Diocese of Hereford: Clergy Handbook

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Version 3.0

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# Introduction

This handbook has been developed to incorporate the significant changes in the way in which clergy hold office in the Church of England brought about by the introduction of Common Tenure in 2011

Such changes are the result of a number of years of careful deliberation concerning the way to deal appropriately with the issues that have developed from the increased level of legislation in the secular world, which affects the employment of individuals and groups.

On 31st January 2011 the Ecclesiastical Offices (Terms of Service) Measure 2009 came into effect, introducing a new form of tenure for ecclesiastical office holders, called Common Tenure.

# Common Tenure

Regulations 1 – 33 of the Measure set out the provisions of the terms of service of persons holding office under Common Tenure. Frequently asked questions and legislation can be accessed on the following websites:

[Common Tenure FAQs](https://www.churchofengland.org/more/clergy-resources/national-clergy-hr/common-tenure-faqs)

[The Ecclesiastical Terms of Service Measure](https://www.churchofengland.org/sites/default/files/2017-10/eotos%20measure2009_0.pdf)

[Terms of Service legislation, regulations and guidance](https://www.churchofengland.org/our-faith/what-we-believe/simplification/clergy-terms-and-conditions-service)

The Measure confers on clergy many rights and responsibilities, and although there will be significant changes in the way we think about what the clergy do, the Measure will introduce some clarity into our expectations that many will welcome. There will be no sudden change in the practice of ministry and no radical shift in the way the Bishop exercises oversight. Within this new context as a Diocese we have worked to develop our own diocesan guidelines and policies, we never lose sight of the historic values of ordained ministry. The Measure does not change our fundamental assumption that priesthood has always been a call to holiness of life.

## Rights conferred on clergy in the form of Common Tenure

The legislation confers new rights on clergy, including a right to be provided with a written statement of particulars setting out various matters, and among them:

* the nature of the appointment
* entitlement to stipend and reimbursement of expenses, and right to an itemised statement of stipend
* terms and conditions relating to annual leave, rest periods and public holidays
* incapacity for work due to sickness or injury including provision for sick pay
* pension provision
* housing provision
* access to a grievance procedure;
* Ministerial Development Review/Continuing Professional Development
* Maternity, paternity, parental and adoption leave, and time off to care for dependants in accordance with directions given by the Archbishops’ Council as Central Stipends Authority.
* capability procedure
* rights of appeal to an employment tribunal if removed from office on the grounds of capability
* a right to spend time on public duties

In addition, **office holders other than incumbents** (principally bishops, archdeacons, cathedral clergy, team vicars, priests in charge and assistant curates) have the following:

* the right to accommodation ‘reasonably suitable for the purpose’;
* the right to make representations about regulated transactions (i.e. the disposal, improvement, demolition or reduction of their house of residence);
* the right to have the house of residence kept in good repair by the housing provider
* access to arbitration where there is a dispute which cannot be resolved by the grievance procedures.

**Ecclesiastical office holders**, including diocesan bishops, archdeacons and cathedral clergy are required by the legislation –

* to participate and co-operate in the ministerial development review (MDR) at least once every two years
* to participate in arrangements approved by the diocesan bishop or archbishop for their continuing professional development (CPD)
* to inform the person nominated by the Bishop when unable to perform the duties of the office through sickness
* to undergo medical examination where the Bishop or Archbishop has reasonable grounds for concern about the office holder’s physical and mental health
* to be subject to capability procedure

In addition, the legislation requires office holders who are not incumbents –

* to provide access to the house of residence to the housing provider on notice of inspection or carrying out repairs
* to notify the housing provider of works of repair that are required
* not to make any repairs, alterations or additions to the house of residence without prior consent
* not to use the property except as a private residence

The law affecting patronage and the appointments procedure remains unchanged. The Clergy Discipline Measure 2003 and Canons will continue to apply to all clergy whether on Common Tenure or not.

It should be noted that neither the Statement of Particulars nor the Diocesan Clergy Handbook is contractual.

# The Canons

**Canon law** is the body of laws and regulations made by or adopted by ecclesiastical authority, for the governance of the Church of England and its members.

[The Canons of the Church of England](https://www.churchofengland.org/more/policy-and-thinking/canons-church-england)

# Duties and obligations of Clergy

The Terms of Service Measure and its Regulations set out the various duties and obligations of clergy.

The primary obligation is to fulfil the duties of office as stated in various foundational documents.

The **Ordinal** describes the distinctive nature of office, setting it within a theology of God’s call and human response within the community of the Church, the Body of Christ.

At ordination clergy respond through solemn vows, including the Declaration of Assent under Canon C15 affirming loyalty to the inheritance of faith as the Church of England has received it and the **Oath of Canonical Obedience to the Bishop.** Canon C24 “Of Priests having Cure of Souls”, sets out responsibilities for the exercise of ministry shared with the Bishop

The **Licence** and deed of appointment determines the location and any timeframe of the ministry.

The **Guidelines for the Professional Conduct of Clergy** (see link below) set out the standards required in the conduct of public ministry.

[Guidelines for the Professional Conduct of Clergy](https://www.churchofengland.org/more/policy-and-thinking/guidelines-professional-conduct-clergy/guidelines-professional-conduct)

The **Statement of Particulars** (see Section 2) describes the rights and responsibilities of the individual holding a particular post.

The **Working Agreement** specifies the mutual expectations of the relationship between an incumbent and a curate and, in the case of Self-Supporting Ministry, the time commitment and hours available for ministry.

The **Parish Profile** states the requirements of the post and describes the experience required in their next incumbent as identified by the PCC at the time of the last parochial vacancy.

A clergy **Role Description**, which would describe the primary purpose and accountabilities of the role and areas of focus in their ministry is not mandated by the Measure. Dioceses have been encouraged to consider role descriptions as a key tool to support and enable the Ministerial Development Review process going forward.

## Varieties of Tenure

### Freehold

This is the traditional method of holding office in the Church of England.

No clergy in freehold appointments have had the freehold taken away from them, though they are able to opt to transfer to Common Tenure if they request to do so. All appointments since the1st February 2011 (whether or not the priest appointed had the freehold in his or her previous post) have been Common Tenure appointments.

### Common Tenure

This is the normal form of tenure into which ecclesiastical office holders are licensed. One of the most important principles that has shaped this legislation from the outset is that clergy and stipendiary lay ministers should, so far as possible, hold office on terms and conditions that are common to all.

### Clergy not covered by Common Tenure

These include –

* Those on freehold on 31st January 2011
* Those with permission to officiate (PTO)
* Employed Clergy

There are some posts that are likely to be classed as employment when considered under the legislation and therefore these posts are held on contracts of employment and not Common Tenure. These include such posts as Hospital and University Chaplains, Clergy employed by the PCC, and Clergy in diocesan posts.

# Pre-appointment

## Recruitment of Clergy

Applying for a new role is sometimes a rather daunting task for a cleric. These guidelines offer a step by step guide to the appointment process for parochial posts.

All Common Tenure appointments are overseen by the Bishop or his representative and will include patrons, PCC representatives and others as appropriate.

Help is available from the Clergy Transitions Service [Clergy Transitions Service](https://www.churchofengland.org/clergytransitions) and from organizations such as 3D Coaching [Vocational Coaching](https://www.3dcoaching.com/vocational-coaching/)

## Proof of Right to Work

In accordance with the amendment to the Immigration, Asylum, and Nationality Act 2006, effective from 29 February 2008, a candidate is required to provide proof of the Right to Work in the UK. Shortlisted candidates will be provided with two lists detailing the documents which provide evidence of this right.

## DBS (Disclosure and Barring Service)

The Diocese of Hereford is committed to safeguarding and promoting the safety and welfare of children, young people and vulnerable adults.

If a candidate is successful in obtaining a post with the Diocese of Hereford and it requires an Enhanced Disclosure this will be paid for by the Diocese. Refusal to apply would prevent the post being confirmed. Any information received from the DBS will be treated in the strictest confidence.

## References

All appointments are subject to satisfactory references. Three references are required in respect of all appointments and, in addition, a confidential reference and a clergy current status letter (CCSL) will be requested from the Diocesan or Area Bishop prior to interview.

## Statement of Particulars

Whenever a new appointment is made, regardless of whether the individual is coming into the diocese from another, or moving within the diocese a new Statement of Particulars will be issued for agreement.

A Statement of Particulars sets out the terms and conditions on which the appointment is to be made, and will include:

* The details of the entitlement to stipend, fees, and reimbursement of expenses
* Terms and conditions relating to rest periods and holidays (including annual holiday entitlement, Sundays on which leave may be taken, and the public and special leave days on which leave may not be taken)
* Terms and conditions relating to sickness absence and long term absence
* Pension provision
* Statutory rights (including maternity, paternity, parental and adoption leave)
* Right to time off to care for dependents
* An itemised monthly stipend statement
* Links to the processes, guidelines and policies which underpin the roles and responsibilities of clergy within the diocese

Any queries relating to the Statement should be discussed in the first instance with the appropriate Archdeacon.

## Medical Clearance

If required, pre-appointment medicals may be undertaken only **after** an offer of an appointment has been made.

## Institution and Induction

After the *institution* of a newly appointed incumbent by the Bishop, which gives him/her charge of the ’cure of souls’ of which notice was given at least one month earlier, the priest is *inducted* into his/her parish, by the Archdeacon and thus given possession of the temporalities of the parish.

## Role Induction

A comprehensive Induction programme will be put in place for the first six months following appointment. A review will be undertaken after these six months to check progress and to address any concerns or issues.

## Licence Deed of Appointment

The licence is the Bishop’s authority to the office holder to exercise his or her ministry, under Canon C8. The licence and the Statement of Particulars need to be consistent with one another – for example, in the details of the name of the office holder and the title of the benefice, if applicable. It has not been necessary to issue a new licence immediately as office holders have transferred to Common Tenure – the authority conferred by the existing licence will continue until the expiry of any time limit stated on the licence, at which point it can be renewed either on an open-ended basis or, if the office holder is holding a time-limited Common Tenure post under Regulation 29 of the Measure, for the period applicable to that post.

## Role Descriptions

A role description describes and sets out the expectations relating to a particular role at the time of writing. It describes what the role holder is required to do to carry out the role effectively and can be used for a variety of purposes:

* To provide a clear description of the role for applicants and those involved in the appointments process;
* To clarify roles and responsibilities for existing role holders
* To inform training and development needs
* To inform Ministerial Development Review

A role description is a technical document and is a fundamental part of the appointments process.

