

Review of the School Chapels and Chaplains Ordinance 1975

(A report from a committee appointed by the Standing Committee.)

Introduction

1. At its meeting on 28 September 2009 the Standing Committee deferred consideration of a motion to declare Nowra Anglican College to be extra-parochial until a review of the School Chapels and Chaplains Ordinance 1975 had been undertaken.
2. At its meeting on 9 November 2009 the Standing Committee appointed a committee to review the Ordinance and report back with its recommendations. The Committee comprised Mr Tony Willis, Dr Bryan Cowling, Mrs Nicky Fortescue, Dr Laurie Scandrett, Mr Milton Cujes, the Rev Garry Lee-Lindsay and Mr Geoff Kyngdon. Mrs Fortescue has subsequently resigned as a member of the Committee.
3. By resolution 43/09, the Synod, in the context of consideration of the extra-parochial status of Nowra Anglican College, requested the Standing Committee to expedite its review of the Ordinance with a view to strengthening relationships between Anglican schools and parishes and to make the decision about the extra-parochial status of Nowra Anglican College in the light of that review.
4. At its meeting on 15 February 2010 the Standing Committee declared Nowra Anglican College to be extra-parochial, taking some urgency out of the need to expedite the review of the Ordinance.
5. This report is divided into two parts. Part A which deals with the question of declaring Anglican Schools to be extra-parochial, and Part B which deals with the appointment, responsibilities, qualifications and dismissal of Chaplains and other related matters.
6. This report does not consider the provisions of the Ordinance concerning chapels.

Use of terminology

7. For the purposes of this report, unless the context suggests otherwise, the term –
 - “Diocesan Anglican School” or “Diocesan School” means schools constituted by or under ordinance of the Synod or schools in relation to which the Synod has power to make ordinances, and
 - “Ordinance” means the School Chapels and Chaplains Ordinance 1975.

PART A – EXTRA-PAROCIALISM

The Parish System

8. The parish is the core unit of ministry in our Diocese. Under the parish system the Diocese is divided into geographical areas and a Senior Minister is appointed to have responsibility for Anglican ministry within each parish. This responsibility is not limited to households and includes all organisations and businesses that happen to be located in the area of the parish, be they schools, hospitals, nursing homes, universities and so forth.
9. This system has arguably served the Anglican Church well for hundreds of years. The division of the geographical area of the Diocese into parishes has ensured a Senior Minister and a church (or churches) are responsible for all areas of the Diocese.
10. The passage of time has not altered the need for parishes. However parish boundaries are arguably less meaningful than they used to be given advances in communications and transportation. Our age is now highly mobile. Few, if any, inner-urban parishes attract just those living within their identified boundaries. Suburban and rural areas are a little different, but even here people are willing to drive to a church of their choice if it is within a reasonable distance from their home.
11. The Committee does not consider that this is an argument against the parish system per se but it is necessary to reflect on whether a concept of ministry partnership¹ is needed to appropriately cater for ministry in large centres of the community such as, in this case, Diocesan Anglican Schools.

The status of Anglican Schools within the Parish System

12. When parishes established schools, mainly in the 19th century, the schools naturally related to the parish of origin. Parishes such as Narellan, St Mary's and Campbelltown established schools. In most cases the schools operated on parish lands close to the church buildings. Most of these schools were declining in number and, by mutual agreement, eventually closed when the Government decided to provide a comprehensive education system for all children. The Committee is not aware of any parish

¹ See paragraphs 23-26

based school that has survived into the modern era.² Many of the Diocesan Anglican Schools that exist today were established by private benefactors, members of clergy or by the Diocese itself.

13. Diocesan Anglican schools are also not “parish” schools in practice since they draw students from a much wider area than the parish boundaries. For some inner-urban schools there may be very few students living within the parish boundaries. There is a corresponding geographical spread in the parent community with whom the school has contact.

14. Diocesan Anglican schools are also far larger and more complex operations than they were when operating as parish schools. Senior Ministers and local churches will have differing capacities and gifts to minister to schools and most of them are not trained for ministry that may be specific to schools. Senior Ministers are not principally appointed to a parish because of their suitability for school’s ministry; in fact a nomination board may not even have considered the matter when putting forward the name of a prospective Senior Minister to the Archbishop. The demands of modern school chaplaincy are also such that very few, if any, Senior Ministers would have the capacity to fulfil the role adequately on an ongoing basis without detracting from their other parish ministry responsibilities.

Declaring a School to be Extra-Parochial

15. Clause 7 of the Ordinance empowers the Archbishop-in-Council to declare a Diocesan Anglican school or any part of a school to be extra-parochial. Such a declaration has the effect that the school ceases to be within the “cure of souls” of the Senior Minister of the parish within which the school campus is physically located.

