



# TERMS OF SERVICE GUIDANCE FOR CLERGY

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## **Introduction**

This document has been produced to give general information to clergy on their terms and conditions and practice within the Diocese.

**The legislation explicitly provides that nothing in the regulations causes those holding office on Common Tenure to be employees and it should not be construed as forming part of any employment contract.**

### **1. Statement of Particulars**

The Statement of Particulars is a factual statement of the basic terms and conditions of service that apply to the office holder of a particular office.

All clergy on Common Tenure will be issued a Statement of Particulars within one month of the date from which the office holder took up office or moved onto Common Tenure. The information that must be provided in the Statement of Particulars is set out in the Ecclesiastical Offices (Terms of Service) Regulations 2009.

#### **Appointment and Office**

Details of your appointment and office are provided in your Statement of Particulars.

#### **Common tenure appointments**

Since January 2011, all new appointments have been on Common Tenure. It applies to both stipendiary and non-stipendiary or self-supporting priests.

Common Tenure identifies rights and responsibilities. For example, a right to a Statement of Particulars which relates to the general day to day aspects of an appointment and sets out all rights and responsibilities fully.

#### **Clergy who chose to retain the freehold**

Clergy who chose to retain the freehold continue to hold the freehold on all its existing terms. When someone moves to another post, they will automatically be under common tenure arrangements.

#### **Fixed Term/Time Limited Appointments known as Qualified Common Tenure**

It is the aim of the legislation under Regulation 29 to provide greater security and equality of rights. Fixed term appointments will only be given, under certain circumstances.

## **Clergy not covered by Common Tenure**

- Those with Permission to Officiate
- Non-stipendiary Readers, Deaconesses and Lay Workers
- Honorary Canons
- Employed Clergy

## **Role Descriptions**

A role description is recommended as good practice for a variety of contexts including, recruiting and making appointments, Ministerial Development Review (MDR), grievance and capability.

Canterbury Diocese has introduced role descriptions to all existing clergy and new clergy are expected to complete their role description within 6 months of being in post.

Assistant Curates in Training are not expected to have a role description as they have a ministerial working agreement that defines their responsibilities.

## **2. Stipend, Grants and Benefits**

### **Stipend**

Your stipend is set out in your Statement of Particulars.

Further information can be found at: [Clergy payroll | The Church of England](#)

For the purposes of National Insurance only, clergy are treated as being of employed status. Employee contributions are deducted from stipend payments each month alongside 'pay as you earn' tax deductions. Employer's contributions are paid by the diocese.

### **Grants**

The Diocese pays the following grants to clergy:

- Removal Expenses- arranged via Bishop's Move
- Resettlement Grants- 10% of the full-time stipend
- First Appointment Grant- 10% of the full-time stipend
- First Incumbency Grant- 10% of the full-time stipend
- Part Time and Self Supporting Appointments
- Continuing Ministerial Development Grants- by application

## **Other sources of financial assistance**

The main clergy charities offering a variety of support and help are:

1. The Corporation of the Sons of the Clergy, 1 Dean Trench Street, London SW1P 3HB
2. The Friends of the Clergy Corporation, 27 Medway Street, London SW1P 2BD

The Sons of the Clergy are also able to assist widows, separated or divorced wives, and dependent children. The Friends of the Clergy offers a wide range of assistance to clergy, widows and to the retired and grant applications can be made. Contact the organisation directly for more information and support.

## **Benefits**

### **Occupational Health**

Referrals to the local NHS Trust can be made for medical advice in the event of ill health. Details can be obtained from the HR Team or your Archdeacon.

### **Professional Counselling**

The Diocese gives assistance with the financing of counselling sessions for clergy, ordinands and their families. Details can be obtained from Janet Bates, Consultant in Pastoral Care and Counselling on 01795 886276.

### **Car Loans**

Details of the scheme and application forms are available from the Diocesan Office.

### **Childcare Vouchers**

For more information go to: [Help with Childcare Costs | The Church of England](#)

### **Churches Mutual Credit Union (CMCU)**

Churches Mutual is a mutual society, a savings and loans co-operative owned and controlled by its members.