For further information, please follow the relevant links throughout the handbook

## Section 29 Time Limited posts

Under Regulation 29 of the Ecclesiastical Offices (Terms of Service) Regulations 2009 some common tenure posts are time limited and clergy in these posts will hold them on what is known as Qualified Common Tenure. It occurs in situations where the post is

* created to cover the absence of another office holder
* held by a member of clergy over the age of 70
* a training post (for example, a curate serving their first title)
* under a Bishop’s Mission Order
* held with another office or employment
* subject to limited leave to remain
* [interim post](https://www.churchofengland.org/sites/default/files/2017-10/Interim%20posts%20Guidance_0.pdf)
* a post designated as a Locally Supported Ministry Post\*

\*A post may only be designated as a Locally Supported Ministry Post if:-

* It is held by an assistant curate who is not in sole or principal charge of the parish in which he or she serves;
* The PCC has entered into a legally binding agreement with the Diocesan Board of Finance (DBF) to meet all the costs, including stipend, expenses, pension and housing;
* The office holder, bishop and PCC have all given their consent in writing.
* Under regulation, 30 an office may be designated as subject to potential pastoral reorganisation and the Statement of Particulars must contain a declaration of this designation. Should the office cease to exist compensation will be based on the loss of one year’s service.

# The Role

## Changes to personal circumstances

Whenever a new appointment is made, regardless of whether an individual is coming into the diocese, or moving within the diocese, the Stipends/Payroll Section of the Diocesan Office will require a formal notification of personal details.

If personal details change during an appointment, e.g. where bank details may change, an individual is required to update their details via the clergy payroll link. In addition, clergy are required to notify the diocesan Finance Team.

## Stipend

Clergy are entitled to a stipend of at least the National Minimum Stipend specified by the Central Stipends Authority. If this is a part-time post it will be calculated on a pro-rata basis.

The amount of the stipend is payable at monthly intervals.

Each month an itemised statement of stipend will be sent from the Clergy Payments Department of the Church Commissioners which will also give notice of any changes in the amount of stipend payable.

Stipends are calculated in accordance with the method of computing income for augmentation purpose approved by the General Synod and are included in the Central Stipends Authority’s annual report to the General Synod.

The body responsible for the payment of the stipend is the Diocesan Board of Finance. Please refer to the booklet “Your Stipend”, issued by Church Commissioners.

[Clergy Stipend and Expenses](https://www.churchofengland.org/more/clergy-resources/national-clergy-hr/clergy-pay-and-expenses)

The entitlement to stipend does not apply if the office holder is serving a custodial sentence.

## Parochial Fees

The General Synod has passed legislation to make the clergy proportion of the statutory fees a DBF fee rather than a clergy fee.

That legislation came into effect on 1 January 2013. Consequently, clergy are no longer entitled to receive and retain Parochial Fees.

Parochial Fees are payable to the Diocesan Board of Finance and the Parochial Church Council following the performance of Occasional Offices. Guidance about Parochial Fees can be found on the following website:

[Parochial Fees Guidance](https://www.churchofengland.org/more/clergy-resources/national-clergy-hr/life-events-parochial-fees-and-guidance/guide-church)

## Expenses

There is an entitlement to the reimbursement of expenses reasonably incurred in connection with the exercise of an office. Reimbursement is the responsibility of the parochial church council(s) of the parish(es) in which an individual serves. Guidance can be found in the booklet *The Parochial Expenses of the Clergy: a guide to their* *reimbursement*, published by the Central Stipends Authority and revised in 2017.

[Expenses Policy](https://www.churchofengland.org/sites/default/files/2017-10/parochial-expenses-guide-2017.pdf)

## Removal and Re-settlement Grants

Reasonable removal costs will be paid by the diocese and a re-settlement grant of at least 10% of the National Minimum Stipend. Contact should be made with the diocesan Property team, who can advise in particular circumstances.

## First Appointment Grants

A first appointment grant will be made, of 10% of the national minimum stipend, to all clerics upon ordination, and again upon appointment to the first incumbent or incumbent status post. This is paid in addition to the Removal & Resettlement Grant.

## Housing Allowances

A housing allowance may be offered in certain circumstances in lieu of housing. Any consideration of this will need to be discussed with the relevant Archdeacon and the Diocesan Secretary. This figure is no longer set nationally but now set by each Diocesan Board of Finance and may differ from Diocese to Diocese.

## Car Loans

The Churches Mutual Credit Union (CMCU) is now offering car loans so the Commissioners' scheme has been closed.
Many providers offer loans, details of which can be found online. We are unable to offer investment advice or recommend a particular provider or product.

If you wish to consider CMCU, details of their products can be [found on their website](http://www.cmcu.org.uk/).

## Pension

The service of stipendiary clergy is pensionable within the terms of the Church of England funded Pensions Scheme. There is no contracting-out certificate in force stating that the office is contracted-out employment for the purposes of Part III of the Pensions Schemes Act 1993.

Self-supporting clergy are not covered by the Clergy Pensions Scheme.

If clergy retire at normal retirement age and have acquired full pensionable service in the Church of England, a full pension will be paid. If, when retiring, clergy have less than full pensionable service, the pension and lump sum will be reduced appropriately. Pensions are linked to the national minimum stipend for incumbents and are reviewed annually by the Church of England Pension Board, with changes taking effect from the 1 April. Those clergy who hold a DBF employment contract will be eligible to opt into either the DBF pension scheme or the Clergy pension scheme. Those opting to remain in the Clergy Pension Scheme will be required to make an appropriate salary sacrifice.

## Annual Leave

In a calendar year clergy are entitled to a minimum of 6 weeks, which should include 6 Sundays. This would normally include a week after Christmas and Easter. Clergy employed by the DBF are not entitled to clergy holiday entitlement.

See section 7 for further guidance

## Sickness Reporting

See Section 12.4

## Confidentiality

The Diocese expects high standards of discretion and confidentiality at all times.

Failure to comply with these expectations will result in disciplinary action being taken.

Clergy are expected to familiarise themselves with the national guidance on professional standards of conduct -

[Guidelines for the Professional Conduct of the Clergy](https://www.churchofengland.org/more/policy-and-thinking/guidelines-professional-conduct-clergy/guidelines-professional-conduct)

## Health and Safety

Clergy have health and safety responsibilities, to themselves and their families, within their churches and church buildings, and as they carry out their parochial responsibilities.

Please refer to Section 13.

## Security

The Diocese of Hereford is committed to doing all it can to provide a safe working environment for clergy and lay workers and to equipping them to minister safely.

In the event of any incident involving verbal abuse, threats or actual violence to a priest, deacon or a member of their household, the Rural Dean or Archdeacon should be contacted who will ensure immediate practical and pastoral assistance. The Diocesan Safeguarding Advisor should also be contacted.

Clergy and lay workers should take all possible steps to ensure the personal safety of themselves and their families in relation to their houses, church office and vestries.

Much has been written about clergy safety issues in the light of national experiences. Below are some very basic precautions, and also some links to some of the published documents that clergy might find helpful/interesting.

Basic precautions

* Ensuring that porches and entrances are well-lit, using spy-holes
* Not inviting unknown visitors beyond the office or study in a house
* Not leaving unknown visitors unattended in an office or house
* Not seeing children alone
* Ensuring that other people know when you are seeing people in the house, or seeing people at an external venue, and that someone has a contact number for emergencies or an address.
* If in doubt, don’t.

### Further Resources

Useful websites include [www.nationalchurchwatch.com](http://www.nationalchurchwatch.com/) and [www.ecclesiastical.co.uk](http://www.ecclesiastical.co.uk/) which offers Guidance Notes on Health and Safety.

Useful books:

* ‘Places of Worship Security Manual’, Nick Tolson (coordinator of National Churchwatch), Berkswell Publishing
* ‘Affirmation and Accountability – Practical suggestions for preventing clergy stress, sickness and ill health retirement’, the Society of Mary and Martha, email smm@sheldon.uk.com
* ‘Guidelines for the Professional Conduct of the Clergy’, Wilcox H, Church House Publishing, 2003
* ‘The Security of Single Clergy – A Cause for Concern’, the Revd Canon Christine Dyer.

## Use of Personal Computers and Data Protection

Clergy should be aware that they may hold a lot of personal data on their computers which might relate to individuals within their parishes, databases of PCC’s, funerals, weddings, baptisms and so on. Clergy need to ensure that they are compliant with data protection guidelines.

The Archbishop’s Council has published guidance for parishes on issues of data protection, registration and compliance.

[Data Protection Act Guidance](https://www.parishresources.org.uk/gdpr/)

## Trade Union Membership

Clergy may wish to join a Trade Union. The Diocese aims to work with trade unions in a constructive way.

UNITE–[UNITE Faithworkers](https://unitetheunion.org/what-we-do/unite-in-your-sector/community-youth-workers-and-not-for-profit/faith-organisations/)

## Data Protection – Data Processing

The General Data Protection Regulation (GDPR) came into effect on the 25th May 2018 and this [website](https://gdprforchurches.org.uk/) to help churches with their compliance with this Regulation.

GDPR gives more rights to people on how their data can be used and affects all organisations that hold data on European Union Citizens. It doesn’t matter whether an organisation is based in the UK, America or Australia; if that organisation holds data on a European Union citizen then they have to comply with this new Regulation.

In the Church of England, both the Incumbent and the PCC are separate legal entities and will therefore be counted as separate Data Controllers under GDPR.

General Data Protection Regulation – [A Guide to Parishes](https://www.parishresources.org.uk/gdpr/)

## Working with the Media

The media can be extremely helpful in spreading news about the parish and the church. Working with the media needs to be handled thoughtfully and carefully, however, because small mistakes or indiscretions can result in major stories. Anything that is put into the public domain can be picked up by the media. The Diocese of Hereford can offer advice to clergy in this area.

Please contact the Diocesan Communications Officer.

## Social media

Accessing and using social networking sites (eg Twitter, Facebook, Blogs) through work-related systems may be monitored, and information can be picked up by the Media. There are many platforms used to engage in fruitful communication online which can support the mission and ministry of the parish. Please engage with all Diocesan Social Media accounts, which can be found on these platforms:

* Twitter: @HererfordDiocese
* Facebook: Hereford Diocese
* YouTube: Hereford Diocese
* Instagram: @HerefordDiocese
* LinkedIn: Hereford Diocese

# Property

## Address

The address of the Property as confirmed on the Statement of Particulars (SOP) is the property the Office Holder is required to occupy for the better performance of his/her duties.

## Rights and Responsibilities of the Office Holder

The Office holder who is in occupation of a house of residence or other accommodation has a duty to:

* permit the relevant housing provider and agents to enter the property
* use all reasonable endeavours to keep the property clean and free from deterioration
* use the property as a private residence and for other purposes agreed by the relevant housing provider
* not make any repairs, alterations or additions without consent.
* vacate the property immediately on the date on which the office holder ceases to hold office (a licence to occupy may be negotiated in exceptional circumstances).