16. The Archbishop-in-Council may also declare that a school ceases to be extra-parochial under the Ordinance.

17. The Ordinance does not set out any factors to be taken into account when determining if a school should be declared extra-parochial. At a broad level two likely factors to be considered are –

- the school’s capacity to provide Christian ministry and pastoral support for the particular school community (for example, whether it has or will have one or more Chaplains or their equivalent), and
- the local parish’s capacity to provide Christian ministry and pastoral support for the particular school community (for example, whether the Senior Minister will have the time and resources to provide chaplaincy to the school without compromising his other duties to the parish).

18. If a school is capable of resourcing its own ministry and a parish is incapable of providing adequate ministry resourcing to a school, a failure to declare that school extra-parochial may hinder the growth and development of ministry within the school. However to declare a school extra-parochial when it lacks those resources and it has a parish able and willing to provide them may have the same effect and could also lead to the school drifting away from a sound theological basis and active gospel ministry.

19. Debates on whether a particular school ought to be declared extra-parochial have tended to be typified by a concern for protecting the ongoing “Christian character” of the school and how best to ensure that the school has a focused and strong gospel ministry to students and the school community in general.

Extra-parochialism in the context of Mission Areas

20. The Diocesan Mission: Strategic Directions 2010-2012 report, comments as follows concerning Mission Areas –

To further the Mission in the parishes, to be more responsive to local conditions and to build on the strategies of Connect09 to re-focus on the wider community, the Archbishop intends to create about 20 mission areas and appoint a mission leader in each. The mission leaders will remain the senior minister of their parish, but their new role will include helping local churches to further “Pray, Connect Expect”, researching the demographics and identifying opportunities, bringing church leaders together for strategic planning, training and mentoring, and fostering partnerships (between parishes, and between diocesan organisations).

21. Fostering partnerships between our parishes and diocesan organisations involves understanding how the resources of the Diocese, particularly those within the Mission Area, can best be marshalled and

² In the case of Campbelltown, a new school was established in the late 20th century and now operates as two schools under the names of St Peter’s Primary School and Broughton Anglican College, but with one governing body. While the school has the hallmarks of a parish school, it is in fact accountable to the Synod.

applied to grow the ministries of both parishes and organisations in the context of the broader Diocesan Mission.

22. Given Anglican schools are already working across parish boundaries there is a need for the schools to have a working ministry relationship with more than the parish in which they happen to be located. Mission Areas more generally reflect the drawing area for an Anglican school and therefore reflect the geographical extent of a school's "influence" in the community.

Partnership in ministry

23. The Committee considers that Anglican schools, the relevant Mission Area and the churches within it should have a shared commitment to partnership in ministry and the Diocesan Mission regardless of whether or not the school is extra-parochial.

24. A declaration that a school be extra-parochial means that the local Senior Minister is not responsible to oversee the conduct of ministry within the school; it most certainly does not mean that there is an end to partnership in ministry between the school and the parish. Unfortunately it would seem that sometimes schools and parishes perceive an extra-parochial declaration to have the latter effect.

25. The Committee considers that while a relational matter such as ministry partnership cannot be discretely legislated, it would nonetheless be helpful if the Ordinance expressed a desire that such partnerships occur. This may provide the basis for conversations and accountability between Anglican Schools, Mission Areas and churches.

26. Partnership would include cross-promotion of the school and church activities, a commitment to pray for each other and a commitment to apply and share resources to further gospel ministry within the school and the broader community together where this is consistent with their respective missions. It may also include cooperatively planting a church or congregation which targets the student and parent community, whether on the school grounds or elsewhere.

The Committee's recommendation concerning extra-parochialism

27. The Committee is of the view that all Diocesan Anglican Schools should be extra-parochial³, in the sense that they not be within the cure of souls of the Senior Minister of the parish in which the school is located.⁴ It is considered that the parochial – extra-parochial distinction does not assist in building ministry partnership between Anglican schools and parishes. In fact the process may well hinder partnership as it has the potential to strain the relationship between the Senior Minister and the school.

28. It is nonetheless necessary to ensure that all Diocesan Anglican Schools have a person (or persons) fulfilling the role of Chaplain⁵ at all times.

29. The Committee recommends that the default position, where there is no designated Chaplain, be that the Archbishop have the power to appoint (in consultation with the Head of School and School Council) another member of clergy holding office in a parish within the relevant Mission Area to be the School Chaplain with the consent of that member of clergy and the parish council of the parish. This member of clergy could be a Senior Minister or an Assistant Minister.