## **3. Expenses**

Parishes are responsible for the reimbursement of the proper parochial expenses incurred on their behalf by their parochial clergy and other licensed and accredited staff.

Up to date rates for fees and travelling expenses will be sent to parishes by the Diocesan office as and when these are revised, normally annually.

## 4. Pension

The service of stipendiary clergy is pensionable within the Clergy Pensions Scheme. Non stipendiary clergy are not covered by the Clergy Pensions Scheme.

If you retire at normal pensionable age and you have acquired full time pensionable service in the Church of England, you will get a full pension. If, when you retire you have less than full pensionable service, your 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 Pensions Board taking effect from 1 April.

Under the Ecclesiastical Office (Age Limit) Measure 1975 clergy automatically vacate office on the day they attain the age of 70 (if they have not voluntarily retired earlier). With effect from 1 January 1992, all new entrants to the clergy pension`s scheme have a minimum normal pension age of 65. In 2010, clergy pension arrangements were reviewed and from 1<sup>st</sup> January 2011 the retirement age increased to 68. For further details of the Pension Scheme see the Pensions Board webpage at: [Church of England Pensions Board | The Church of England](#)

Clergy may retire earlier on a Clergy Pension within 5 years of normal retirement age.

### **Early Retirement due to Health**

You may be eligible to receive an ill-health pension if you are unable to continue your ministry or undertake any other remunerated work because of illness or disability and your illness or disability is likely to be permanent. An ill-health pension can be paid at any age.

### **Retirement Housing**

The present Pensions Board Scheme assures financial assistance where needed, for retirement housing appropriate to individual circumstances for all who receive a Church pension. There are two possibilities, either (i) an equity (value) sharing mortgage or (ii) rented property. The Pensions Board will advise which is the more appropriate scheme for you in the light of your capital and expected income.

The Pensions Department is responsible for the administration of the schemes and can be contacted as follows:

**Email:** [pensions@cepb.c-of-e.org.uk](mailto:pensions@cepb.c-of-e.org.uk)

**Tel.** 0207 898 1800

## **Parochial Fees**

Fees are the legal property of the Diocesan Board of Finance (DBF).

Further information can be found here: [Life events parochial fees and guidance | The Church of England](#)

## **5. Rest Periods, Annual Leave and Time Off**

### **Leave**

Clergy as office holders are responsible for planning their working lives and ensuring that sufficient time is allowed for holiday and rest and we encourage regular breaks. It should, therefore, be normal custom for clergy to have a day off each week, and to take 36 days holiday each year, plus the usual Bank and Public holidays. This will be pro-rata for part-time clergy or if starting or leaving part way through the leave year.

Clergy are encouraged to discuss and coordinate their holiday plans and days off with fellow clergy in the parish, team or chapter and to plan holiday absence well in advance so that proper provision for cover can be organised. It is their responsibility to organise cover for periods of absence from the parish.

The Bishop will welcome consultation with any minister who is unable to take a holiday on financial grounds.

It is important that the Church Warden/s are notified when annual leave is being taken so that records may be kept showing that the Diocese is meeting its duty of care and suitable arrangements can be made for cover.

Clergy are strongly encouraged to use all their annual leave to ensure sufficient periods of rest within the annual leave year. Clergy will not be able to carry over any remaining leave from the annual leave year, unless in exceptional circumstances.

### **Public and Bank Holidays**

There is usually a total of 8 Public or Bank Holidays per leave year.

### **Special leave**

The Bishop or Archdeacons may also grant an additional period of special leave, of usually no more than 10 days, in particular circumstances. Special leave is designed to support clergy when emergencies arise – particularly those related to children or dependents.

A dependent is defined as the partner, child, or parent, or someone who lives with the office holder as part of their family. In cases of illness, injury or where care arrangements break down, a dependent may also be

someone who can reasonably be said to rely on the office holder for assistance.

