

Appointing Professional Advisers

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 Ecclesiastical Jurisdiction and Care of Churches Measure 2018, 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 who are currently undertaking this work in the diocese, and a selection of 6 or 7 of the names can be made available. You are free to ask for a further selection if needed. The national Church Buildings Council provides criteria against which to assess the suitability of architects and surveyors to care for different types of church building. 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. Once you have the DAC's approval, you should write to the old adviser notifying him/her of the change and to the new adviser accepting their terms of engagement. You should also encourage both to meet, so that the old adviser can hand over any relevant files.

What if we want to appoint someone who is not currently a professional adviser working in the diocese?

You should inform the DAC Secretary, who will arrange for the DAC to assess the person's professional qualifications and experience, taking into account the national criteria. If the DAC considers the person will be suitable to carry out inspections for your church, the DAC Secretary will inform him or her, and you, that the appointment has been approved.

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. The CBC criteria and guidance are available on the Church of England website under Church Resources.
2. The person should be sympathetic to your particular building and to the needs

and vision of the parish. 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.

3. Travelling expenses also need to be agreed, which may militate against using someone from a distance but this is up to the individual PCC.
4. All fees should be agreed in advance and in writing.
5. All professionals have their professional codes of conduct, and carry professional indemnity insurance but it is essential to seek confirmation of this.

See **Appendix 1** for more detailed guidance on the selection process.

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 some national grant-making bodies for repair works, you will need to appoint an adviser who is accredited for building conservation works, currently either

- architects listed on the Register of Architects Accredited in Building Conservation (AABC) at category 'A' or
- the RIBA Conservation Register at Specialist Conservation Architect or Conservation Architect levels; or
- chartered building surveyors listed on the RICS Building Conservation Accreditation Register.

Can we appoint a member of our congregation?

In theory 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 on 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 fulfil 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. All parties should feel that justice has been done if this works out well. Remember professional advisers 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. For larger projects with external funding, it may be a funding condition that the appointment of a professional adviser is subject to a formal procurement process. There is guidance on this on the Church of England website under Church Resources.

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 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.

Additional information and advice is available from the DAC team:

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APPENDIX 1

PROCESS FOR APPOINTING A NEW ARCHITECT

- 1) **Identify three architects/building surveyors** - advice from retiring architect or surveyor (if applicable) and DAC Secretary. Suggest each is no more than 30-40 minutes' drive from the church
- 2) **Invite each to an interview** - allowing an hour for each interview and another 1/2 hour for a tour of the church
- 3) **Send each candidate information about the church** – e.g. last quinquennial inspection, brochure about church history, bells etc. Confirm time, date and place of interview
- 4) **Agree appointment panel** (for formal interview) and decide on chair of panel
e.g. Vicar
Church warden
Chair of Fabric/Maintenance committee
- 5) **Agree Inspection of Church party** –
e.g. Church Warden
Congregation member or member of Fabric/Maintenance committee familiar with the building and its history
- 6) **Schedule of Interviews** –e.g.
9am: Candidate one
10.30 am: Candidate two
12noon: Candidate three
Each Interview to last no more than an hour followed by a walk round the church with Inspection of Church Party. Candidates to be offered coffee/tea on arrival
- 7) **Background documentation** –
All QI architects and surveyors on the DAC's list will have completed the Eastern Region DACs' application form and you may find it useful to refer to this in the interviews
You could ask candidates to provide examples of a QI report and/or a specification and/or a grant application (see Q8j below) and examples of other projects
- 8) **Suggested questions- with an indication of who will ask the question**
 - a) Can you explain the approach you take to your role as a Church Architect/Surveyor? – which may include
 - background and any specific interests in Church Architecture
 - recent projects and any awards
 - b) How many other churches do you provide services for?
 - c) Please detail your fee structure – hourly rates, VAT, Quinquennial Inspection costs (?including church hall), expenses
 - d) What kind of contract do you expect?
 - e) What professional indemnity cover do you have?
 - f) How do you feel about providing service for old/listed church/a relatively modern/ unlisted church/ a modern church? Any similar experiences?
 - g) Outline of details of church, brief history and any plans for development or areas if concern (e.g. roof)

- h) What is your approach to contract management? What is your expectation of the church's role when undertaking a project?
- i) How would you describe your relationship with the Diocese and DAC?
- j) Can you demonstrate your experience in drafting faculty applications and/or grant applications?
- k) Are you able to attend ad hoc advisory meetings?
- l) How available are you (or a partner) to attend in an emergency?
- m) Have you any questions to ask of us?
- n) Outline of the notification process - when do you expect to be able to tell the candidates of the outcome, bearing in mind that the decision needs to be ratified by the PCC and the DAC

Each candidate should be asked the same questions. Panel members may intervene with supplementary questions.

9) At the end of the interview, invite the candidate to meet the church inspection party who will take him/her round the church, tower and church hall, graveyard, car park etc, pointing out any known problems/issues. (You may agree in advance to focus on one particular issue and compare how each candidate responds)

10)When all interviews/church tours are complete, the Interview Panel and Inspection of Church party gather and discuss each candidate in turn and reach agreement on the preferred candidate, noting down reasons for the decision.

11)Recommendation to the next PCC meeting and to the Diocesan Advisory Committee for ratification.

12)Inform all the candidates of the outcome. If the ratification by the PCC and DAC is unlikely to be contentious, it would be helpful to advise the candidates of the outcome before the PCC and DAC meeting and within 1 week of the interviews. If it will be longer before candidates can be notified on the PCC's decision, this should be made clear to candidates on the day of the interviews.

13)Ask the retiring Architect/Surveyor to liaise with the new one, pass over their files and any other helpful information and agree how to deal with any works in progress.

[With thanks to the parishes of Bedford St Andrew, Great Barford and others for sharing their experience]