30. It is intended that the above arrangement be temporary until the School has the resources to appoint a full-time or part-time Chaplain. The appointment of a Chaplain by a School should not occur until the Archbishop has given prior approval for the appointment to be made. If the Archbishop has given approval and the appointment is made he is to issue a licence or authority to the Chaplain with that licence or authority being revocable in similar circumstances to those presently set out in clause 10(2) of the Ordinance.

31. In the event that a person appointed by a Diocesan Anglican School ceased to be the Chaplain for any reason (and no replacement is appointed in accordance with the procedure set out immediately above) the Head of School, in consultation with the Archbishop, should appoint a member of clergy holding office in a parish within the Mission Area to become the Chaplain until such time as a replacement Chaplain is appointed with the approval of the Archbishop.

³ If the recommendations of the Committee are accepted it may be necessary to make transitional provision for schools which are currently extra-parochial but do not have a Chaplain who has been licensed or authorised by the Archbishop.

⁴ If the Standing Committee is mindful of not declaring all schools to be extra-parochial, the Committee recommends that criteria for extra-parochial status be established so that it is clear when a school is and is not eligible to be declared extra-parochial.

⁵ The definition and role of Chaplain will require greater input when formulating an Ordinance and should allow for a range of models of chaplaincy.

PART B: APPOINTMENT, QUALIFICATIONS AND RESPONSIBILITIES OF CHAPLAINS**The Appointment of Chaplains**

32. The Ordinance [8(1)] defines the term “Chaplain” as a “Clerk in Holy Orders”. Arguably, presently an Anglican School could employ a member of clergy or a lay person to perform the functions of a Chaplain in the School, although the person may not necessarily be given the title Chaplain. In such circumstance it would not be necessary for a School to obtain approval from the Archbishop under clause 8(1) for such an appointment.

33. The Committee considers that Diocesan Anglican Schools should only appoint a person to fulfil the role of a Chaplain with the approval of the Archbishop.

34. The Committee recommends that the term “Chaplain” be defined in the Ordinance so as to capture any person who may be engaged to fulfil any function that could reasonably be regarded to constitute chaplaincy in a school, in other words a person who will perform all or any of the functions in clause 15. The definition would need to include the leadership role of the Chaplain to distinguish the role from an Assistant Chaplain. It would be necessary to nuance the definition so as not to include teachers engaged to teach Christian studies as part of the curriculum.

35. The definition should also include a Senior Minister or other member of clergy within the Mission Area who is fulfilling the role of Chaplain. Presently the provisions in Part II of the Ordinance only have limited application to Senior Ministers who are Chaplains.

36. The Committee recommends that the term “Assistant Chaplain” also be defined in the Ordinance to capture any person who is under the authority or supervision of the Chaplain or who otherwise assists the Chaplain in his or her duties.

37. The Committee is aware of some examples of Anglican Schools employing lay people including youth ministers as Chaplains. The Committee is open to Chaplains being lay persons provided they are appropriately theologically trained and meet all other applicable criteria, although this is ultimately a matter for the Archbishop.

38. Presently subclause 8(1) of the Ordinance stipulates that it is the school council that is to appoint a Chaplain or Assistant Chaplain. The Committee recommends that this be amended to provide for the Head of School to appoint the Chaplain with the approval of the school council (and also the Archbishop). The amendment should provide for the Head of School to appoint the Assistant Chaplain in consultation with the Chaplain.

Qualifications for Chaplains

39. The Committee recommends that high standards be set for a person to be eligible for licensing or authorisation as a Chaplain, whether lay or ordained, similar to the standards that are to be met if a person wishes to become the Senior Minister or Deacon of a parish.

40. The Archbishop may wish to develop prerequisites for a person to be licensed or authorised as a Chaplain in consultation with the Anglican Education Commission and Ministry Training and Development. Suitable qualifications should also be determined for the Assistant Chaplain position.

The authority of the Head of School and the role of the School Council*Directions*

41. Clause 12 of the Ordinance provides that a Chaplain or Assistant Chaplain is under the direction of the School Council and the Head of School. In relation to the matters in clause 15 (the Chaplains rights and duties) the Chaplain will have the right to refer any direction to the Archbishop for determination. Clause 15 covers matters such as the celebration of Divine Service and religious teaching or pastoral ministry within the school.

42. Presently a Senior Minister who is fulfilling the role of Chaplain in an Anglican School that is not extra-parochial does not have any right to appeal to the Archbishop under the terms of the Ordinance. The Ordinance merely provides that the Senior Minister shall exercise the rights and duties of the Chaplain provided in paragraphs (a), (c), (d) and (e) of clause 15 of the Ordinance. The Committee’s proposed definition of Chaplain would give such entitlement to a Senior Minister.

