



Background and Introduction

It now looks almost certain that we will be working with Clergy Terms of Service from January 2011. In fact, our culture is already changing as we anticipate that day and you'll begin to see changes through 2010. In this booklet you will find some explanation of what lies ahead, a glimpse of some of the challenges we will have to put in place or negotiate, and some material about the process that gets us from here to there. In the Bishop's Training and Formation Day there will be some more explanation, a bit of reflection on what it might be like to exercise ministry under Clergy Terms of Service and some time to consider what it means for you.

As we work towards 2011 clergy and their families should begin to notice that there is more clarity about the kind of support that is available and more guidance about the legal and institutional framework around them and we'll begin to do some work with clergy around roles and responsibilities.

From 2011 for Clergy with Common Tenure appointments there will be a Statement of Particulars spelling out some of this information, and those arriving into new posts will have both that piece of paper and another, setting out Roles and Responsibilities in the new ministry; everyone will have access to our comprehensive handbook that will set out the whole range of support, guidelines, processes etc to give clarity, and ensure transparency.

Throughout this transition it will be important that we work together reflecting on the change of culture on how we live up to our calling and measure that; how we tackle problems, and how we settle grievances. There will be a chance on the Bishop's Training and Formation Day to think about some of those issues.

More information is available on the diocesan website (<http://www.gloucester.anglican.org/ministry/terms/>) and, more importantly, if you have any concerns about all this and how it may affect you, you can always consult David Hoyle, the Director of Ministry, or Judith Knight, our HR Manager.

- In 2002 the government directed that, (under Section 23 of the Employment Relations Act 1999), those who were office holders and clergy should be given many of the rights afforded to employees within the scope of the law.
- Since then General Synod have debated draft legislation over a series of sessions in line with the statutory processes by which ecclesiastical legislation must be approved – a draft stage; a revision stage; and a final draft stage. The Measure will give Synod the power to make regulations for clergy terms of service.
- Legislation then went to Parliament for approval by both and now Royal Assent has been given to that legislation. What we have are:
 - ✓ The Ecclesiastical Offices (Terms of Service) Regulations 2009
 - ✓ Ecclesiastical Offices (Terms of Service) Measure 2009
 - ✓ The amending Canon no 29 (to Synod in February 2010), and
 - ✓ A series of Codes of Practice
- The aim of the legislation is to: “help clergy to grow in their ministry by providing fair terms of service; support and development; and ensure a just framework of accountability”, and to provide protection for clergy who do not currently have the freehold.



Office holders or employees?

- Working relationships between employees and employers in the secular world are largely based on the ability to manage and delegate - and the relationships between parishes, clergy, congregations and bishops are not like that - each has their own degree of autonomy.
- All clergy will therefore retain their legal status as Office Holders and will be afforded a range of employment rights, responsibilities and accountabilities which will be clarified through this legislation.



Common Tenure appointments

- From mid/end 2010 the new legislation will confer a new form of tenure on clergy called Common Tenure which will include Team Vicar and Team Rector, Priest in Charge appointments, and fixed term appointments such as curacies,
- The legislation will also confer Common Tenure on canonically licensed lay workers in receipt of stipend and/or housing, so will include all House for Duty appointments.
- Clerical appointments made after the legislation comes into effect, will all be made under the new Common Tenure arrangements.
- NSMs and OLMs also come under Terms of Service procedures so clearly negotiated working agreements and arrangements will need to be in place.

NOTES



Clergy with the Freehold

- Clergy with the freehold currently will be invited to indicate, in writing, whether they are willing to move to Common Tenure. If they do not wish to do so, they will continue to hold the freehold on all its existing terms.
- If and when freehold clergy move to another post after the introduction of the legislation this will automatically be under Common Tenure arrangements.



Fixed Term Appointments

- Under the legislation fixed term appointments will be agreed ONLY for very specific posts. These are:
 - ✓ those on a short – medium term arrangement covering sickness or other reason for another post holder's absence from work
 - ✓ clergy over 70 who are working on a part time basis
 - ✓ those in training posts
 - ✓ training curacies up to 4 years in total
 - ✓ posts with designated time-limited funding or sponsorship
 - ✓ posts created by a Bishop's Mission Order under the Dioceses, Pastoral and Mission Measure

Q Will Ministerial and Episcopal reviews turn into appraisals?

