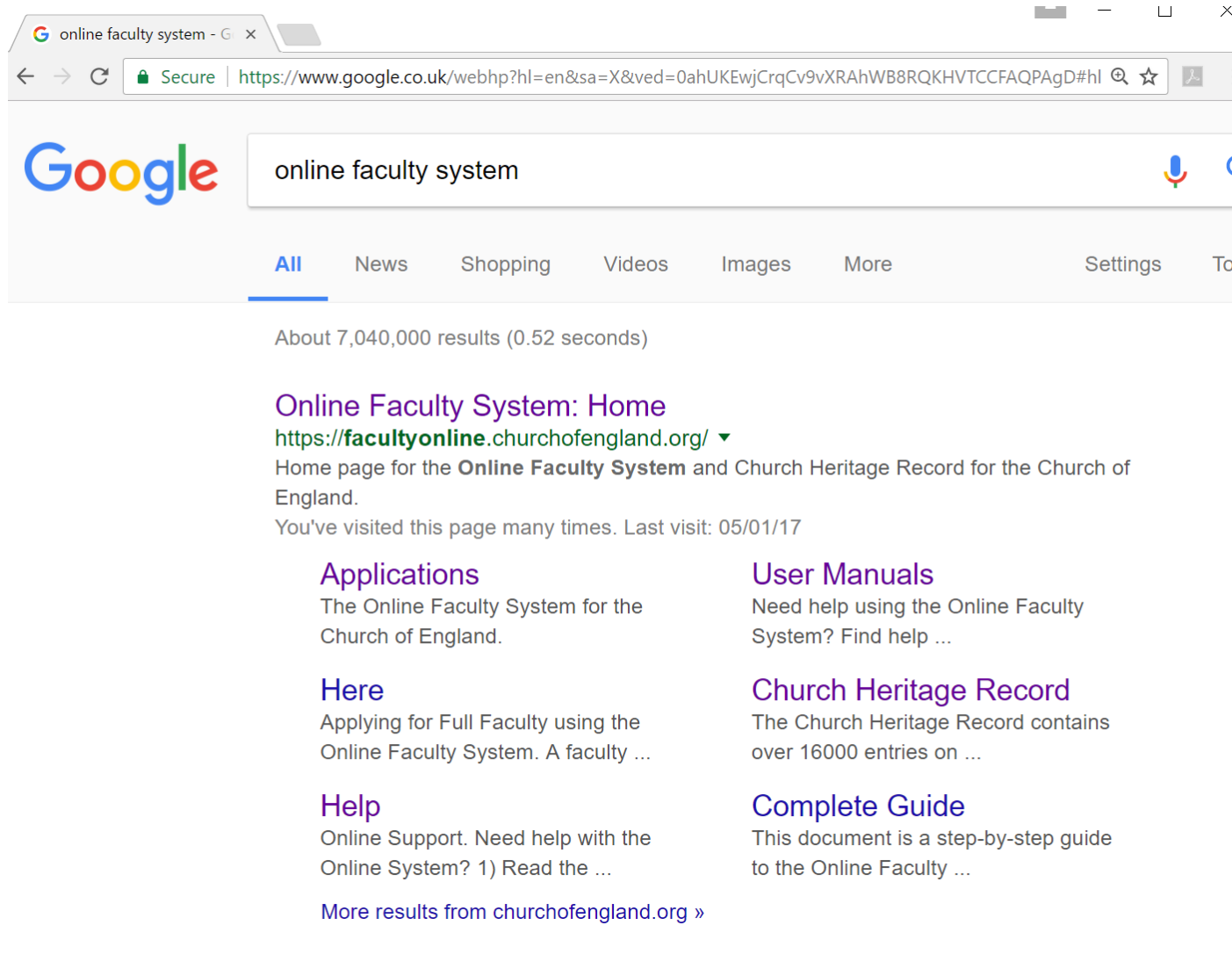
Email details of the issue and description of works to DAC officer – mark as urgent.

These are dealt with offline, works are carried out once interim permission is in hand, then paperwork follows up behind.

We can get these in place in a matter of hours.

It is unlawful to carry out works without permission in place.

How to apply



The screenshot shows a Google search for "online faculty system". The search results page displays the following information:

- Search results: About 7,040,000 results (0.52 seconds)
- Top result: **Online Faculty System: Home** with URL <https://facultyonline.churchofengland.org/>. Description: Home page for the **Online Faculty System** and Church Heritage Record for the Church of England. Last visit: 05/01/17.
- Navigation links: Applications, User Manuals, Here, Church Heritage Record, Help, Complete Guide.
- Footer: [More results from churchofengland.org »](#)

Exceptions – meeting conditions, variations or private petitions
Even if at a very early stage, please start a case online

Welcome to the Church of England Online Faculty System and Church Heritage Record

These systems form part of the [Faculty Simplification process](#).

The Online Faculty System is now being rolled out nationally to all interested dioceses.



Register as a user.

DAC approve registrations – to protect the PCC

How to videos coming in 2018

What happens then?

List B's

Officers are notified by the OFS when a submission is made

They review the application. If not a List B matter they will notify the applicant.

If more info is needed they will request this from the applicant.

If a technical matter they may send to a DAC advisor for comment.

Once DAC officer and DAC advisor are content, they send comment via the OFS to the Archdeacon.

The Archdeacon considers the scheme and grants permission (hopefully!)

Depends on staff availability – usually between 1 to 2 weeks when all info is available

What happens then?

Faculties

Each week we produce a case report and delegate cases to an officer. This includes email enquiries AND OFS submissions. **Auto Response.**

Case officer then reviews submission and gives advice to applicant.