### **Time off for public duties**

Clergy are entitled to spend some time on public duties, but this must be discussed with the Bishop or Archdeacon. In circumstances where compensation is available for loss of income when undertaking public duties, the office holder should claim from the appropriate body and notify the Diocese so an appropriate reduction can be made to the stipend.

### **Jury Service**

On receipt of notice of jury service, you should inform the Archdeacon and Diocesan Secretary. You are expected to claim the attendance allowance and that allowance will then be deducted from your stipend.

### **Maternity, Paternity, Shared Parental and Adoption leave**

Clergy are entitled to family friendly leave as specified in Regulation 23 and the Ecclesiastical Offices (Terms of Service) Directions [2010] and time off to receive ante-natal care as specified in Regulation 25.

You are entitled to request time off, or adjustments to the duties of the office, to care for dependants in accordance with the Ecclesiastical Offices (Terms of Service) Directions [2010].

There is separate guidance detailing family leave guidance.

## **6. Sickness**

All clergy will be supported through the stages of short, medium, longer term sickness and in critical illness. The Diocese is committed to clergy wellbeing and clergy are encouraged to take the necessary rest and recuperation time required to recover from ill health.

All clergy, unable to perform their duties because of sickness, are entitled to Statutory Sick Pay. Normal stipend will also be paid for 26 weeks (in line with the SSP rules) if the following requirements are met:

- to inform the officer of the diocese designated for this purpose if you are unable to perform the duties of your office because of illness for any period of one day or more;
- to provide a medical certificate for absence of more than 7 days.

Whether you are stipendiary or not, you are required to use all reasonable efforts to make arrangements for the duties of your office to be performed by another person during any absence because of illness absence.

The Archdeacon/Diocese will maintain reasonable contact with clergy who are off sick.

### **Common Tenure appointments**

The rights and responsibilities related to sickness absence are set out at Regulation 27 and, in addition to the details above, include the following points:

- All reasonable endeavours should be made to ensure that the duties of the office are performed by another person during a period of absence.
- If the time off is protracted, the Bishop or Archdeacon may make other arrangements for the discharge of these duties.
- Payment of stipend after entitlement to Statutory Sick Pay has expired is conditional on the agreement of the Bishop (or his representative) and on guidance from the Archbishops' Council.
- If the bishop has reasonable grounds for concern about the office holder's physical or mental health he may direct that the office holder undergo a medical examination by a mutually agreed medical practitioner and he may, in serious cases, need to instigate the capability procedure

## **7. Housing**

Those office holders provided with a house of residence for the better performance of their duties, need to be aware of both their rights and responsibilities.

The housing provider is responsible for the provision and maintenance of the clergy home, together with the payment of buildings, insurance premiums and Council Tax.

Internal decorations, insurance of contents and TV aerials, and liability in respect of third parties, are the responsibility of the occupants. There is an expectation that occupants will maintain the house and garden and keep them in reasonable order.

## **8. Ministerial Development Review**

All clergy holding their office under Common Tenure will be required to participate in MDR. Clergy with freehold are offered the opportunity to regularly undertake a Ministerial Development Review.

Guidance can be found: [Microsoft Word - MDR updated 120209.doc \(churchofengland.org\)](#)

## **9. Continuing Ministerial Education**

Regular, focused and well-resourced in-service training is essential for the continuing personal and professional development of the Church's ministers.

The Clergy Terms of Service Regulations require that bishops ensure, as far as possible, that every office holder is afforded opportunities to participate in such education or training as is appropriate to their ministerial development. The Regulations also require office holders to participate in arrangements that are made for their continuing education.

Current recommendations (2009) from the Archbishop's Council Ministry Division about CMD include:

- An emphasis on specific provision for those at transitional points in ministry;
- Ensuring that learning opportunities are linked to the outcomes of ministerial development reviews;
- Relating training provision for clergy's current and future development to the diocese's strategic mission priorities;
- An appropriate balance between mandatory and discretionary training events.

CMD is available to all who hold the Bishop's Licence up to the age of retirement.

Regular safeguarding training, at a level appropriate to your role, is a requirement.