A No, new national guidelines for ministerial review have been issued recently and actually require the kind of scheme we already have to be in place. An educated guess might suggest that in years to come our review processes might engage more and more thoroughly with the statement of particulars, with specific tasks in ministry and with the way we are equipped for them.

Q I have a 7 year term which is up for renewal next year what will this mean to me?

A In practice, whilst people imagine there is a 7year `deadline` - there are no actual fixed term contracts of 7 years – this is therefore a permanent appointment and you cannot be told it won't continue (unless it's a part of a Pastoral Reorganisation Plan).

- If you have any questions e-mail them to either;
 - ✓ David Hoyle who is our Director of Ministry, chairs the Diocesan Working Group on Clergy terms of Service reporting back to Bishop's Staff.
dhoyle@glosdioc.org.uk
 - ✓ Judith Knight who is the Diocesan Human Resources Manager. She is helping us reflect on our policies, practices and guidelines; supports us with our complex clergy and personnel issues; and is developing our Diocesan Handbook for Clergy.
jknight@glosdioc.org.uk



What are the rights that the Terms of Service will confer?

- There are also a number of specific rights contained in the new legislation. So terms and conditions of work for clergy can be divided into three sections:

1. Office Holder Working Relationship

- ✓ All clergy will have the right to a written Statement of Particulars on appointment to a post which will set out the matters relating to their appointment.

2. Finance

- ✓ Clergy will continue to be responsible for their own annual tax returns and therefore should keep careful notes of expenditure, parish expenses, receipts and fees as required, and complete the Church Commissioners Annual Financial Return.

3. Housing

- ✓ Incumbents (under Common Tenure) will continue to own their own housing through the corporation sole. Housing arrangements within the legislation will ensure that other clergy have the right to suitable accommodation and to have the house of residence kept in good repair by the appropriate housing provider (Diocese, Commissioners, Chapter, etc).
- Access to clear terms on which housing is provided (detailing powers and obligations to both office holders and those providing the housing).



What are the details that will be included in a Statement of Particulars?

- A Statement of Particulars will set out the arrangements for the:
 - ✓ Entitlement to stipend and the arrangements for fees, and reimbursement of expenses, and pension provision arrangements.
 - ✓ Terms and conditions relating to rest periods and holidays, annual holiday entitlement; the maximum number of Sundays on which leave may be taken, and the public and special days on which leave may not be taken.
 - ✓ Terms and conditions relating to sickness and long term sickness absence.
 - ✓ Statutory rights eg paternity/ parental/ maternity /adoption leave /right of time off to care for dependents, and so on.
 - ✓ An itemised monthly stipend statement.
- Under the terms all clergy will also have other specific rights and responsibilities:
 - ✓ To be subject to a capability procedure.
 - ✓ Protection against unfair dismissal and the right of appeal to an employment tribunal in cases of capability dismissal.
 - ✓ Access to a grievance procedure.
 - ✓ The right to hold and carry out public duties other than the duties of the office (subject to the agreement of the Bishop)
 - ✓ The requirement to undertake appropriate continuing formation, or ministerial education.



So ... over to you !

- It's all well and good us sharing information with you - but we want to make sure we can respond to your questions too.
- We will make sure your questions and our answers are included in our information and to perhaps develop some Q&As for the website pages too.
- At the moment whilst we are clear on many areas, there are some that still require a little further clarification, so if we don't know we'll tell you – and we'll get back to you as soon as we do!



Questions so far....

Q When will we be asked if we want to move to Common Tenure?

A From now until the Easter 2010 we are working on our personnel database to make sure that we have everyone's correct details as far as freehold/Priest in Charge and so on. The formal letters won't be sent out until sometime mid 2010. There will also be letters to those not with the Freehold explaining how they will automatically transferred onto Common Tenure arrangements.

Q Will I have to have a job description now?