When the case is ready, with all the submission documents, the officer will do one of two things:

Minor items – cases get sent to a sub committee of the DAC online – when all members are content, the officer issues the NOA. **No need for case to be on a full DAC agenda. The applicant then submits to the Diocesan Registry on the OFS.**

Major items – cases are sent to a group of the DAC with relevant expertise for detailed consideration of the whole submission and is placed on a DAC meeting agenda. The case is discussed at the meeting and then the office will provide feedback afterwards.

Either the case is further developed or it moves on to the Diocesan Registry part of the process on the OFS.

Diocesan Registry – the solicitors who deal with the legal part of the application.

Minimum 3 months – maximum, years!

NOA – Notification of Advice

OFS – Online Faculty System

What is a major item?

Alterations (structural or liturgical) which affect the character of the building, whether it is listed or not.

Works involving extensive restoration, conservation, relocation, introduction or disposal of significant instruments (including bells), fittings, fixtures, paintings, treasures or monuments.

Works which require consultation with the Church Buildings Council under rule 9.6 of the FJ Rules 2015 (in both listed or unlisted churches) when proposals will have a significant impact (resulting in a lasting change to a church building, its interior or setting) to a grade I or grade II* listed church.

All other cases to be dealt with via online sub – committee consisting of at least one member of the committee. Should any sub-committee feel that the submission should be reviewed by the full committee the case will be added to the next available agenda and the parish notified. Additionally, the Senior Church Buildings Officer may escalate cases for consideration by the full committee should it be felt necessary.

Private petitions for memorials in churchyards are to be dealt with by a sub committee of Archdeacon and architect/ mason, as advised by the Deputy Diocesan Registrar.

When does the DAC meet?

DAC MEETING

8 January
12 March
14 May
9 July
10 September
12 November

2019
14 January

AGENDA DEADLINE – 5PM

8 December
9 February
13 April
8 June
10 August
12 October

7 December

Papers are issued to members three weeks before the meeting

DAC officer will put your case on the agenda **when ready**

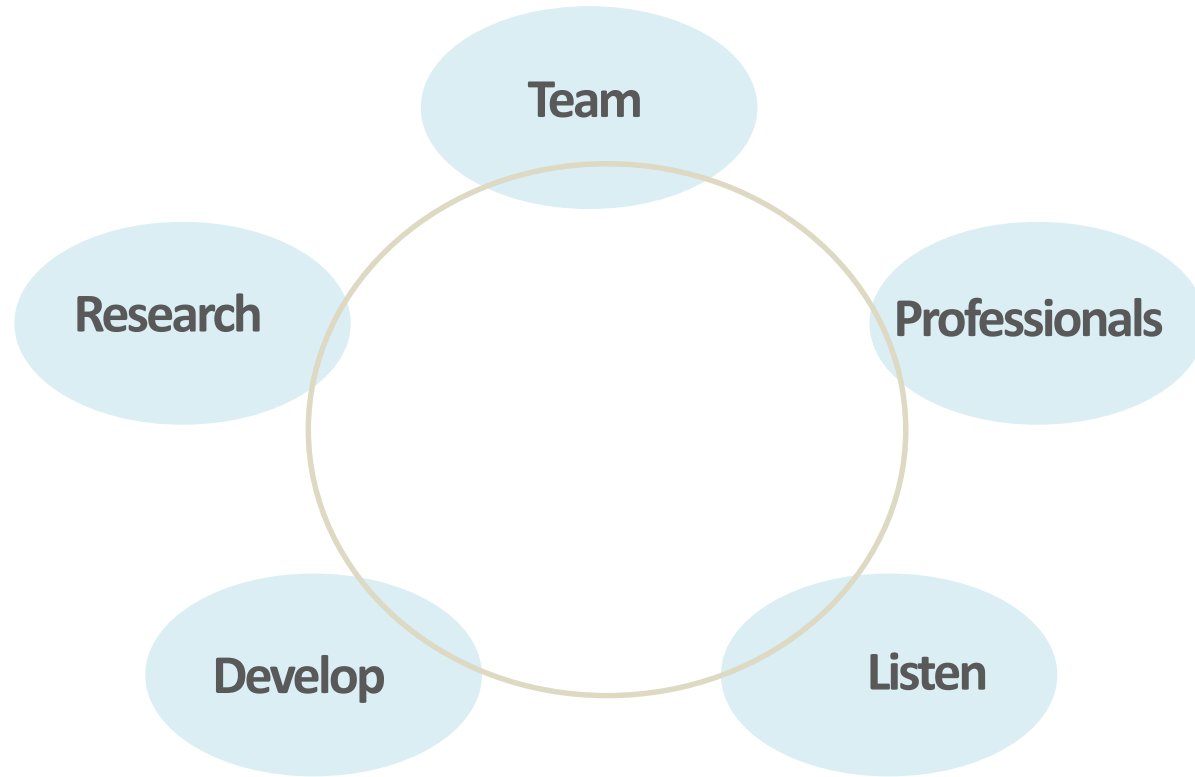
Submission guidelines

- Differs in every case!
- The level of detail is directly related to the complexity of the project.
- Every project should include a Specification of Works, clear detail and context photos and some background explanation.
- If an elective project a Statement of Significance and a Statement of Need will be required.
- Feasibility study, plans, reports may also be needed
- Guidance notes will be published in 2018 detailing usual details required for different types of projects

Remember the final decision is made by a judge – this is your chance to make your case.

Allow plenty of time, and be prepared to rethink

My 5 top tips...



A plea from me – a single point of contact between the DAC and PCC, and that is usually the churchwarden

01865 208216

When in doubt, pick up the phone!

or e-mail:

dac@oxford.anglican.org

Lots of info on our webpage too – Diocese of
Oxford (support services)

Feedback is always welcome

We want to keep in touch AFTER the
permission is granted too