## **10. Leaving Office**

### **Giving notice - Common tenure appointments**

You are required to give at least 3 months' notice before resigning your appointment. This period may be waived by agreement between you and the diocesan bishop.

### **Being removed from Office**

Those holding office on Common Tenure will only be able to be removed from office through the discipline or capability procedures, or on the operation of the Mission and Pastoral Measure 2011. If the post is one of the limited categories of fixed or limited term appointments under Regulation 29, it will come to an end at the end of the term.

### **Retirement**

A Clergy Retirement Officer is available in each Archdeaconry who will be able to offer help and advice.

## **Death (in work or retirement)**

The Area Dean should be informed immediately, and he/she will inform the Bishop and the Archdeacon. The Diocesan Clergy Widow(er)s' Officers will also help with the practical matters of finance and housing. Their names and addresses can be found in the online Diocesan Directory.

The Diocesan Office will inform the Church Commissioners and through them, the Church of England Pensions Board.

Should a member of the clergy die in office before attaining the age of 65 years, the Diocesan Board of Finance has a life insurance policy from which the Board will provide a lump sum payment (approximately three times an annual stipend).

A widow/er will be entitled to two thirds of their spouse's pension entitlement at the time of his/her death. The Archdeacons can help with arranging this.

## **Contacts for help available for children**

- The Clergy Orphans Corporation 57B Tufton Street, London SW1P 3QL
- The Corporation of the Sons of the Clergy, 1 Dean Trench Street, London SW11 3HB
- The Friends of the Clergy Corporation, 27 Medway Street, Westminster, London SW1P 2BD

## **11. Disciplinary Procedures**

The Clergy Discipline Measure 2003 (that came into effect in 2006) provides a structure for dealing efficiently and fairly with formal complaints of misconduct against members of the clergy. All admitted to holy orders in the Church of England are covered by the Measure, whether or not in active ministry.

## **12. Capability Procedure**

As part of common tenure, a procedure for dealing with capability issues was introduced. The main objective of the capability procedure is to help office holders, whose performance falls below an acceptable minimum standard, to improve in a fair and just way. There is a Code of Practice issued by The Archbishop's Council and copies of this code and the supporting advice issued alongside it can be obtained from the Diocesan office.

## **13. Grievance Procedure**

### **Common Tenure appointments**

Common tenure also introduced a new procedure for dealing with the grievances of the clergy who hold office under the Measure. The objective of the grievance procedure (as detailed in the Code of Practice issued by the Archbishop's Council) is to deal with such complaints promptly, fairly, and consistently with a focus on mediation and conciliation wherever possible.

For more information on any of these procedures or for help and support with any policy or procedure please contact Human Resources.



# Appendix 1

## Whistleblowing Policy and Procedure

To fulfil their commitment to safeguard and promote the welfare of children, all organisations that provide services for, or work with, children are required to have appropriate whistle-blowing procedures, and a culture that enables issues about safeguarding and promoting the welfare of children to be addressed.

The Diocese of Canterbury is committed to ensuring issues about safeguarding and promoting the welfare of children extends to vulnerable adults.

Whistleblowing may also apply to situations of unacceptable practice, performance or behaviour in situations unrelated to children or adults who may be vulnerable, and these same principles can be applied.

The Public Interest Disclosure Act 1998 gives workers legal protection against being dismissed or penalised as a result of publicly disclosing certain serious concerns. Whilst the Act does not provide the same protection for office holders or volunteers, the Diocese and all churches should adopt the same approach in their protection.

Members of a congregation should be encouraged to acknowledge their individual responsibility to bring matters of unacceptable practice, performance or behaviour to the attention of the incumbent, churchwarden, Parish Safeguarding Officer or a member of the PCC.

It is often the case that a co-worker or co-voluntary worker may be the first to recognise that something is wrong but may not feel able to express concerns, feeling that this would be disloyal; he or she may fear harassment or victimisation. These feelings, however, natural, **must never result in a child or adult who may be vulnerable continuing to be unnecessarily at risk.**

### Reasons for whistle-blowing:

- To prevent the problem worsening or widening
- To protect or reduce risks to others
- To prevent becoming implicated one-self.

