

IN THE CONSISTORY COURT OF THE DIOCESE OF LEEDS

Church of St Mary, Middleton
Re Jayden Joshua Lee Siddle (deceased)
&
Paul Godfrey (deceased)

**Private Petition for retrospective permission to erect
a non-conforming memorial in Churchyard
&
for permission to add an additional inscription
PRIV-73C - GODFREY**

JUDGMENT

1. In the Churchyard of St Mary's Church in Middleton until very recently there has stood a headstone, with associated kerb-stones and chippings, to commemorate the memory of Jayden Siddle, the twin-brother of Joshua Siddle, who sadly died two days after his birth in September 2014. The headstone and kerbstones clearly fall outside the current Churchyard regulations and were installed without any formal application, let alone by a faculty being sought. The bereaved family cannot be faulted there as it seems the Church leadership incorrectly advised them about whether formal permission was required. In fact it seems that through almost the whole history of this particular grave the family have been misinformed, by both lay officers and clergy, about whether there existed any correct procedures that needed to be followed. I mention that from the outset because that is one of the principal reasons I am going to authorise a faculty that ordinarily would have been refused for a number of reasons. I do not want it thought that I am setting a precedent in what will be permitted in the very particular circumstances of this pastorally sensitive case. Indeed, it has been acknowledged that there have been such failures in dealing with this bereaved

family that the cost of this faculty will be met by the Diocese instead of being charged to the family.

The Petition

2. By a petition dated 25th August 2022 Ms Dannielle Lindsay Godfrey makes application for retrospective permission for the installation of a non-conforming memorial to her deceased son, together with permission for a recently added inscription to honour her Father, whose ashes were meant to have been interred in the same grave as his grandson recently, until issues over the memorial itself were raised.

3. The memorial to Jayden Siddle was first installed over his grave in mid-2015. It features a polished black headstone on a plinth with a flower holder, kerbstones in the same polished black stone leading to a further two flower holders (one inscribed 'MUMMY' with three Xs underneath and the other inscribed 'DADDY' with three Xs underneath), with light blue stone chippings surrounding a fourth flower vase, inscribed 'JAYDEN'. On the kerbstone at the foot of the grave is inscribed 'FLY HIGH OUR BABY JJ', again with three Xs underneath. On the plinth beneath the headstone is inscribed 'BLESSED TOGETHER' and underneath 'TWINS FOREVER'.

The inscription on the headstone to honour Jayden Siddle is as follows:

OUR LITTLE PRINCE
JAYDEN JOSHUA LEE
SIDDLE
25.9.2014 - 27.9.2014
TWIN BROTHER TO JOSHUA
PRECIOUS SON, BROTHER
NEPHEW, GRANDSON
AND GREAT GRANDSON
MUMMY AND DADDY LOVE YOU
X X X

The headstone was somehow displaced earlier in 2022, so in preparation for the interment of the ashes of Ms Godfrey's Father an additional inscription was added to honour him. This reads as follows:

OUR KING
PAUL GODFREY
09.01.1964 - 11.01.2022
THE MOST AMAZING
DAD AND GRANDAD
ALL THE WORLD, FOREVER AND A DAY
X X X

All the inscriptions have been coloured in a light blue colour.

4. The memorial to Jayden Siddle clearly falls outside the Churchyard regulations for a number of reasons. The current churchyard regulations for the diocese prohibit an incumbent from authorising a polished or mirrored finish to memorials, lettering other than in certain specified colours (which do not include light blue), kerb-stones, stone chippings and any memorial with more than two integral flower vases. The additional inscriptions other than on the headstone would also require faculty permission. It is also very unlikely that any incumbent would have concluded he or she had delegated authority to permit the particular inscription chosen for Paul Godfrey, and I trust there would have been some concern about calling Jayden Siddle 'our little prince' and ending with the sentiment 'Mummy and Daddy love you'. The use of the expression 'Our King' would normally be reserved for references to the Lord Jesus Christ, and the use of pet names for the deceased or overly sentimental, personal messages on headstones are not usually permitted.

The history of this grave

- 5 Following the tragic death of young Jayden and his funeral Ms Godfrey wished to ensure there was a memorial to mark his grave. In July 2015 she specifically asked the then incumbent what restrictions there were upon the memorial she

could have installed. She was effectively told that there were no restrictions. Although she had asked she was not required to complete any application form and she was not required to submit the proposed wording of inscriptions for approval. The information given to Ms Godfrey was clearly wrong and a faculty should have been sought. Had permission been sought for the memorial then, with so many items outside the regulations, I have no doubt that Ms Godfrey would have been advised to reconsider the proposed memorial and the intended wording. Had she persisted seeking exactly the memorial that was in fact installed, I think it very unlikely that a faculty would have been granted.