Please refer to Regulation 14 of the Measure for further guidance and from the Diocesan Property Team.

## Rights and Responsibilities of the Housing Provider

In accordance with Regulation 12 of the Measure, the Housing Provider has a duty to:

* have the property inspected by a qualified surveyor every 5 years
* keep the property in an appropriate state of repair
* have the right of entry
* pay Council Tax and water rates
* insure the property against all risks (note that this does not include contents insurance)
* allow any member of the household of an office holder on Common Tenure who dies in occupation to continue to occupy the property for a period of at least three months following the death.

## Lodgers

Incumbents (having the freehold of the property) are entitled to let rooms to lodgers, and other clergy may do so with the consent of the Board. A standard form of agreement is available for this purpose, and this provides protection for clergy, lodgers and the Board. We request that all clergy use this form of agreement in order to protect the Board as a matter of best practice. Please contact the Property Team for a copy of the agreement to be used. Monies collected as rent should be passed to the Board to be paid as part of the stipend, but a charge may be made under the heading of “board and lodging” without affecting stipend or tax liability.

## Multiple Occupation

If a house is classified by the local authority as being a House in Multiple Occupation (HMO) because of arrangements made by the resident clergy person, he/she will be responsible for any fee charged by the local authority. HMOs are identified by the separate use of facilities (e.g. separate bathrooms, kitchens, meal times). Classification of a house as a HMO can prove to be very expensive, and clergy are asked to consult the Property Team before making any arrangements which might lead to this. Fire safety is of particular concern.

## Business Use

If a member of a clergy household wishes to carry on a trade or business of any type from within the property, he/she must first obtain the written consent of the Board. This is because some activities may be detrimental to the state of the house, relations with neighbours or the work of the church. In some houses the options may be restricted by covenants which prohibit business activity, in which case the Board is not at liberty to grant permission. If any business activity increases the Board's expenditure on the house (e.g. business rates), the occupier will be expected to pay the difference.

The following guidelines apply to all clergy who live in benefice, glebe, DBF or parochial trust properties, and whose homes are used by any person (e.g. a spouse) to carry out business or other non-domestic activities. Such activities may be as varied as professional counselling, manufacturing or retail trading.

* The Board seeks neither to encourage nor discourage such use, but is concerned that clergy should be aware of the possible implications and that the wider interests of the Diocese and parishes should be protected.
* No alterations may be made to any house without the agreement of the Board.
* Clergy should be mindful of the possible effect on the building insurance cover arranged by the Board. This is particularly true if the business activity involves retailing, manufacturing, or the storage of potentially harmful materials. (NB household contents insurance, which is not the concern of the Board, may also be affected.)
* Council tax is paid by the Board for stipendiary clergy. If a business use results in the imposition of a standard business rate, the occupier will be liable.
* The possible effects on neighbours (e.g. through increase in traffic volume) or on the normal functioning of the house in church/parish use (e.g. through the inappropriate storage of large quantities of material) must be considered.
* The deeds for some houses contain restrictive covenants which prohibit business use or any use other than residential. This must be checked in each case with the Property Team.
* Some forms of non-domestic use may require planning consent for change of use.
* The Board should be informed in writing of all business use and such use should not begin until the Board’s written consent is received. In the case of parochial trust properties, the consent of the PCC will also be necessary. This should be done retrospectively for existing businesses.
* It is important that no third party is able to acquire a protected interest in the property, e.g. a business tenancy of the property or part of it under the Landlord and Tenant Act 1954. If in doubt, it is important that clergy contact the Property Team. The Board has legally defined responsibilities for clergy houses, covering such matters as maintenance, insurance, alteration and disposal.
* The Board cannot accept any additional cost or liability (including all taxes) arising from the use of a house as a place of business; these must be borne by the incumbent.

## Disputes

If there is a dispute about the performance of the respective obligations of the housing provider and the office holder which cannot be resolved by the grievance procedure, it shall be referred for arbitration to the Church Commissioners.

## Terms of Occupation

The terms of the occupation of the property by the office holder may be varied by agreement between the relevant housing provider and the office holder and the Statement of Particulars of office amended to reflect any such change.

## Vacating the Property

The office holder is expected to vacate the property on the date on which the office holder ceases to hold office, or within such longer period as agreed by the housing provider, subject to a licence to occupy being issued

The housing provider is expected to allow any member of the household of an office holder on common tenure who dies in occupation to continue to occupy the property for a period of at least three months following the death.

## Cleaning The Property

Upon vacating the Property, all reasonable steps must be taken to leave the property in a clean and tidy condition, removing all rubbish and unwanted furniture and personal effects.

**FURTHER DETAILS –**

Please contact the Property Team for further information.

## Maternity/Paternity/Parental Leave/Adoption/Care of Dependants

As a clergy office holder you have the same legal rights to parental leave and pay as an employee. You are entitled to claim statutory parental leave if you have a baby or adopt a child.

[Parental Leave Advice Issued in November 2020](https://www.churchofengland.org/sites/default/files/2020-03/4.-guidance-on-legal-entitlements.pdf)

Under the Ecclesiastical Offices (Terms of Service) Directions 2010, office holders are entitled to maternity, paternity, parental and adoption leave and shared parental leave for the same periods and subject to the same conditions as apply in the case of an employee under the Employment Rights Act 1996, or any regulations made under that Act that have effect at the time when the Directions came into force on 1 January 2011. This also includes additional paternity leave.

Office holders already have a right to statutory maternity, paternity and adoption **pay** because of their National Insurance Contributions.

Stipends will be payable in full for 39 weeks.

[National Guidance](https://www.churchofengland.org/more/clergy-resources/clergy-payroll/parental-leave)

[Government Advice](https://www.gov.uk/browse/childcare-parenting/pregnancy-birth)

### Application of Directions to Office Holders

Holding of office is distinct from employment in a number of ways that affect consideration of office holders’ entitlements in connection with maternity, paternity, parental and adoption leave.

Office holders remain in office while they are on leave – which means they retain the rights and responsibilities that go with the office, for example the right to remain in any accommodation provided for the better performance of their duties and the obligation to ensure that the duties of the office are carried out on their behalf.

This also means that, unlike an employee, an office holder does not have the right to be found an equivalent post when she returns from maternity leave. She has not left her office whilst on maternity leave and therefore returns to work in her existing post as of right unless she resigns or is removed from it.

Clause 2 (2) of the Directions confers a requirement on office holders ‘in consultation with a responsible person or authority' to 'use all reasonable endeavours to make arrangements for the duties of the office to be performed by another person or persons during the period of leave’. This may simply involve a discussion with the Archdeacon about how best to ensure that cover is provided whilst the office holder is on leave. Regulation 29 allows for someone to be appointed to a post designated as created in order to cover for an office holder's authorised absence from work. This may be held for a fixed term or under terms which provide for the appointment to be terminated on the occurrence of a specified event, such as the return of the original office holder from maternity leave.

[Parental Leave](https://www.churchofengland.org/more/clergy-resources/clergy-payroll/parental-leave)

### Training posts

The length of a training post will be extended under Common Tenure Section 29 to take account of maternity or adoption leave or additional paternity leave.

### Keeping In Touch Days

It is possible to work for a total of 10 days during maternity leave without losing the entitlement to SMP for the week in which the work is undertaken. The days may be for work, training or any other activity that has the purpose of keeping in touch with the workplace. The days do not need to be taken consecutively. They may not be taken within two weeks of childbirth. Those attending a Keeping in Touch Day should inform the diocesan Finance Team, who will notify the Clergy Payroll.

### Additional Paternity Leave

Mothers of children born after 3 April 2011 will be able transfer to the father any unused leave from 20 weeks after the birth. This includes any paid leave.

Those claiming additional paternity leave are required to

* give notice of when they wish the leave to start
* make a declaration stating that they are taking leave to care for the child
* provide a declaration from the mother stating certain information.

### Right to request time off work or adjustments to the duties of the office to care for a dependant

Holders of parochial offices already have a high degree of flexibility over how they carry out their duties, which is not always the case with employees who will generally have defined hours of work. Office holders may not always need therefore to request flexible working to care for a dependant in the way that an employee might. However, office holders still need to bear in mind the need to arrange appropriate cover if they are taking time off. For example, if they wish to take half term as leave, they should ensure that proper cover is provided during this period. Similarly an incumbent or priest in charge still has a responsibility to ensure that someone is available to take any weddings or funerals booked, despite any family commitments.

Where office holders need to vary their duties in order to care for a dependant (for example reducing a post from full time to part time with a commensurate reduction in stipend), they should use the procedure below.

The request may only be made in order to help care for a dependant not for any other purpose. “Dependant”, as defined in paragraph 3(6) of the Directions, embraces a spouse or civil partner; a child; a parent; a person living in the same household as the office holder (other than a tenant, employee, lodger or boarder) or anyone who reasonably relies on the office holder for assistance or provision of care in the event of illness or injury. The provision therefore covers a wide range of possible arrangements, from a few days’ time off in an emergency to a longer term adjustment of duties to accommodate, for example, the need to care for an elderly parent or a disabled child.

The Directions confer the right to make a request – and have the request properly considered. The request may be refused if there is no other reasonable way of meeting the pastoral needs of the parish and the requirements of the office.

The Archbishops' Council has agreed that the procedure for making a formal request should be as follows, and that the office holder should

* make the request in writing
* set out the date of the request• make no more than one request during a twelve month period
* state that the request is being made under the Ecclesiastical Offices Terms of Service) Directions 2010
* set out the reasons for needing an adjustment to the duties of the office
* set out the change requested
* state whether they have made any previous requests in their current post
* identify the effect the proposed change will have on the provision of ministry to the parish
* suggest how such an effect could be mitigated (the office holder may wish to consult colleagues about this first so that he or she is in a position to indicate that the proposed solution might have their support in principle)
* give a proposed start date
* indicate whether the proposed adjustment is intended to be permanent, or, if not, for how long it might be expected to last.

The Bishop, on receiving the request, is required by paragraph 3(5) to consult the PCC(s). The Bishop may also wish to consult any of the office holder's colleagues who are likely to be affected by the request.

Once the Bishop has received a reply from the PCC(s), the office holder's request will be considered promptly. If the Bishop agrees to the request, the office holder and the PCC(s) will be informed in writing of the Bishop’s agreement.

If the Bishop is not in a position to agree immediately, the Bishop or his representative will arrange to meet the office holder as soon as possible to discuss the request. The office holder may bring a colleague or trade union representative to the meeting.

