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## Appointing Professional Advisers

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All Parochial Church Councils (PCCs) will employ professional advisers such as architects or surveyors at some time, if only for the quinquennial (5 yearly) inspection. It is important that a good relationship exists between the PCC and its professional adviser, and that each understands clearly the responsibilities on both sides. This leaflet is intended to explain those responsibilities and the legal framework in which the employment of professional advisers is set.

### **THE INSPECTION OF CHURCHES**

Under the Inspection of Churches Measure 1955, as amended by the Care of Churches and Ecclesiastical Jurisdiction Measure 1991, all consecrated buildings of the Church of England must be inspected once in every five years by a chartered architect or chartered building surveyor (the "professional adviser") who is approved by the Diocesan Advisory Committee (DAC). In this diocese the professional adviser is employed by the PCC after approval by the DAC. It is usually expected that the professional adviser appointed for the Quinquennial will be retained to undertake the repairs. You should treat him/her as a trusted adviser, even seeking his/her advice for projects where you seek to use a specialist consultant such as heating or lighting when you may not be using his/her particular expertise.

### **How do we find a new professional adviser?**

A proposal by your PCC to appoint a new professional adviser must be approved by the DAC. To help you, the DAC holds a list of architects and surveyors who, in general, are suitable to carry out inspections, and a selection of 5 or 6 of the names can be made available. You are free to ask for a further selection if needed. A proposal by your PCC to appoint a new professional adviser will be considered at the next DAC meeting. If the Committee has any concerns about suitability because of the particular circumstances, then it may suggest that you look at alternative candidates.

### **What if we want to appoint someone who is not on the DAC's list?**

You should inform the DAC Secretary, who will send the person a questionnaire about his/her professional interests and skills. This may result in an interview with the DAC Sub-Committee. If the candidate's name is then added to the list, he/she and you will be notified and you will then be free to apply to the DAC for approval in the normal way.

### **What should we consider in choosing someone to inspect the church?**

1. The person must be suitably qualified and experienced on buildings similar to yours.
2. The person should be sympathetic to your particular building and to the needs and vision of the parish.
3. You should invite several potential advisers to visit the church and meet with members of the PCC or fabric sub-committee - a good working relationship needs to develop between them and the adviser.
4. Travelling expenses also need to be agreed, which may mitigate against using someone from a distance but this is up to the individual PCC.

5. All fees should be agreed in advance and in writing.
6. All professionals have their professional codes of conduct, and carry professional indemnity insurance but it is wise to seek confirmation of this.

### **Do we appoint the firm or the individual?**

You appoint a professional adviser as an individual. The appointment is not automatically transferred to another member of the practice if the named person retires or leaves. Your PCC may wish to appoint another partner if that person also has the necessary skills, but the new appointment must be approved by the DAC in the usual way. If the professional adviser works on his/her own, the PCC should satisfy itself that this would not be a disadvantage in terms of support services. The appointed person will, however, be at liberty to rely on their colleagues within their office, which may be advantageous to the parish in many ways. Note that if you are seeking grant assistance from English Heritage for the works, you will need to appoint an adviser who is accredited for building conservation works by either the AABC or the RICS accreditation schemes.

### **Can we appoint a member of our congregation?**

You can, and this may have the advantage that the person has a particular interest in and concern for the building. However, such a close relationship often runs into difficulties. A difference of opinion may arise, or pastoral needs may interfere with what would be in the best interest of the fabric of the building. Therefore, the DAC does not recommend the appointment of a closely involved person either as inspecting adviser or to undertake a major project. If the PCC nevertheless decides to do so, then it should at least ensure that the scope and terms of the appointment are clearly set out in writing and that the work is covered by normal Professional Indemnity Insurance.