A In practice there are some elements of a job description already included in Parish Profiles as part of a new appointment process, however as time goes we will need to develop a 'Roles and Responsibilities' document for each individual which will give greater clarity to both parish, priest and diocese.

- That key issues of support and development would be in place, with a focus on the importance of CME, and the meaningful processes of regular MDR.
- Our policies and guidelines that set things for everyone are easily accessible, and that clergy have a clear understanding of roles and responsibilities, what happens when things go wrong, what support is available, family friendly support, clergy wellbeing support
- Ensure all our data is correct so that from Easter 2010 we can work on a potential draft Statement of Particulars for each member of our clergy.
- Ensure that every member of clergy has access to the **Diocesan Handbook for Clergy** which will set out the detail of all processes, guidelines, information, help and advice.

Information and Issues?

- Over the past few months we have begun to use the Clergy Mailing and to develop its links on our website as our key link to all clergy to provide information focusing on key elements of the legislation. All the information available can be found on the Ministry Department diocesan web pages, under its own subheading and downloads:
<http://www.gloucester.anglican.org/ministry/terms/>

Also this link takes you to the Church of England's web pages about Common Tenure

<http://www.cofe.anglican.org/lifeevents/ministry/workofmin/div/dracsc/rctshomepage/>

- ✓ The requirement to participate in Ministerial Development Review at least once every two years in line with local arrangements.
- ✓ The requirement to undergo medical support and examination where appropriate.
- ✓ The right to redundancy if/where an appointment is designated as subject to pastoral reorganisation and the pastoral scheme takes effect within five years - (Where a post does not end within five years that it will be held on full common tenure).
- All posts will be open ended until retirement age, unless clearly defined as fixed term under the regulations.

Cross – cutting diocesan values, papers, other issues, and their Terms of Service implications

- To ensure that we review all the implications of the new legislation there are a number of principles, issues and projects that we need to reflect upon and keep in mind:
- ✓ Diocesan vision and values and how these will underpin our work including;
 - commitment, respect, diversity, encouraging leadership, service, caring and nurturing, stewardship, accountability and transparency
- A theology of ministry that is not being dictated and determined by secular assumptions about professional practice
- ✓ Appointments of Clergy
 - right person in the right job
 - when things go wrong
 - realistic expectations of urban/rural/multi benefice, and parish ministry applicants

- expectations and responsibilities of parish and parish representatives and the role of patrons
- ✓ Effective Ministry and Bishop Michael's **The Pressure of Ministry** paper
 - changing nature of ministry locally
 - impact on workloads and work/life balance
 - managing expectations
 - resources to support those delivering formation and training
 - distribution of resources
 - role of priests
 - sickness and absence support (including Occupational Health)
 - counselling and pastoral support
 - roles and expectations of NSMs and OLMs
- ✓ Getting the best out of CME
 - what do the clergy need and what financial resources do we have?
 - what kind of a plan will there be for CPD (continuing professional development)
 - who should have access to CPD?
 - how will it be measured on Ministerial Review?
 - where should it happen?
 - links to capability procedures and competence
- ✓ Housing issues for Curates, and for those nearing Retirement
- ✓ Clergy Couples
 - deployment
 - sector ministry
 - training and development

- joint appointments
- ✓ When things go wrong
 - determining fair process
 - focusing on relationships
 - reviewing all options
 - individual 'packages of support'
 - financial resources/implications
 - role of HR and unions
 - employment support for parishes as direct employers of clergy
 - links with Registrar role and remit



How are we in Gloucester Diocese preparing for the changes?

- In October 2008, Bishop Michael's senior staff met to begin to review each element of the new Terms of Service, and to plan a timetable of review, consultation, communication, and implementation. Our key aims were to ensure:
 - ✓ A clear focus on getting our information right. Communicating this to all our clergy, giving us opportunities to demystify some of the issues, and ensure time for asking questions, and seeking clarity where we needed to.
 - ✓ A clear process for using all our communication mechanisms well: The Clergy Mailing, the Website, opportunities to meet and talk to Area Deans meetings, Chapter Meetings, Synods and Councils; and to ensure there are opportunities to explore the changes, and to ask questions at every stage.