In good time after the meeting (normally within 14 days), the Bishop will inform the office holder of the decision. If he does not accept the request, he must give the reason in writing and give reasonable time (normally 14 days) for the office holder to appeal. The appeal should be held and the office holder informed of the result within reasonable time (in both cases, normally 14 days).

A revised Statement of Particulars will be issued to reflect any changes made, unless they are very temporary and short term. The office holder will be informed that this will be a permanent change to the duties of the office, and there is no automatic right to have the duties adjusted back to the original terms at a later point, unless this has been agreed in advance.

The Bishop should not refuse the request simply because the PCC does not support it or the proposed solutions. Potential grounds for refusing a request include: cost, inability to reorganise duties among existing clergy, inability to recruit additional clergy, potential effect on the office holder's performance of his or her duties.

The Bishop may delegate consideration of these requests to the suffragen or the archdeacon.

## Paternity Leave

Clergy should inform the relevant Archdeacon and the Diocesan Finance Team as soon as possible of their wife’s pregnancy.

Initial thoughts regarding potential paternity leave can be discussed – and the Diocesan Secretary and Finance Team can give details and links for the forms notifying the Church Commissioners of leave.

### Qualifying criteria

An individual who is the father of the child (adopted, foster or birth) or married to the child’s mother, is entitled to paternity leave if he has the responsibility of the child’s upbringing.

The individual must have been continuously employed for at least 26 weeks ending with the week immediately proceeding the expected week of childbirth.

There is a right to paternity leave when a child has died or was stillborn after 24 weeks of pregnancy.

The individual is entitled to take either two consecutive weeks paid leave, ideally not two separate weeks and not individual days (but local arrangements may require flexibility), and the leave must be taken within 56 days of a child’s birth.

Local cover and other arrangements may need to be made for an individual to take paternity leave, so the Archdeacon should be notified of an intention to take Paternity Leave in writing, detailing the expected week of delivery, the length of leave to be taken and the start date. This date can be varied depending on the individual circumstances.

## Additional Paternity Leave and Additional statutory Pay6

Advice issued by the Archbishop’s Council

*This advice is issued by the Archbishops’ Council for information and to assist in the development of good practice and does not constitute formal guidance under the Ecclesiastical Offices (Terms of Service) Measure 2009. It should be read in conjunction with that provided in January 2011 on maternity, paternity, parental and adoption leave, maternity, paternity and adoption pay and the right to request time off work or adjustments to the duties of the office to care for a dependant.*

The Additional Paternity Leave Regulations 2010 give fathers (and adoptive partners) the right to up to six months’ paternity leave which can be taken once the mother (or other adopter) has returned to work. Some of this leave may be paid if taken during the maternity or adoption pay period.

Under the Ecclesiastical Offices (Terms of Service) Directions 2010, office holders are entitled to maternity, paternity, parental and adoption leave for the same periods and subject to the same conditions as apply in the case of an employee under the Employment Rights Act 1996, or any regulations made under that Act that have effect at the time when the Directions came into force on 1 January 2011. This includes additional paternity leave (APL) and additional statutory paternity pay (ASPP). Clergy on contracts of employment also have an entitlement to APL and ASPP, as provided by their employer.

Clergy office holders on Common Tenure therefore have the right to APL and ASPP if their spouses or civil partners

* are due to give birth on or after 3 April 2011 (or they receive notification on or after this date that they have been matched with a child for adoption) and
* return to work.

Different conditions attach to leave and pay.

Additional paternity leave (APL)

* may be taken even if the mother has no maternity leave remaining when she returns to work;
* is for a maximum of 26 weeks;
* may not start until 20 or more weeks after the child's birth or placement for adoption;
* must have ended by the end of the 52nd week after the child's birth or placement for adoption;
* is subject to the requirement at paragraph 2(2) of the Ecclesiastical Offices (Terms of Service) Directions 2010 for the office holder to use all reasonable endeavours to make arrangements for the duties of the office to be performed by another person or person during the periods of leave.

Additional statutory paternity pay (ASPP) may be paid in addition to ordinary statutory paternity pay (OSPP):

* only if the mother has returned to work without exhausting her entitlement to statutory maternity pay (SMP) or adoption pay (SAP), or maternity allowance (MA);
* only if there are at least two weeks of SMP, SAP or MA remaining;
* only for periods of at least one week during which no work (other than a Keeping in Touch Day) is done;
* at the level of SMP, SAP or MA;
* at a higher level than the statutory amount, but only if the diocese agrees to fund the additional amount.

Those wishing to take additional pay or leave need to comply with additional notification requirements as set out below.

Eight weeks before office holders wish their APL or ASPP to start they must provide the Diocesan Office with:

(a) a leave notice in writing specifying

* the expected week of birth and/or placement for adoption
* the date of birth or placement for adoption
* the start and end date of their APP
* the arrangements they have made to provide cover for the duties of their office to be carried out
* the date on which they want any ASPP to start;

(b) a declaration signed by the parent taking the leave stating:

* the purpose of leave is to care for the child
* the parent is either the father, or married to, or the partner or civil partner, of the mother but is not the child’s father, and the parent has or expects to have the main responsibility for the upbringing of the child apart from any responsibility of the mother;

(c) a declaration from the mother or other adoptive parent stating:

* their name and address
* their date of intended return to work
* their National Insurance Number
* that the parent taking the leave is: either the father, or married to or the partner or civil partner of the mother, or other adoptive parent but is not the child’s father
* has or expects to have the main responsibility for the upbringing of the child apart from any responsibility of the mother
* is, to the mother’s knowledge, the only person exercising the entitlement to additional paternity leave in respect of the child
* that the mother or other adoptive parent consents to the DBF/Payroll services processing the information in the declaration.

## Childcare Vouchers

The Church Commissioners operate a Childcare Voucher Scheme through the provider Edenred, whereby salary can be sacrificed in return for childcare vouchers. These vouchers are exempt from National Insurance contributions and therefore represent a saving for the employee who uses them to purchase childcare.

The Church Commissioners set out the details of the following credits and vouchers on their website, available from this link:

[Childcare Costs](https://www.churchofengland.org/more/clergy-resources/clergy-payroll/help-childcare-costs)

The **Childcare voucher schemes is being phased out by HMRC and is now closed to new entrants. For the latest information see the** [Gov.uk website.](https://www.gov.uk/help-with-childcare-costs/childcare-vouchers)

For more information on Child Tax Credit and Working Tax Credit contact the Tax Credit helpline on 0845 300 3900 or visit [www.taxcredits.inlandrevenue.gov.uk](http://www.taxcredits.inlandrevenue.gov.uk/)

# Wellbeing

## Annual Leave

In a calendar year a cleric is entitled to a minimum of 6 weeks, which should include 6 Sundays. This would normally include a week after Christmas and Easter.

If a cleric holds a part-time post, they will receive a pro-rata entitlement.

If a cleric is in a Diocesan employed post they receive leave as outlined in their employment contract and do not receive holiday due a clergy office holder.

The days of annual leave may not include any of the Principal Feasts of the Church of England as set out in the Canons or Ash Wednesday or Good Friday.

Days may be taken in lieu of the Bank Holiday entitlement in respect of Christmas Day and Good Friday.

There is provision for the apportionment of annual leave in the first and final years of appointment.

## Rest Periods

A cleric is entitled to an uninterrupted rest period of not less than 24 hours in each period of seven days, and at least once a month they are entitled to an uninterrupted rest period of 2 consecutive days.

The weekly rest period may not be taken on a Sunday, on any of the Principal Feasts of the Church of England as set out in the Canons and Common Worship or Ash Wednesday or Good Friday.

## Statutory Leave

A cleric is entitled as appropriate to the statutory minimum amount of maternity, paternity, parental and adoption leave, and leave to receive ante-natal care, all as specified in the Regulation 23 and the directions of the Archbishops’ Council as Central Stipends Authority.

## Compassionate Leave

In special circumstances, unpaid leave of absence is subject to the approval of the Bishop or Archdeacon.

## Bereavement Leave

Individuals will be granted up to five days bereavement leave if they have considerable additional responsibilities associated with a funeral, for example, organising the funeral arrangements, childcare, sorting out a business, complicated debts etc. This can be extended at the discretion of the Diocesan Bishop or Archdeacon.

## Funeral Leave

One day’s paid leave to be given to attend the funeral of a dependant or close relative. This is defined as spouse, brother, sister, parent, parent-in-law, (including parents of the employee’s partner), grandparent, grandchild.

## Special Leave

Additional leave with or without pay may be granted in special circumstances at the discretion of the Bishop or Archdeacon.

## Public Duties

Office holders have the right to spend reasonable time on public duties, including for purposes of trade union activities where the union represents the office holder or others of the same description.

Any time off, under an office holder’s service, will be entitled to payment of stipend.

Public Duties are defined as any work done for a public authority, including membership of a court or tribunal, or for a charity within the meaning of the Charities Act 2006, or registered friendly society, and any work done in connection with the activities of an independent trade union representing office holders.

This does not include time off for a public role which is part of the office-holder’s normal duties, for example, acting as a school governor of a school in the benefice. Nor does it include public duties which the officer- holder is legally bound to undertake, such as jury service or obeying a witness summons.

## Jury Service

On receipt of notice of jury service, Clergy should inform the Bishop, the Archdeacon and Churchwardens, informing them of the period of jury service.

Clergy are expected to claim the attendance allowance which will be paid on a net pay basis.

Clergy should send a loss of earnings form (provided by the court) to the DBF.

## Ante-natal Care

An office holder who is pregnant and has, on the advice of a registered medical practitioner, registered midwife or health visitor, made an appointment to attend at any place for the purpose of receiving ante-natal care, is entitled to take time off during working hours to attend the appointment.

## Extended Ministerial Development Leave (EDML) – (Sabbaticals/ Study Leave)

It is a condition of the extended ministerial development leave that the office holder should engage in study related to their ministry. EMDL is available to all Clergy in the Diocese after 10 years of Ordained Ministry and then every 10 years from the date of the last EMDL period. Full guidelines and application forms can be viewed on the diocesan website. Contact the appropriate Archdeacon for further information. Extended ministerial development leave should be regarded as part of CMD and not as leave. [Study Leave](https://www.hereford.anglican.org/CMDgrantsandstudyleave/)

## Retreats

An annual retreat should be regarded as part of duties and not as leave. Retreats lasting longer than 7 days would require the approval of the Bishop or Archdeacon. The cost of Retreats should be claimed as part of Parochial expenses and not from the CMD allowance.