43. The Committee considers that notwithstanding the right of appeal to the Archbishop, the Head will be, and should be, in a position to heavily influence the extent and growth of ministry in the school. Any appeal by a Chaplain is likely to be done reluctantly and as a last resort. The long term solution to disputes about the work of the Chaplain is to ensure that the Heads of Anglican schools are Christians who are firmly committed to seeing ministry grow and flourish within the school community. If ministry within a school is to flourish the Head needs to take responsibility for ministry within the school and not

simply delegate that responsibility to the Chaplain. Nonetheless it is important for reasons of accountability to maintain a mechanism for Chaplains to appeal to the Archbishop if they are concerned that the Head of School is curtailing ministry within the school.

44. In all other respects, the Committee supports maintaining clauses 12 and 15 in more or less their present form although some of the language used needs updating, particularly to allow for the appointed Chaplain to be a lay person. With regard to Clause 15 the Committee also recognises the range in roles of existing Chaplains across the range of school environments. To enable greater flexibility line 1 of Clause 15 should replace “shall be -” with “may include -”.

Suspension and Dismissal

45. Clause 11 provides that the Head of School has the right to suspend a Chaplain or Assistant Chaplain from duties but must notify the Archbishop and the School Council of this decision.

46. Clause 10(1) provides that a School Council may dismiss a Chaplain or Assistant Chaplain after having provided an opportunity to show cause but must notify the Archbishop of such dismissal.

47. Clause 10(2) provides that the Archbishop may, in certain circumstances, revoke the licence of a Chaplain or Assistant Chaplain. The implications of a licence revocation are not clear since clause 8(3) provides that upon the licence having been issued the Chaplain becomes a member of staff of the school. Notwithstanding the Knowles Case (in which it was found that a certain prison Chaplain in the Diocese of Bathurst was not an employee) it is likely that, all else being equal, a Chaplain or Assistant Chaplain would be an employee of the relevant School Council. A distinguishing fact in Knowles is that the clergyman was not on the staff of the prison, he was merely licensed by the Archbishop to have responsibility for Anglican ministry within the prison.

48. The Committee recommends that clause 11 concerning suspension remain in its present form although that suspension and dismissal be dealt with under the same section and heading in the Ordinance.

49. The Committee recommends that clause 10(1) remain in its present form except that it be amended to provide for the Head of School to dismiss the Chaplain with the approval of the School Council and the Archbishop or Assistant Chaplain with the approval of the School Council.

Adequate Religious Teaching

50. Clause 13(1) provides that the Head of School is to satisfy the School Council and the Archbishop that “an adequate amount of time is given to religious teaching in the school curriculum”. The Committee considers that “religious teaching” is too vague and could include teaching about world religions and not just Christian education. The Committee recommends replacing the phrase “religious teaching” with “Christian education”⁶.

51. Clause 13(2) provides for the Archbishop to approve a person other than the Chaplain or Assistant Chaplain to undertake religious teaching in the school. So far as the Committee is aware the Archbishop does not in practice receive such requests. The Committee considers that it is sufficient for the Chaplain to approve of another person giving religious instruction in the school in consultation with the Head of School, this would include visiting speakers and so forth.

Recommendations

52. In summary, the Committee recommends that the Ordinance –

- (a) include an aspirational statement that Anglican Schools, Mission Areas and churches actively pursue partnership in ministry for the good of the Diocesan Mission,
- (b) allow for all Diocesan Anglican Schools to be extra-parochial, when they have the capacity to operate as a “ministry centre” on their own,
- (c) include definitions of “Chaplain” and “Assistant Chaplain” that refer to a person who is performing or who is to perform any or all of the functions of the Chaplain set out in the Ordinance,
- (d) provide that if a Chaplain has not been appointed by the School with the approval of the Archbishop that such member of clergy holding office in the Mission Area within which the school is located is to be the Chaplain, approved by the Archbishop and subject to the consent of the member of clergy and their parish council,
- (e) provide that in the event of a vacancy in the position of Chaplain such member of clergy holding office in the Mission Area be the Chaplain until a replacement is appointed,

⁶ Although the term “Christian education” may include a separate curriculum, it also encompasses a more integrated application of Christian worldview across the wider curriculum.

- (f) provide for appointment of the Chaplain by the Head of School with the approval of the School Council (and the Archbishop),
- (g) provide for appointment of Assistant Chaplains by the Head of School in consultation with the Chaplain, and
- (h) provide for the dismissal of the Chaplain by the Head of School with the approval of the School Council (and the Archbishop)
- (i) provide for the dismissal of Assistant Chaplains by the Head of School with the approval of the School Council.

For and on behalf of the committee

MR TONY WILLIS
Chairman

26 June 2012