

ARCHBISHOPS' COUNCIL

Remuneration and Conditions of Service Committee

Guidance for Church of England Hospital Chaplains, Incumbents, Diocesan Boards of Finance, and Hospital Trusts in relation to Funeral Services and Church of England Parochial Fees

Introduction

1. The role of hospital and hospice chaplains is becoming more prominent at a time when death and dying are becoming increasingly medicalised and institutionalised, fewer people have links with their parish church and the bereaved have a preference for funerals to be taken by a minister with whom they have had personal contact.
2. The legislation governing funeral services is based on the principle that responsibility for pastoral care lies with the deceased's incumbent. The law, therefore, gives the incumbent the duty to bury his or her parishioners and, if there are good pastoral reasons for someone else to take the funeral, he or she needs to give his or her consent. Legislation in relation to fees follows the same principle.
3. The Remuneration and Conditions of Service Committee (RACSC), the Committee with responsibility for parochial fees matters, has been asked to clarify the circumstances in which hospital chaplains may take funeral services. This Guidance aims to:
 - Reflect the legal position in respect of chaplains taking Church of England funeral services;
 - Indicate when it is necessary for the chaplain to obtain the consent of the deceased's incumbent;
 - Demonstrate how arrangements can be made between the hospital chaplain, hospital trust, incumbent, and DBF to enable chaplains to take funerals with the consent of the deceased person's incumbent when pastoral reasons make this appropriate;
 - Explain who in these circumstances is legally entitled to receive parochial fees.

Principles

4. It is important that hospital chaplains feel able to respond to the pastoral needs of those to whom they minister and are able to build on the relationships that they have established with the recently bereaved. Furthering the Church's mission and making it easy for the bereaved to encounter the love of God through their primary contact with the Church, whatever that may be, must always be the priority, notwithstanding the need for funeral ministry to be performed in an appropriate way that complies with the law. We hope that this guidance (summarised in the attached flowchart) will be helpful in clarifying the position.

Chaplains and funeral services

5. A chaplain licensed under the Extra Parochial Ministry Measure 1967 can, if the duties for which the chaplain is licensed include officiating at funeral services, take funeral services:

- a) on premises that belong to the institution to which he or she is licensed,¹ or
- b) in any crematorium or cemetery if the deceased person, immediately before he or she died, was **resident² in**, or was **employed by**, or **enrolled as a student at, the institution to which the chaplain is licensed.**³

In neither of those two cases, does the performance of the funeral service require the consent of the minister of the parish in which the service takes place.⁴

6. In any other case, if a chaplain is invited to take a funeral service, he or she needs either:

- a) to be acting on behalf of the minister in whose parish the deceased died, or the minister of the parish which he or she was resident in, or on the church electoral roll of, immediately before his or her death,⁵ or
- b) the consent of the minister of the parish in which the service takes place.

7. If the chaplain's licence under the Extra-Parochial Ministry Measure does not provide for the chaplain to take funeral services in the institution to which he or she is licensed, the chaplain **cannot take any funeral service** unless it is on a basis described in paragraph 6. This applies to funeral services within the hospital or other institution to which the chaplain is connected, as well as funeral services elsewhere.

Chaplains and parochial fees

8. Parochial fees are not payable to hospital chaplains or to hospital trusts in respect of services taken by a chaplain employed by the trust. Statutory parochial fees are not contractual - they are set by law in the form of the Ecclesiastical Fee Measure 1986, as amended, and are payable only to the bodies prescribed in a Fees Order. Depending on the fee, this could be the Diocesan Board of Finance, the Parochial Church Council, or both.

9. The discretion is with the Diocesan Board of Finance as to how to use the DBF part of the fee. Legally it is the DBF's money, and it is for the DBF to decide how to use its money to promote effective ministry. DBFs can direct that a payment should be made to a minister who took a service or that minister's employer, but it is for the DBF to decide whether to make such a payment and, if it does decide to make such a payment, how much it should be. Most DBFs have recommended amounts that can be paid out of the DBF part of the fee for non stipended ministers, and this could be a basis for any payment that might be made to a hospital trust.

¹ By virtue of section 2(1) of the Extra-Parochial Ministry Measure 1967.

² The Oxford English Dictionary definition of 'resident' is 'A person who lives somewhere permanently or on a long-term basis'. This would exclude most people who go into hospital for medical treatment.

³ By virtue of section 2(3) of the Church of England (Miscellaneous Provisions) Measure 1992.

⁴ Section 2(2) of the Extra-Parochial Ministry Measure 1967 and section 2(1) of the Church of England (Miscellaneous Provisions) Measure 1992.

⁵ Section 2(2) of the Church of England (Miscellaneous Provisions) Measure 1992. For the purposes of section 2, "minister" means (a) the incumbent; (b) in a case where the benefice to which the parish belongs is vacant (and paragraph (c) below does not apply), the rural dean; (c) in a case where a suspension period applies to the benefice to which the parish belongs, the priest-in-charge (if any); and (d) in a case where a special cure of souls in respect of the parish has been assigned to a vicar in a team ministry by a scheme under the Pastoral Measure 1983 or by his licence from the bishop, that vicar

Procedure when chaplains are asked to take a service which they are not licensed to take

10. If a hospital chaplain is invited to take a funeral service for someone whose funeral he or she is not licensed to take, and he or she wishes to take the service, the chaplain should seek to establish the identity of the minister who has primary responsibility for the funeral and burial of that person and seek either an invitation to act on the minister's behalf as described in paragraph 5a) or the minister's consent as described in paragraph 5b).

11. This will usually involve the chaplain establishing where the deceased person lived immediately before he or she was admitted to hospital. This could be in the same parish as the hospital is situated or a different part of the country.

Which incumbent?

12. Usually, when a person dies, the **incumbent of the parish where they were resident, or were on the electoral roll**, would be the minister who has primary responsibility for the funeral and burial of that person.

13. If the person who died in hospital was not resident in, or on the electoral roll of, any parish elsewhere, the **minister of the parish in which the hospital is situated** will be the minister who has primary responsibility for the funeral and burial of a person who dies in the hospital.

Regular arrangements

14. **Officiating at services** - If it is likely that the chaplain would be asked to take services for the parishioners of a particular parish on a regular basis, and the circumstances described in paragraph 4 do not apply, it is important that a mutually acceptable working arrangement is in place, in the form of a standing request to act on behalf of the minister with primary responsibility for the funeral.

15. **Payments for the service** - The Diocesan Board of Finance could be invited to consider whether a payment should be made to the hospital trust from the DBF fee. This could be done on each occasion the question arises; alternatively the DBF could agree to a standing arrangement under which a payment would be made to the trust on each occasion.

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RACSC

Annex:
Guidance for Chaplains Flow Chart

Guidance for Chaplains Flow Chart