### What stops people from whistle-blowing:

- Starting a chain of events which spirals out of control
- Disrupting the work or project
- Fear of getting it wrong
- Fear of repercussions or damaging careers or reputations
- Fear of not being believed.

### **How to raise a concern:**

- Concerns, suspicions or uneasiness about practice or behaviour of an individual should be voiced as soon as possible
- Be specific about what practice is concerning, what has been heard or what has been observed
- Inform the incumbent, churchwarden or Parish Safeguarding Officer who will seek advice from the Diocesan Safeguarding Adviser/s
- If the concern is about a member of the clergy, contact the Archdeacon or the Diocesan Safeguarding Adviser/s
- If the concern is about a senior member of the clergy, contact the Diocesan Secretary or Diocesan Safeguarding Adviser/s
- If the concern is about the Diocesan Safeguarding Adviser/s, contact the Diocesan Secretary
- If the concern is about the Diocesan Secretary, contact the Diocesan Safeguarding Adviser/s.
- Ideally put concerns in writing, outlining the background and history, and providing dates and times
- Provide as many facts as possible; do not rely on rumour or opinion

### **Raising a Concern**

You are encouraged to put your name to any disclosure; however, any concern raised anonymously should be considered at the discretion of the Diocese, taking into account the seriousness of the issue raised, the credibility of the concern and the likelihood of confirming the allegation from attributable sources.

### **What happens next:**

*\*This may overlap with existing policies – seek advice*

- If the concern about practice, performance or behaviour relates to safeguarding children or adults who may be vulnerable, it should be investigated according to the procedures for allegations
- If the concern does not relate to safeguarding children or adults who may be vulnerable, it should be investigated according to complaints and grievance procedures
- The whistle-blower is not expected to prove the truth of a concern or investigate it
- Within the bounds of confidentiality, the whistle-blower should be given as much information as possible on the nature and progress of any enquiries
- The incumbent or churchwarden should ensure that the whistle-blower is not harassed or victimised
- In the event of the concern being about the incumbent, the archdeacon should ensure that the whistle-blower is not harassed or victimised
- No action will be taken against a whistle-blower if the concern proves to be unfounded and was raised in good faith
- Malicious allegations from a whistle-blower will be considered very seriously and may result in disciplinary action in the case of a paid employee or office holder.

## Appendix 2

### Complaints Handling Procedure

Clergy may from time to time be the direct recipients of complaints, grievances or allegations. These may be made directly from a victim, or you may receive second or third hand information from members of the congregation.

A complaint is a written or verbal expression of dissatisfaction or disquiet about an action or lack of action by a person acting on behalf of the Church, or about the policies and procedures of the Church. Verbal complaints should be taken as seriously as written complaints.

When the complaint is made by someone who is employed within the parish (they may be paid or unpaid), this is usually referred to as a grievance and a Parish/PCC Employment Grievance procedure would usually apply.<sup>1</sup> If PCCs need advice about resolving employment disputes they may like to contact the Diocesan HR Team.

A complaint or grievance may include an allegation that a person has behaved in an unacceptable way.

#### **Safeguarding issues and complaints that respond to children or vulnerable adults**

You are strongly encouraged to contact the Diocesan Safeguarding Adviser/s on any concern raised about safeguarding, for advice on what action you should take. If a complaint or grievance relates to or includes an allegation that a child or adult who may be vulnerable has been harmed or is at risk of harm, or that an adult or another child may have caused harm to a child or adult who may be vulnerable, you must respond using the Diocesan procedures for handling such allegations.

You should make contact with the Diocesan Safeguarding Adviser/s without delay, and before taking action. The Diocesan Safeguarding Adviser will then implement the Diocesan procedure for allegations in co-operation with your parish, the bishop, and the archdeacon.

**Complaints or grievances raised which do not relate to children or vulnerable adults** should be dealt with at parish level and ideally informally, speedily, and fairly by discussion, problem solving, mediation and negotiation. Problems should therefore be brought directly to the person(s) deemed responsible for the area of dissatisfaction or disquiet and will hopefully be resolved in this way. If, however, after this problem-solving stage, complaints or grievances remain unresolved, more formal action may be needed.