## Territorial Army and Other Service Secondments

A cleric will continue to receive their stipend whilst away from their office. They will remain a member of the clergy pension scheme and the Pensions Board will pay the contribution. Subject to the circumstances, arrangements for necessary clergy cover should be in place.

Upon receipt of mobilisation orders, they must notify the Bishop in writing stating the duration of the mobilisation and the date of their availability for returning to their office.

# Code of Conduct

## Professional Code of Conduct for Clergy

The primary aims of the Guidelines are:

* to ensure the welfare and the protection of individuals and groups with whom the clergy work;
* to ensure the welfare and the protection of the clergy and of their families;
* to encourage the clergy to aspire to the highest possible standard of conduct;
* to provide safe and effective boundaries for clerical ministry;
* to encourage personal and corporate ministerial development.

Further details can be found in the [Guidelines for the Professional Conduct of Clergy](https://www.churchofengland.org/more/policy-and-thinking/guidelines-professional-conduct-clergy/guidelines-professional-conduct)

## Bullying and Harassment Policy – Dignity at Work

*“The Church is required by God to foster relationships of the utmost integrity, truthfulness and trustworthiness. Abuse, harassment and bullying will not be tolerated within the Church of England. All complaints of abuse, harassment and bullying are to be taken seriously and thoroughly investigated.”* -House of Bishops 2001

This policy and guidelines are based on the advice set out in the ***Dignity at Work*** booklet published by Church House Publishing – on behalf of the Ministry Division of the Archbishop‘s Council.

[Dignity at work Booklet](https://www.churchofengland.org/sites/default/files/2017-10/dignity%20at%20work%20booklet.pdf)

Many people in society are victimized, harassed and bullied as a result of their race, colour, ethnic or national origin, religious belief, political opinion or affiliation, sex, marital status, sexual orientation, gender reassignment, age or disability.

### Introduction

Personal harassment and bullying takes many forms ranging from tasteless jokes and abusive remarks to pestering for sexual favours, intrusive and threatening behaviour and actual physical abuse. Whatever form it takes, personal harassment and bullying are always taken seriously and are totally unacceptable.

Personal harassment and bullying can exist in churches and local communities, and this can seriously affect relationships and working lives by interfering with job performance or by creating stressful, intimidating and unpleasant environments. It is offensive in itself and profoundly unacceptable in communities that profess the belief that we are all made in the image of God and all called to share the life of Christ.

The legal position on issues relating to bullying and harassment is covered through a number of pieces of legislation.

The Diocese will take seriously – and investigate - any complaint made regarding bullying and harassment. Individuals should be aware that possible outcomes include: informal opportunities to seek reconciliation; the Grievance Procedure; and the Clergy Discipline Measure.

IMPORTANT NOTE IN THE APPLICATION OF THIS PROCEDURE

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| --- |
| If an allegation is against another cleric, this may be dealt with through the Clergy Discipline Measure (CDM). If an allegation/complaint is against another officer of the diocese, this procedure will apply. An allegation from a member of public will require support and be dealt with sensitively and in the spirit of the framework of this procedure. |

### Policy

#### All forms of personal harassment and bullying are deplored and the Senior Clergy Staff and DBF will seek to ensure that the environments within the sphere of their control are sympathetic to all clergy and centrally employed staff.

#### This procedure reinforces to all clergy the types of behaviour that are unacceptable and provide those who are the victims of personal harassment and bullying with a means of redress.

#### The Senior Clergy Staff have an explicit duty to implement this policy and all clergy are expected to comply with it.

### Examples of personal harassment and bullying

#### Personal harassment and bullying take many forms, including mail, E-mail, telephone conversations etc, and individuals may not always realise that their behaviour constitutes harassment or bullying. Personal harassment is unwanted behaviour by one individual towards another and examples of harassment include:

#### insensitive jokes and pranks

#### lewd or abusive comments about appearance

#### deliberate exclusion from conversations

#### displaying abusive or offensive writing or material

#### unwelcome touching and/or attention

#### abusive, threatening or insulting words or behaviour

#### offensive gestures

#### Bullying is a form of psychological harassment. It is intimidation which serves to undermine self-esteem, confidence, competence, effectiveness and integrity. Examples of bullying include:

#### continual, undeserved criticism

#### derogatory remarks

#### arbitrary and inconsistent demands

#### imposition of unreasonable deadlines

#### shouting, swearing and offensive language

#### displaying overbearing or intrusive behaviour

#### constantly undervaluing effort

#### These examples are not exhaustive, and disciplinary action at the appropriate level will be taken.

### An Informal Complaint

Complaints of personal harassment, and particularly of sexual harassment, and bullying can sometimes be of a sensitive or intimate nature and clergy may find it difficult to challenge.

In these circumstances an individual is encouraged to raise such issues with a colleague of their choice. (This person may be for example ta rural dean or other local colleague, or where appropriate an Archdeacon. If a formal complaint is made this may also be investigated by another Archdeacon or an independent member of Senior Clergy Staff or appropriate other).

If an individual is the victim of minor harassment or bullying they can (on their own or with the assistance of a colleague) make it clear to the harasser on an informal verbal basis that their behaviour is unwelcome and they are being asked to stop.

Through due and fair processes, the Diocese will always seek to work with individuals to try and achieve an informal resolution and encourage people to meet, share feelings, and give opportunities for apologies to be given and reconciliation achieved.

If this is not possible - a written request to the harasser may be appropriate and their colleague can assist with this also.

Where an informal approach is not possible or appropriate, a formal approach may be required.

### A Formal Complaint

Where the informal approach fails or if the harassment or bullying is more serious, the individual should bring the matter to the attention of the Archdeacon as soon as possible either verbally, or followed up by formal written complaint.

If possible, it is a good idea to keep notes or a diary of the harassment or bullying so that the written complaint can include:-

* the name of the alleged harasser or bully
* the nature of the alleged harassment or bullying
* the dates and times when the alleged harassment or bullying occurred
* the names of any witnesses
* any action already taken to stop the alleged harassment or bullying.

On receipt of a formal complaint the Archdeacon will arrange to meet with the individual to discern the most appropriate series of next steps.

In the most exceptional cases (and depending on the individuals concerned) it may be appropriate to consider other options, for example:

* To arrange for temporary transfer arrangements
* A suspension with full pay until the matter has been resolved.

With the agreement of the individual, the Archdeacon may deal with the complaint, or nominate, after consultation with the Diocesan Secretary, another appropriate senior person to deal with the complaint.

The investigator will then plan an investigation and the individual making the complaint will be invited to attend an initial meeting at a reasonable time and location to discuss the matter and plan a schedule for carrying out a thorough investigation.

Both the complainant and the alleged perpetrator have the right at all times, during the complaint/investigation process, to be accompanied by a union representative or other clergy colleague. Both parties must take all reasonable steps to attend the arranged meetings.

Those involved in the investigation will be expected to act in confidence and any breach of confidence may be a disciplinary matter.

On conclusion of the investigation, which will normally be within 10 working days of the initial meeting, a report of the findings and of the investigator's proposed decision will be sent, in writing, to the complainant and to the alleged harasser/bully.

If either the complainant or the alleged harasser/bully is dissatisfied with the report or with the proposed decision, this should be raised with the investigator within 5 working days of receiving the report.

Any points of concern will be considered by the investigator before a final report is sent, in writing, to the Archdeacon, the complainant and to the alleged harasser/bully. Individuals have the right to appeal to the Bishop against the findings of the investigator in accordance with the appeal provisions of the grievance procedure.

### Right to Reply (Follow Up)

If the report concludes that the allegation is well founded, the harasser/bully may be liable to disciplinary action in accordance with the scope and remit of the Clergy Discipline Measure (CDM).

If an individual brings a complaint of harassment/bullying they will not be victimised for having brought the complaint. However if the report concludes that the complaint is both untrue and has been brought with malicious intent, disciplinary action may be taken against them within the scope and remit of the Clergy Discipline Measure (CDM).

If further follow up is required such as coaching or training, these will be discussed with the Diocesan Secretary so that appropriate arrangements can be made.

### Freedom to speak up (Protection for those making complaints or assisting an investigation)

If an individual makes a complaint or has participated in good faith in any investigation conducted under this policy they must not suffer any form of retaliation or victimisation as a result.

If they believe they have suffered any such treatment, they should contact the Archdeacon.

Anyone found to have retaliated against or victimised someone for making a complaint or assisting in good faith with an investigation under this procedure may be subject to the Clergy Discipline Measure 2003.

### Handling bullying and Harassment complaints when the perpetrator is lay (not an employee of the Parish/Diocese)

When a cleric wishes to make a complaint about a lay person, they should, in the first instance, try and seek resolution within the parish. This may be done with the help from their Churchwarden, or where the perpetrator is a Churchwarden, their PCC. Should resolution be unsuccessful, then the cleric should contact their Rural Dean. If the cleric is the Rural Dean, then the neighbouring Rural Dean should be contacted.

The Rural Dean will meet with the cleric and the perpetrator, first separately and then together, to seek resolution to the inappropriate behaviour. Where possible future expected behaviours should be agreed.

Should resolution be unsuccessful then the cleric should contact the Archdeacon. Should resolution be unsuccessful then the Diocesan Secretary should be contacted.

The outcome may ultimately result in the lay person not attending that particular church.

Should all of the above measures fail to secure a resolution a discussion will take place at a Bishop’s Staff Meeting to decide on an appropriate course of action for the parish. At any meeting held during the above process, the cleric or perpetrator may be accompanied by a friend, colleague or trade union representative.

If either the complainant or perpetrator is a Licensed Lay Minister, then the Warden of Readers must be involved at the earliest stage, working with the Archdeacon. The Chair of the House of Laity may be brought in to assist if an issue cannot be resolved by the Warden

## Grievance Procedure

The Archbishops’ Council has issued a Code of Practice under section 8 of the Measure containing a procedure for enabling an officer holder to seek redress for grievances.

If a cleric has a grievance, they are encouraged to take it up informally in the first instance, and, if appropriate, consider mediation. This will not affect their right to require formal consideration of their grievance under the procedure.

Further guidance – [Church of England Grievance Procedure](https://www.churchofengland.org/sites/default/files/2017-10/grievanceprocedure%20cop.pdf)

## Disciplinary Procedure

Under existing ecclesiastical regulations the Clergy Discipline Measure (CDM) sets out very clear processes through which the most serious disciplinary issues will be followed up.