6. HOWEVER, the memorial was installed and it remained in place in St Mary's Churchyard until just recently. It appears that no-one made any complaint about the polished stone, the kerbstones, the stone chippings, the additional flower holder, the blue lettering or the inscription chosen. In preparation for the interment of her Father's ashes Ms Godfrey took the opportunity to have the additional inscription added to honour her Father, necessitating removal of the headstone (this was intended to be re-installed after the service of interment). Both Ms Godfrey and her funeral director/monumental masons spoke with representatives of the Church leadership, both ordained and lay, about the additional inscription to honour Paul Godfrey. They were both informed that no formal paperwork was required. Although the monumental mason offered to supply the proposed wording of the new inscription this offer was not taken up.
7. When the new inscription was added to the headstone in the same colour blue as before it became clear that the earlier lettering had faded, so that was renewed. Then the headstone was erroneously re-installed on the grave, before the service of interment of Paul Godfrey's ashes was due to be held. (I should add here that I would not ordinarily permit a memorial to be installed or amended to honour someone who had not yet been interred in the grave in question). At this stage someone complained about the blue lettering on the memorial. Ms Godfrey was told by one Churchwarden that the lettering was 'too blue', then the new Incumbent cancelled the service of interment because

of issue over the new inscription. Ms Godfrey was now correctly informed the inscription to Paul Godfrey would need a faculty, which would apparently take a long time, and she was informed that the use of 'Our King' was an issue. Ms Godfrey was required to have the headstone removed, to be replaced with a simple wooden cross until the issue of the headstone has been resolved. I assume the kerbstones are still in place.

8. Not surprisingly the Archdeacon became involved at this stage. With a grieving family that had tried to do the right thing and had asked about the correct procedures, they suddenly had to remove a headstone that had been in place for most of the past seven years and to cancel a service of interment. Ms Godfrey had spent her few reserves to pay the fees for the interment and to add the additional inscription to the headstone, believing there was no issue with the wording. The pastoral issue that had arisen was clearly huge. Again I make it clear that but for this pastoral issue I think it highly unlikely that the inscription for Paul Godfrey would be approved by faculty. The use of 'our king' to refer to an individual interred in this churchyard could only be permitted in exceptional circumstances. I have concluded that this case does indeed demonstrate an exceptional circumstance.
9. The proposal for the re-installation of this headstone, together with the additional inscription, was considered by the members of the relevant Parochial Church Council at an Extraordinary Meeting held on 14th August 2022 to discuss just this petition. Once the history of the matter had been explained the attending members unanimously voted in favour of the petition.
10. I have considered the application with care. I am mindful that the elected representatives of the parish were unanimously in favour of the proposal. Of course, that would not be determinative in any case. Ordinarily the inscription 'Our little prince' would not have been permitted, being a sentimental and personal message, and I have mentioned that the Petitioner would have been

asked to replace 'Mummy and Daddy love you' with a different expression of loss and love. I would not have permitted the additional inscriptions at the base of the plinth or at the foot of the kerbstones, and I would not have permitted either kerbstones or the blue coloured stone chippings. However, I also am mindful that the memorial was in place for seven years, with its inscriptions honouring Jayden, its kerbstones and the blue chippings, without anyone seemingly raising any complaint. I have already mentioned that the use of 'our king' in reference to Paul Godfrey would not be considered appropriate ordinarily, but I understand the desire to keep in step with the reference to Jayden as 'our little prince'. I am informed that Paul Godfrey had been the emotional support for Ms Godfrey and for the surviving twin, Joshua, since Jayden's sudden demise. It is perhaps understandable why 'our king' was selected to honour him. I also have concerns about the use of 'the most amazing' to honour Paul Godfrey and, had the inscription not already been in place, would have asked Ms Godfrey to reconsider that wording and also to propose an alternative to 'all the world, forever and a day'.

11. In the extraordinary circumstances of this matter, with the grieving family being given such incorrect and misleading information from those representing the Church, I am willing to grant this faculty. I do believe, however, that it should be made abundantly clear that the expressions 'our little prince' and 'our king' are personal messages or references by the family. I will require that both expressions are placed within speech-marks before the headstone is reintroduced. The blue colouring of the inscriptions and stone chippings has troubled me, because it is so out of the ordinary in a consecrated Churchyard. I understand that the blue colouring was chosen as Jayden was a boy, and so the stone chippings were selected to match the lettering (or vice versa) and, of course, the lettering and chippings were in place for seven years without issue. In those circumstances I will not require the lettering to be recoloured. Although it will not be a condition of the faculty the Petitioner is strongly advised to consider changing the colouring the lettering to white or - in the

circumstances of this matter - to silver, which will be more in keeping with other memorials in the Churchyard.

Subject to the following conditions, let a faculty be issued :-

Conditions

- (a) The Petitioner shall within one calendar month of re-installation of the headstone formally notify the Churchwarden(s) of the Parish in writing that the works have been completed, so that details of the memorial can be entered in the church log book;
- (b) The petitioner shall ensure that the monumental mason complies with the current NAMM or British Standard concerning the erection and stability of the memorial;
- (c) The Petitioners are permitted to change the colouring of the lettering to white or silver without seeking further permission from the court;

Glyn Ross Samuel
Deputy Chancellor
7th September 2022 .