## **GENERAL PROFESSIONAL SERVICES**

So far, this leaflet has concentrated the adviser's role in carrying out quinquennial inspections. This is the only work for which a PCC must by law employ an adviser approved by the DAC. The approvals mechanism for works to church buildings is the faculty procedure, which checks the *proposals* rather than the *adviser*. In most cases, the professional adviser will also be commissioned by the PCC for repair work arising from the inspection report, and advisers are frequently involved in all matters concerning the building, including maintenance, reordering and new work. However, PCC's and professional advisers should be aware that the PCC is free to seek professional advice from whatever source it chooses. If the inspecting adviser is not to be employed for a particular project, the PCC should of course inform him/her of its proposals. In these cases, the DAC may ask for assurance that the inspecting adviser, as the person perhaps most familiar with the needs of the building, is happy with the PCC's proposals in order to fulfill a long term watching brief which comes with the appointment to do with the inspection.

### **How much will it cost us?**

In this diocese, fees for quinquennial inspections are a matter for negotiation between the PCC and its professional adviser, but you may find the following guidelines helpful:

1. Fees may be agreed either on a one-off basis, or as a 'retainer' payable each year, including the cost of the inspection as well as general advice. Find out what kind of advice will be included without additional fees being payable.
2. The fee will normally reflect the time it takes to carry out the inspection and write the report (i.e. longer for a large church or a newly appointed adviser).

3. The PCC should ask that the fee for carrying out the quinquennial inspection includes a meeting at which the adviser presents his/her report to the PCC.

Fees for other work are also a matter for negotiation. They will be based on a percentage of the value of the project, or charged on a time basis, or a lump sum. Architects and surveyors are professional people whose practices may be concerned solely with church work and they should not be expected to carry out work on churches for reduced fees.

#### **What about starting each piece of work?**

To avoid difficulties later, it is important that for each piece of work the instructions to your professional adviser are always given in writing. All instructions should be agreed by the full PCC, unless they relate to matters which have been delegated to a fabric sub-committee. Your PCC should put in place a clear procedure which can be followed where works need to be carried out urgently, and it is helpful to have one point of contact between the PCC and the adviser to avoid the giving of conflicting instructions or information.

#### **What happens if something goes wrong?**

Experience shows that it is usually better to try and maintain a long term arrangement with an adviser than to change frequently. This avoids the risk of costly changes in repair philosophy, and leads to commitment to the aims of the church. Advisers will be much happier to do small works on a limited fee if they know that other works will enable them to recover their costs. Many advisers become committed to the building they look after, and care needs to be exercised in the termination of an agreement. We recommend that all steps be taken to come to a resolution before terminating a professional relationship, even though confrontation may be in hand for the parish. All parties should feel that justice has been done if this works out well. Remember they are human beings too, and many have their own commitment to a personal faith.

#### **Is it any different for larger projects?**

Where your PCC is considering a major building or repair project, it is especially important that your professional advisers for that project are (a) selected with care, (b) clearly and fully briefed and (c) working to clearly defined and agreed scales of fees and stages of work. Remember that if a project is abandoned for any reason, the professional advisers are still entitled to fees for all work already carried out on the PCC's instructions. The DAC has produced a separate guidance leaflet on this subject.

## SUMMARY

1. Every church must be inspected once in every five years and the appointment of an architect or surveyor for this purpose must be approved by the DAC.
2. For other professional advice services, including repairs, reordering and design of new buildings, the PCC may appoint any professional adviser.
3. The person chosen to give general advice and to undertake specific projects should be carefully selected and properly briefed by the PCC.
4. Fees should be negotiated and agreed in writing before any work is undertaken.
5. In the interests of a good professional relationship between adviser and PCC, the appointment of a member of the congregation is not usually to be recommended.
6. Particular care should be taken in the selection and briefing of a professional adviser who is to undertake a major repair or construction project.
7. Care should be taken to ensure a lasting relationship if at all possible.

### Further reading

*A Guide to Church Inspection and Repair* (CCC 1995) gives more detailed advice on the quinquennial inspection and the appointment of a professional adviser, and is recommended reading. It is available by order from:

The Diocesan Resource Centre,

Holywell Lodge,

41 Holywell Hill,

St Albans,

AL1 1HE,

Tel: 01727 818158. E-mail: [resources@stalbans.anglican.org](mailto:resources@stalbans.anglican.org)

### Additional information and advice is available from the DAC team:

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Revised April 2005  
Reprinted April 2007