The disciplinary rules and procedures applicable to a clerical office are contained in the Clergy Discipline Measure 2003 and the Ecclesiastical Jurisdiction Measure 1963

The procedures for dealing with a CDM issue are set out in the Code of Practice which has been agreed by both the Archbishops’ Council and the General Synod and can be accessed through the Church Commissioners’ website:

From time to time `complaints’ or issues of concern about individual members of clergy are brought to the attention of the Bishop or to members of his senior staff. These issues may not result in, or warrant, any sort of formal CDM-based process. However it is important that each is followed up appropriately through due process, with pastoral sensitivity, within a fair and open process in which all parties are afforded the opportunity to share or report their concerns, and with the right to be represented, and with the right of reply.

The Diocese is committed to this fair process; it ensures that time is set aside to gain a clearer picture of all the issues raised, that individuals have opportunities to put their views, that where it is possible reconciliation is achieved, and that decisions about any further actions are made only when there is clarity of objective information/evidence.

The guidelines below set out how senior staff will follow up issues or complaints brought to their attention through a clear process of investigation and follow up, and how they will judge when an issue or complaint received should be followed through the formal CDM route with the involvement of the Diocesan Registrar where this is appropriate; or whether there are issues which could be resolved through a local diocesan process, with Human Resources and senior staff advice and guidance

Further information –[Clergy Discipline Measure](https://www.churchofengland.org/about/leadership-and-governance/legal-services/clergy-discipline)

## Capability Procedure

The procedures for a Capability process are set out in a Code of Practice which has been agreed by both Archbishops’ Council and General Synod.

Capability procedures within the church require that clergy have at least the equivalent protection applicable for secular employees where processes require;

a written statement of grounds/issues, a meeting with the right of representation, followed by a decision and a right of appeal

As a last resort it is possible to dismiss a member of clergy within the Capability Procedure. Any office holder under Common Tenure who is removed from office under the Capability procedures has the right to make a claim to an employment tribunal on grounds of unfair dismissal.

A tribunal which finds a dismissal to be unfair has the power to award compensation, or, if practicable, can make an order for the office holder to be reinstated to his or her post.

Further information - [Capability Process](https://www.churchofengland.org/sites/default/files/2017-11/Ecclesiastical%20Offices%20Regulations%202009%20Capability%20Procedure.pdf)

## Appeals

Office holders will have the right to appeal to an Employment Tribunal if removed from office after a capability procedure. The existing rights under the Pastoral Measure to appeal against a pastoral scheme also remain in force.

## Affirmation and Accountability

In all processes we will ensure that we respect the individual and their individual circumstances, and offer practical and pastoral care for them and their family.

Where an individual is part of a formal process we will endeavour to ensure that:

* They fully understand all aspects of the processes and possible outcomes, and have the opportunity to explore these in confidence at every stage.
* They are aware of the range of pastoral and practical support available.
* They are made aware of timescales and next steps as formal processes are run and managed consistently and as quickly and fairly as possible.
* They are aware of roles and responsibilities, and their right of representation at all stages.

When things go awry with relationships both personally and in local communities, the Diocese’s priority will always be to do what it can to bring people together in order to help restore relationships. The Diocese will always exhaust informal ways of moving forward positively before any formal process is instigated.

The Diocese will plan to do this with the individuals concerned in safe, creative and thoughtful ways which ensure respect, fair process, the right to be heard, and the right of reply.(This will be done in ways which are appropriate to the individual set of circumstances, and in line with the wishes of the individuals concerned).

Confident that clergy are determined to live out the commitments and promises they made at ordination, the Diocese has three key expectations of those who find themselves in situations of conflict:

* That they will do all that they can to bring about a local resolution.
* That where bringing about local reconciliation is a struggle (for whatever reason) and where additional assistance, advice, and support may be helpful, that they actively seek this from colleagues, national bodies, and the Diocese.
* Where the Diocese has become involved because of the nature of the difficulties, that clergy will fully co-operate with the Diocese in its responsibility to seek and facilitate all opportunities for reconciliation (eg through mediation).

# Safeguarding

## Child Protection

The care and protection of children, young people and vulnerable adults involved in Church activities is the responsibility of the whole church. Everyone who participates in the life of the church has a role to play in promoting a Safer Church for all.

Clergy perform a key role in providing leadership in respect of Safeguarding in a parish. Every member of clergy will be expected to adhere to at all current House of Bishops’ safeguarding policy and practice guidance (All current policy and practice guidance can be accessed via the diocesan website or via the main Church of England website).

A failure by a member of the clergy to comply with a duty to have due regard to house of Bishops safeguarding guidance is misconduct under the clergy discipline measure 2003 (CDM). Were proceedings under the CDM to involve an allegation of failing to have due regard to the guidance, the onus would be on the member of clergy concerned to establish that he or she had cogent reasons for not following the guidance. A disciplinary tribunal would be likely to scrutinise the reasons given with great care to test whether they were in fact clear, logical and convincing

Every member of clergy will be expected to undertake safeguarding training to the appropriate level and to renew that training on a 3 yearly basis. The diocese will have a process in place to remind Clergy of their need to attend training.

Every member of clergy will be expected to have a current DBS check to the required standard and to renew it every 5 years. The diocese will have a process in place to facilitate the renewal of DBs checks.

The diocese employs Safeguarding Adviser/s who will be happy to assist and support members of clergy in respect of any aspect of safeguarding policy and its operation in the parishes. Please endeavour to make contact with the Safeguarding Advisers, who will be happy to work with you in promoting safeguarding in your parishes.

# Ministerial development review and continuing professional development

## Ministerial Development Review (MDR)

The Terms of Service/Common Tenure arrangements confer on clergy a range of rights and responsibilities. One such responsibility is to undertake regular reviews and a programme of professional ministerial development.

Obviously much will depend on each individual, their experiences, and their own needs which will vary over the years. The Diocese will do all it can to support clergy in their continuing formation within the budget which is allocated for this.

MDR is undertaken on a biennial basis. The process of MDR in the Diocese of Hereford is explained in detail by following [MDR](https://www.hereford.anglican.org/mdr/)

## Continuing Ministerial Development (CMD)

The Bishop requires, as far as reasonably possible, that all office holders are afforded opportunities to participate in continuing education and training to promote their ministerial development. Office holders are placed under a corresponding duty to participate in such continuing professional development.

## Training Posts

All office holders in training posts are provided with and are required to participate in suitable training (IME Phase 2) and given the necessary time off to undertake it. Continued absence from such training without good reason is a disciplinary matter.

## CMD Grants

All applications for grants are reviewed on an individual basis, however they are discretionary. Priority for such grants is given to those working on learning outcomes from the Ministry Development review (MDR) process.

Retreats are not funded by the CMD grants and should be included in Parish working expenses.

Christian holidays such as Spring Harvest are not funded by the CMD grants and should be included in Parish working expenses. Application forms and full guidelines are available from the appropriate Archdeacon.

# Managing change

## Retirement

Section 3 (10) of the 2009 Measure extends the provisions of the Ecclesiastical Offices (Age Limit) Measure 1975 to all office holders on Common Tenure. This means that all such office holders must retire from the office they hold on attaining the age of 70. However sometimes it may be appropriate for an office holder to remain in office beyond 70. This is subject to the powers contained in the 1975 Measure in relation to certain specified offices, which permit an archbishop or bishop to extend the term of office for a limited period (up to one year for bishops, deans, residentiary canons and archdeacons and up to two for incumbents and team vicars).

However, under Regulation 29(1) (b) a person over the age of 70 may be appointed to a Common Tenure office under licence, on either a full or part-time basis, for a fixed or limited term which may be renewed or extended. The purpose of this provision is to enable those who wish to continue to work beyond the age of 70 to do so, but with an inbuilt mechanism to enable both the bishop and the office holder to review the position from time to time.

## Redundancy

The only mechanism for making clergy office holders ‘redundant’, is through pastoral reorganisation. The legislation extends the right to be consulted on any pastoral scheme to all office holders under Common Tenure in receipt of a stipend or housing who would potentially be affected by the scheme. Under Common Tenure, priests in charge will be eligible for the first time to receive compensation for loss of office if they are displaced as a result of pastoral reorganisation.

In certain specified cases, it will be possible for an appointment to be held for a fixed term under Regulation 29. The termination of such an appointment at the end of the fixed term will not amount to redundancy and will not carry any right to compensation.

## Dismissal

Those holding office on Common Tenure will only be able to be removed from office through the discipline or capability procedures, or the operation of the Pastoral Measure. If the post is in one of the limited categories of fixed or limited term appointments under Regulation 29, it will finish at the end of the term.

An office holder does not have the right to claim constructive dismissal. The concept of constructive dismissal in law depends upon the existence of a contract of employment, the terms of which have been breached by the employer. Office holders under Common Tenure do not serve under a contract of employment.

## Sickness Reporting and Sick Pay

The obligations and rights of a cleric who is unable to perform their duties because of sickness are set out at Regulation 27 of the Measure.

In addition to the Statutory Sick Pay Scheme, they are entitled to 6 months full Stipend in the event of sickness, and thereafter at the discretion of the Bishop of Hereford and any discretionary decisions will not create a precedent for the Diocese of Hereford.

All clergy, unable to perform their duties because of sickness, are required to contact the Archdeacon via email and telephone the Rural Dean as soon as reasonably possible. They should also inform their Churchwardens so that arrangements for cover can be made.

Although the reporting of absence is an added burden when unwell, reporting sickness in this way will satisfy the obligation to ensure proper administration and accounting of Statutory Sick Pay.

Those in training posts are also required to inform the IME Phase 2 officer and their Training Incumbent.

A stipendiary office holder will be required to report any period of sick leave amounting to a day or longer, and to produce a “Statement of Fitness (Fit Note)” where they have been absent for a continuous period of more than seven days. This must be sent to the Finance team. These requirements are necessary to enable the Church Commissioners to obtain the information that they are obliged to hold in relation to the payment of Statutory Sick Pay (SSP) under the Social Security and Contributions and Benefits Act 1992.

## Cover Arrangements During Periods of Sickness Absence

Depending on the circumstances of the parish, the Rural Dean and Churchwardens may need to ensure the provision of cover during sickness absence. If the absence is for a short period, cover may be arranged by the office holder, however longer term absences should be addressed at deanery level.

## Ill Health Leave

The Bishop may, if he is satisfied that the office holder is, by reason of illness, unable adequately to discharge the duties of their office, permit the office holder to be absent from work for such a period as he thinks appropriate and may make provision for the discharge of those duties during the period of absence of the office holder.

## Medical Examination

The Bishop may, if he has reasonable grounds for concern about the physical and mental health of an office holder, direct that the office holder undergo a medical examination or occupational health assessment by a medical practitioner selected by agreement between the Bishop and the office holder.

## Co-operation

Should an office holder fail to comply, or fail to disclose any relevant medical records, when requested to do so, this will be dealt with in accordance with the Capability Procedure.