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<sup>1</sup> ACAS Discipline and Grievance Code of Practice

**Complaints and grievances against clergy, licensed ministers and Readers** are not handled by the parish and should be addressed to the archdeacon or the bishop.

### **Guidelines for handling complaints, grievances and allegations**

- Treat seriously all complaints, grievances and allegations, even verbal
- Don't delay in making a response – but stay calm
- Ask yourself if anyone may have been harmed or be at risk of harm, on the information you have been given – and if so, follow safeguarding procedures
- Check your Safeguarding policy and procedures – refer to and follow the appropriate sections
- Decide who you need to tell – for instance your incumbent, the Parish Safeguarding Officer, the Diocesan Safeguarding Adviser, your Archdeacon
- **If the matter is serious, don't undertake your own investigation – take advice first**
- Consider oversight of managing risks – could you make organisational or structural changes to reduce risks?
- Keep well-documented records of all conversations, correspondence, phone calls etc.
- Don't make assumptions, take sides, gossip or pass information to anyone who doesn't need to know or shouldn't know (this may include at this stage the alleged perpetrator, and also your spouse or partner)
- Do your best to remain publicly objective and impartial in all your conversations and dealings with the matter – whatever you may be feeling inside

## Appendix 3

### Lone Working Policy for those working for the Church

Lone working is an everyday and essential practice for clergy and church workers. Including youth and children workers, parish administrators and parish visitors.

Home working, working alone in an office, work travel and working at remote locations, such as home visits could all constitute lone working. The aim of this policy is to help everyone think how to undertake lone working safely.

One to one contact with individuals in the context of pastoral care should be properly planned and any risks considered and recorded effectively. It is essential in pastoral care to acknowledge appropriate physical, sexual, emotional and psychological boundaries.

#### Planning lone working: considerations for risk assessment

- Is lone working necessary? Can confidentiality be assured with other people within reach.
- Assess any foreseeable risks – for example is there glass in the office door so that all callers can be seen before the door is opened? Does the youth group finish at the same time as the local pub? Does the cleaner work late at night and needs to use an un-lit passageway to get home?
- Who will be involved? And who else should know about it?
- When and where will it take place? Avoid making arrangements which could be misinterpreted.
- Is there a risk of violence? A good working definition of violence is: *Any behaviour which produces damaging or hurtful effects, physically or mentally, on people.*
- Are there any increased risks to the particular worker?
- Are there any known medical or other factors which could make either party more vulnerable?
- Are the locations accessible – if not, is it suitable to be carried out by only one person?

#### Control measures

- The proposed lone working should be planned in advance and noted in an appropriate diary or other record. Where possible it should be notified to an appropriate person. (This is not necessary when work is done at home and does not involve face to face contact with other people.)
- Some of the people the lone worker is at risk of meeting are those who, through medical reasons or substance abuse, are liable to mood swings leading to physical violence. It is recommended good practice to encourage the person you are meeting to enter a room

first and for the lone worker to seat themselves closest to the door. Should the situation lead to risk of violence, the lone worker then has a higher chance of withdrawing safely.

- The lone worker must have access to a landline phone or carry a charged mobile phone and be accustomed to use it.
- Carry a torch.
- Automatic warning devices can be obtained for use in risky places or activities such as Personal Shriek alarm
- Keep on file employee, next of kin contact numbers and car details
- Don't call on people unannounced – call by arrangement, if appropriate telephoning the person just before you go
- All those working for the church know where to access a first aid kit and it is kept fully stocked. Ensure an Accident book is kept up to date.
- When driving alone ensure the vehicle is properly insured, MOT'd, serviced and is roadworthy with sufficient fuel. Ensure you know the route, keep doors locked when driving, park in well-lit areas and subscribe to a breakdown service.
- It may be appropriate for lone workers to be asked to contact someone once they have completed their task or have safely reached their home following it.