## Clergy Wellbeing and Welfare

In its approach to supporting Clergy through any periods of sickness absence, ill-health and disability, the Diocese’ intention is to –

* Support the health, safety and welfare of its clergy
* Treat individuals fairly, sympathetically and consistently
* Provide pastoral and practical advice
* Seek professional medical advice in certain circumstance and at the appropriate time
* Clarify the financial support available
* Respond to the consequences of absence and the impact on others

All clergy may need to take time off when sick and these guidelines are intended to ensure that individuals are aware of the procedure and will be supported through the stages of sickness or critical illness and return to work.

It is important to note that this procedure does not question the validity of the sickness but identifies that the level of absence is of concern and needs to be addressed.

Clergy will often undertake light duties when they are unwell and try to cover the essential services, but these guidelines aim to reduce the pressure on clergy who feel they have to work when they are ill and should be taking time off.

### Roles and Responsibilities

Clergy who find themselves affected by health-related problems are expected to:

* Observe the sickness reporting procedure (see below)
* Maintain reasonable contact with the Rural Dean.
* Take reasonable care of their health and seek medical help as appropriate
* Co-operate with the operation of the sickness procedure, including attending meetings which may also involve the Bishop or Archdeacon and Occupational Health Advisers
* Co-operate with rehabilitation/phased returns to work and any other support offered.

In addition, Clergy should inform the Rural Dean of any underlying medical condition which may affect their attendance or performance or which might put at risk their colleagues or members of the public, and also of any medical condition which may require adjustments to be made to the work situation.

### Pastoral Care During Sickness

The Bishop, Archdeacon or Rural Dean will ensure that pastoral care will be provided.

The Archdeacon involved in trying to resolve any absence case will:

* Ensure that the sickness absence reporting procedures are followed
* Maintain reasonable and regular contact during the period of absence
* Monitor absence and respond to situations accordingly
* Conduct and keep records of any discussions and meetings
* Seek to resolve situations early to avoid long term absences
* Consider reasonable adjustments/adaptations/arrangements to the work or working environment and actively support individuals
* Provide support in facilitating a return to work
* Work with the Occupational Health Advisers as necessary

### Sickness Reporting – Notifying Absence

Whilst recognising that Clergy often deal with the practical consequences of sickness by re-arranging their duties, all Clergy should report absence on all occasions when they are unable to fulfil their normal duties and usual workload.

#### First day of absence

On the first day of absence the cleric should telephone the Churchwardens and the Rural Dean. Where they are part of a Team they should notify the Team Rector. Where they are an Assistant Curate, they should notify the Vicar / Rector / Priest-in-Charge. If they are unable to arrange cover for their duties, this should be undertaken by the Churchwardens or the Team Rector / Vicar / Priest-in-Charge.

In addition the cleric is required to contact the appropriate Archdeacon as soon as reasonably possible clearly stating the reason and duration of the absence, and submit medical certificates to cover periods of absence. The Finance Team will inform the necessary agencies.

#### Eighth day of absence

If the period of sickness extends for more than seven days, then on the eighth day of absence a medical certificate (statement of fitness), must be obtained from a doctor and submitted to the Finance Team for onward submission to the Church Commissioners.

The Finance Team will notify the Archdeacon of all notified sickness. On returning from a period of absence, a Self Certificate form should be completed and sent to the Finance Team.

#### Extended periods of absence

The Archdeacon or Bishop will oversee the support provided by members of the Diocesan Team to Clergy who are on long-term sickness absence.

Although the reporting of absence is an added burden when unwell, reporting sickness in this way will satisfy the obligation to ensure proper administration and accounting of Statutory Sick Pay.

### Self-Supporting Ministers

For self-supporting clergy, pastoral care during periods of sickness absence is equally important and any absence should be brought to the attention of the Team Rector / Vicar / Priest-in-Charge (as appropriate) and Rural Dean; where the illness is longer term and/or serious, the Archdeacon should be informed.

#### Return to Work

Following any period of sickness absence, a return to work discussion will take place. This is an important part of the process and seen as good practice in welcoming someone back to work and will be carried out in a caring, controlled and supportive manner by an appropriate member of the Bishops Staff Team.

All discussions will be treated as confidential.

### Recovery and Returning to Work

The Diocese has a responsibility to try and help individuals to remain at work, or reintegrate into work after a period of sickness absence. During a period of recovery and whilst returning to full capacity/duties, the Diocese may take professional advice on what is most appropriate.

### Professional Support/ Counselling for Clergy and Their Families

Where a need for professional counselling has been identified, this will be provided.

### Disability

Where an illness has left an individual with a disability, the Diocese will take responsibility for working with the individual to ensure appropriate reasonable adjustments are made that will enable the individual to work effectively.

In its support of all sick clergy, including their family circumstances, the Diocese will follow the spirit of the Disability Discrimination Act (regardless of whether or not the individual’s circumstances falls within the legal definition of a disability to which the Act applies).

### Occupational Health Advisers (OHA)

In order to promote and maintain good health, the Diocese provides access to an Occupational Health Adviser for the benefit of Clergy.

The OHA will examine and consider those referred in relation to the working environment and the advice will focus on how the individual’s medical condition impacts on their ability to fulfil their role and what reasonable adjustments might be made to facilitate a return to full capacity. Advice may include a framework and guidelines for managing a gradual return process.

If periods of short-term absence become a concern or the absence exceeds 4 weeks, a referral to an OHA may be necessary to determine if there is an underlying medical cause for absence and what it is (if not already established).

OHA referrals are made by the Archdeacon or Bishop following discussion with the cleric. Any adjustments made will depend on whether they are considered reasonable in the circumstances and are supported by professional advice from the OHA.

Where an Occupational Health assessment indicates the likelihood of a return to work in the foreseeable future, there should be a further examination of ways in which this could be assisted by permanent or temporary arrangements (as necessary). For example, making reasonable adjustments such as – phased return, changes to the work situation/work practices, the provision of aids/adaptations, changes to working hours where possible and practical, consideration of potential redeployment and so on.

When determining reasonable adjustments, consideration should also be given to the financial implications for the Diocese and whether the costs would be reasonable, necessary and proportionate to the adjustments being suggested.

### Short Term Absence

Frequent short-term/sporadic absences are normally attributed to minor often unconnected ailments. If there is no underlying medical condition and there is concern about the level, frequency and pattern of absence, then this would be followed up by the Archdeacon.

###  Long Term Absence

Long term sickness absence tends to be continuous and can usually be traced to an underlying medical condition that necessitates periods of absence from work in order to recuperate and/or receive medical treatment. Long term absences will not be left to drift without appropriate early intervention.

###  No Return to Work

In the most serious case, and after exploring and having exhausted all options available to enable a return to work, it may be that an individual will not be able to return or maintain their duties.

Where their own GP/Consultant/Specialist and the Occupational Health Adviser (as necessary) advises that a return to work is very unlikely, the cleric will be invited to attend a meeting to discuss options. If their choice is ill-health retirement, they ill be supported in making an application to the Church of England Pensions Board. The Diocesan Secretary is available to give initial advice about housing and pension and help with contacting the Church of England Pensions Board.

Where the individual is not able to move from the Diocesan property into their own accommodation immediately, the Diocese will do what it can to provide assistance and/or advice. Initially a period of three months may be given to remain in the current property during which time the Diocese will work with the Pensions Board to assist the individual and their family to find appropriate alternative accommodation.

Pastoral support to both the family members and the individual will be given at this time.

##  Pastoral Support

To seek help at times of personal crisis and stress is a sign of strength not weakness. Moreover, for some people, skilled and professional help at an early stage can be the factor that prevents a major breakdown with all the hurt and waste that that involves. Therefore, it is important that clergy and their partners should know where appropriate help is available.

Arrangements have been put in place to make available to clergy and their partners the services of trained counsellors, over and above the normal pastoral care offered within parishes, deaneries and the diocese.

### Hereford Diocesan Counselling Service

The counselling service provides emotional and psychological help for clergy, their spouses and children over 16, Ordinands, readers, readers in training, accredited lay workers and diocesan employees.

Some of the issues which bring people to counselling are:

1. anxiety and panic attacks
2. depression
3. loss and bereavement
4. relationships (personal & professional)
5. self-image and self-concept
6. sexuality
7. stresses of ministry/work
8. suicidal feelings and thoughts
9. transitional life events or crises

###  Approved counsellors

The following counsellors may be contacted via the lead counselling Coordinator:

**Richard Lewis -**01547 510360

List of Counsellors/Therapists

(All registered with a recognised professional body)

Sue Anderson - 07729 241065
Hereford
(Individuals, including trauma therapy)

Gill Carding - 07885 367120
Shrewsbury
(Individuals and couples)

Helen Dacey - 07815 809624
Monmouth and South Herefordshire
(Individuals)

Richard Lewis - 01547 510360
Llanfair Waterdine (Knighton)
(Individuals, couples and young people)

Allan Walter - 07754 585362
Much Wenlock
(Individuals, couples and young people)

###  How do I contact a counsellor?

Please ring any of the counsellors listed. Alternatively you may wish to discuss options with the co-ordinator whose number also appears in the list.

###  How much will it cost?

The first session is free. The cost of further sessions is £35 each and clients are asked to contribute as much as they can afford. Financial help to augment client contributions is available from the diocese; this is claimed by the counsellor and client identity is not divulged.

###  What will it involve?

Counselling usually involves up to 12 weekly sessions of an hour in length.

###  Confidentiality

Confidentiality is crucial to theeffectiveness of the counselling relationship. Client identity is known only to the counsellor concerned and not divulged to anyone else. If clients are referred by a third party there is never any feedback given to that person about the nature or content of the help given.

There are a few rare exceptions to the confidentiality of the service. If there is risk of serious harm to the client or to others it may be necessary to consult the client’s GP or mental health professionals. Also confidentiality cannot be maintained if a breach of it is required by law. Exceptionally it may be breached with the written consent of the client.

###  The Sheldon Hub

The Sheldon Hub is an online community supporting those in ministry.

The Hub is a place for those in ministry to meet, share and support each other.

The Sheldon Hub is a safe place for [people in ministry](http://www.sheldon.uk.com/ministry/ministry-definition) to share together. It is secure and [free](https://www.sheldonhub.org/about/donate) to use.

* an independent supportive community
* a live directory of useful people and places
* a bank of trustworthy advice all for doing healthy ministry together

<http://www.sheldonhub.org/>

# Health and Safety

## Introduction to Health and Safety

Clergy have health and safety responsibilities, to themselves and their families, and within their churches and church buildings, and parochial responsibilities.

Much helpful information, advice and guidance can be found through this link to Ecclesiastical Insurance.This includes template policies and risk assessments.

<https://www.ecclesiastical.com/churchmatters/churchguidance/churchhealthandsafety/index.aspx>

Working from home can bring its own health and safety hazards and clergy should be mindful of good practice regarding electricity, water, gas, computers, cabling and so on. Again, much information and good advice can be found on the Health and Safety Executive’s website. This is especially helpful if the cleric themselves or PCCs are employing other people such as administrators as there will be health and safety liability for these employees.

<http://www.hse.gov.uk/pubns/law.pdf>

Other issues which require Health and Safety related considerations include:

* Security (section 6.4)
* PCCs as employers

## Fixed Term Appointments

**(Regulation 29 Appointments)**

Under the Clergy Terms of Service, clergy appointments may only be made on a fixed term basis on the following basis:

* Those on a short – medium term appointment covering sickness or other reason for another post holder’s absence from work
* Clergy who are over 70yrs old
* Designated as training posts
* Posts with designated sponsorship funding
* Posts created by a Bishop’s Mission Order under the Dioceses, Pastoral and Mission Measure
* Designated as probationary posts
* Designated as held in connection or conjunction with another office or employment
* Held by someone with limited leave to remain in the UK
* Designated as a locally supported ministry

In all cases of fixed term appointments, the candidate will be clear from the outset of the reasons for the fixed term nature of the appointment, of their rights at the end of the appointment, and of the responsibility of the diocese.

### Appointment Status

Under secular employment law the fixed term Individuals (prevention of less favourable treatment) Regulations (2002) ensures that ALL on fixed term contracts have clear rights and the diocese extends these rights to all Common Tenure Fixed term appointments.

Fixed term appointments must not be treated less favourably than comparable permanent appointments on the grounds that they are only licensed on a fixed term basis, unless this can be objectively justified.

It is therefore important that fixed term appointments are used appropriately. Fixed term appointments will always have a specific end date.

No notice period is required for a fixed term appointment when it is running to the initial set date. However prior to the end of a post the Archdeacon will be in touch with the individual concerned to offer appropriate support and will liaise with the cleric regarding support for CVs, interview skills etc.., if required.

All Statements of Particulars, offer letters and correspondence sent out by/on behalf of the Bishop will clarify that there should be no expectation of the renewal of an appointment at the end of the fixed term period.

### Recruiting to a Fixed Term post

Following the processes set out in Recruitment Guidelines – candidates for clergy appointments must be made aware of, and show that they understand, that the post is a fixed term post, for how long, and the reason(s) why, along with any appointments in place where a post is covering for a permanent member of clergy.

Fixed term Regulations require employers to offer access to the occupational pension scheme on the same basis as permanent individuals – and this is no different for part time clergy as all stipendiary clergy, Full or part time are automatically entered into the Church of England Funded Clergy Pensions Scheme.

### Reviewing or Extending Fixed Term Appointments

Where a fixed term appointment is to be extended this will be for a further defined period, with the reasons and new date explained and agreed.

Where there is funding or other agreement for a post to be made permanent (this does not apply to a curacy role), and the individual in the current fixed term post has proved satisfactory for a minimum of two years – they may be made permanent.

### Ending a fixed term appointment (for reasons not related to pastoral reorganisation)

Whilst a fixed term appointment can be ended at the end of its original set date, ALL expiries or non-renewals for these appointments are regarded in law as `dismissal’. Therefore in order to end the appointment it is necessary for there to be a clear and justifiable reason for the non-renewal of the appointment e.g. such as where work comes to an end, where someone on maternity leave is to return to work or where the funding ceases.

### Where a clergy fixed term appointment is on maternity leave

The procedure for ending a Fixed term appointment where the individual is on maternity leave is no different from an individual who is at work (the decision here to terminate MUST NOT be for reasons linked to the maternity as this would amount to direct sex discrimination).

### Notice Periods

If the appointment is to terminate on the specified date, the process for notification/consultation and decision/appeal, should begin one month before the end date.If the appointment is to terminate earlier, then the appropriate notice must be given.

## Part Time Appointments

Under regulation 11(3) of the Measure, the entitlement of a part-time office holder is to such stipend as may be stated in the Statement of Particulars.

## Ordained Local Ministers (OLMS)

OLMs receive licences which are geographically specific and their duties are restricted to the Parish or Benefice, and possibly wider deanery, in which they are licensed. They cannot be given the overall leadership responsibility for the Parish or Benefice and always work under the direction of a Stipendiary colleague of Incumbent status.

## Retired Clergy

The ministry of the Church in many places depends on and is enriched by the voluntary ministry of retired clergy.

Under Common Tenure all clergy, including self-supporting and House for Duty clergy, will require permission from the Bishop to extend their office beyond the age of 70.

When clergy retire the Bishop has discretion to offer a Permission to Officiate, it is not given by right and must be requested.

## Clergy Couples

For further information, please refer to the link below -

<http://www.churchofengland.org/mediaclergycoupleguidance.pdf>

## Role of Rural Dean

The duties of a Rural Dean are discharged by a Cleric as a temporary addition to his/her role, in return for a small additional payment. Such an arrangement is recorded in a letter of additional responsibility and granted by Bishops Commission.

## Dual Posts

It may be acceptable to provide a single composite Statement of Particulars where a person either (a) holds two or more benefices in plurality under the provisions of the Pastoral Measure 1983 or (b) holds two or more offices which are designated under Regulation 29 as held in connection or conjunction with the other or others. Such a Statement of Particulars will make it clear that it covers more than one office.

Whilst it may not be necessary to split the stipend between the respective offices where they represent a single full-time post, the Statement of Particulars will always specify which office is the one that provides the housing.

## Chaplains

The position of Chaplain to a person or institution is not recognised in law as an ecclesiastical office.

Chaplains will be issued with a contract of employment from their employer and a licence from the Bishop.

## Support for Common Tenure Enquiries

There may be occasions when an individual will wish to have an informal conversation or meeting to discuss any or all aspects of their Statement of Particulars, or any of the rights and duties of the office they hold, or to seek support in the performance of their office. It is important that they consider it possible to discuss any such matter without prejudice, to express any concerns, or to seek clarification on any point.

Individuals should arrange a meeting with the Archdeacon in the first instance as they should be able to answer most questions.

# Self Supporting Clergy

## Appointment

Across the Diocese there are many self supporting clergy who offer very substantial ministry which is greatly appreciated.

For each appointment arrangements will be set out within two documents: -

(i) A **Statement of Particulars**, referring to the terms under which the appointment is made issued by the HR Team at the outset of an appointment, and (ii) A **Work Agreement**.

Throughout the period of office, the Archdeacon will ensure that each Self-Supporting Minister (SSM) (and their Incumbent where appropriate) will have an up to date Work Agreement.

The Statement of Particulars and Work Agreement will ensure clarity of expectations on each side.

## Commitments and Work Agreements

A Work Agreement will be drawn up with the benefice incumbent, where appropriate.

The Work Agreement recognises that, in carrying out normal pastoral responsibilities, SSMs will need to be realistic about what can be offered and expected of them by the parish(es).

Within a Work Agreement, an agreed pattern of working should be set out in terms of time and commitment

There is no expectation that an SSM will be able to attend all meetings but they are strongly encouraged to do so when able – e.g. PCCs and Deanery Chapters. Attendance at other specific meetings can be agreed through the Work Agreement.

Tasks and ministry will be clearly set out in the agreement to help ensure clarity of the role, boundaries etc.

A review of the Work Agreement will be held every six months.[In my view it should be annual – 6 monthly is unrealistic]

All SSMs are required to participate in Ministry Development, including training and assessment provisions, and continuing professional develop as described in their Work Agreement.

## Family Friendly Policies

Where maternity leave and other family friendly policies are appropriate to stipendiary clergy, the spirit of such guidelines will always be applied to SSMs

## Expenses

All expenses relating to the work undertaken in the office should be paid by the parish in which an SSM serves.

## Time Off

All clergy are encouraged to have proper time off for family, friends and refreshment. The Work Agreement will detail agreed time commitments and day to day arrangements.

## Sickness and Absence

The Diocese has polices and processes in place to support clergy during critical illness, sickness and when experiencing difficulties.

In the event of a period of sickness an SSM should contact their incumbent as soon as possible, so that the Diocese can provide pastoral and practical support.

In addition, SSMs are encouraged to advise the Archdeacon if they are unable to perform the duties of their office due to illness.

In the event of long term absence, some Occupational Health support and advice may be given to the individual and to their incumbent in terms of how to assist with a return to work.

## Resignation of Office

All clergy are required to give at least 3 months' notice before resigning their appointment. This period may be waived by agreement between the individual and the Diocesan Bishop.

Other than as a result of disciplinary or capability procedures, a term of office may be terminated only in accordance with the circumstances set out at Section 3 (1) of the Ecclesiastical Offices (Terms of Service) Measure 2009.

The Bishop should receive and acknowledge all letters of resignation and set all the appropriate actions in motion. Clergy will be asked to sign a deed of resignation, which will be sent to them from the Bishop of Hereford’s office.

## Termination of Office

For all clergy, unless resigning, the term of office shall only be terminated upon specific circumstances as listed below –

* On the death of the office holder
* On attaining retirement age in relation to that office
* Where the office ceases to exist in consequence of a pastoral scheme or order made under the Pastoral Measure 1983 or re-organisation scheme made under Part II of the Dioceses, Pastoral and Mission Measure 2007.
* Where the office holder is removed from office following a finding of guilt for an offence under Part IV of the Ecclesiastical Jurisdiction Measure 1963 or under any provision of the Clergy Discipline Measure 2003.
* Where the term is fixed or is otherwise limited, on the expiry of the term or the occurrence of the event in question
* Where the Bishop revokes the licence of the office holder under the capability procedures
* Where a licence has been granted by the Diocesan Bishop to a person to exercise an office which is held by the office holder in connection with employment under a contract of employment, the Bishop may revoke the licence if that contract is terminated and the term of office of the office holder shall, thereupon, be terminated.

For full details refer to Section 3 of the Ecclesiastical Offices (Terms of Service) Measure 2009.

## Exit Interview

All clergy will be offered a leaving interview with the Bishop, Suffragan Bishop or Archdeacon for a prayerful reflection on their ministry within this Diocese and to assist their transition.

## Vacating Property

Clergy are required to vacate the house immediately upon vacating office, however a licence to occupy may be issued for a negotiable period according to circumstances.

# Employment tribunals

## Right to Apply to Employment Tribunal

Where an appointment has been terminated by notice under the capability procedure, the office holder has the right to make a claim to an employment tribunal on grounds of unfair dismissal. This right does not extend to office holders who are over the statutory retirement age of 70.