



**DIOCESE OF
LICHFIELD**

Diocesan Policy Guidelines for Clergy

2021 Edition

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The Diocese of Lichfield

- In Chad's time the diocese stretched from the Welsh border to the North Sea; and from Northumberland to the Thames. Today Lichfield remains one of the largest in the Church of England.
- The diocese serves a population of 2.097 million, the 5th largest by population in the country.
- The diocese serves an area of 1,740 square-miles, the 9th largest by size in the country.
- The diocese has 238 Benefices, 424 Parishes and 545 Churches.
- The diocese has 502 clergy in active ministry 142 women and 360 men.
- On average, each member of the clergy serves 3,660 people.

The diocese is headed up by the 99th Bishop of Lichfield, the Rt Revd Michael Ipgrave.

Diocesan vision and priorities

The vision, mission and ministry of the diocese is focused around the three priority areas:

Developing Discipleship

In what ways does it develop discipleship? Will it help the people involved to deepen their experience or knowledge of God? Does it help to do the work of connecting faith and everyday life? Does it encourage us to become Christ-like in some way? Are we prepared for the fact that there may be a cost to this (Luke 14:27)?

Encouraging Vocation

In what ways does it encourage vocation? Will it help people to understand that God calls them? Will it offer ways for them to identify their specific vocation? Will it clearly honour and support all types of calling whether in the workplace, home or church? Does it provide space for a process of discernment?

Inspiring Evangelism

In what ways will it inspire evangelism? Will it give people confidence and opportunity to tell the Jesus story as they know it? Will it tell others directly about Christian faith and invite them to make a response? Will it be a clear expression of God's love for individuals and communities? Will it bring you into contact with people who are not like you (ethnicity, education, income, etc)?

Our shared diocesan vision is:

"As we follow Christ in the footsteps of St Chad, we pray that the two million people in our diocese encounter a church that is confident in the gospel, knows and loves its communities, and is excited to find God already at work in the world. We pray for a church that reflects the richness and variety of those communities. We pray for a church that partners with others in seeking the common good, working for justice as a people of hope."

Common Tenure

The Ecclesiastical Offices (Terms of Service) Measure 2009 received Royal Assent on 2nd April 2009.

Regulations 1 – 33 of the Measure set out the provisions of the terms of service of persons holding office under Common Tenure. These can be accessed at www.common tenure.org

In July 2009, the General Synod gave final approval to the Ecclesiastical (Terms of Service) Regulations 2009. In February 2010, General Synod approved the Capability and Grievance Codes of Practice.

The Measure confers on clergy many rights and responsibilities which, in effect, reflect secular employment law. Within this new context we never lose sight of the historic values of ordained ministry. The Measure has not changed our fundamental assumption that priesthood has always been a call to holiness of life. We do not now re-invent ministry, nor simply assume that we must mimic secular practice. We reflect together not just on the changes that law and good process require, but on the theological insights that will always guide our understanding of ministry and our common calling to live in the hope of the Kingdom where we are all united.

Rights conferred on clergy in the form of Common Tenure

The legislation confers new rights on clergy and some other ecclesiastical officers, 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 and capability procedure
- 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.
- 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, 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 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 of 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 continue to apply to all clergy whether on Common Tenure or not.

The Canons

Canon law is the body of laws and regulations made by or adopted by ecclesiastical authority, for the government of the Christian organisation and its members.

www.cofe.anglican.org/about/churchlawlegis/canons/

Clergy should familiarise themselves with the provisions of the Canons, which they are obligated to follow in their ministry.

Section 1: Appointment and Office

1.1 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 Chief Executive Officer.

1.2 Varieties of Tenure

Freehold

At present some clergy 'own' their offices as a piece of property.

No clergy currently in freehold appointments will have the freehold taken away from them, though they could opt to transfer to the new system. All future appointments to what are now freehold posts will be on the new basis of common tenure (whether or not the priest appointed had the freehold in his or her previous post), unless the post is transferred under pastoral re-organisation.

Common Tenure

One of the most important principles is that clergy and stipendiary lay ministers should, as far as possible, hold office on terms and conditions that are common to all.

Under Common Tenure, clergy have had their rights and responsibilities improved and clarified, so that they end up with terms of service that are in accord with current best practice.

1.3 Fixed-Term Appointments - Regulation 29

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

- Those on a short or medium term appointment covering sickness or other reason for another post holder's absence from work
- Clergy who are over 70 years old
- Posts designated as training posts

- Posts with designated sponsorship funding
- Posts created by a Bishop's Mission Order under the Dioceses, Pastoral and Mission Measure 2007
- Posts designated as probationary posts
- Posts designated as being held in connection or conjunction with another office or employment
- Posts held by someone with limited leave to remain in the UK
- Posts designated as a locally supported ministry
- Posts designated as an interim post, when there are good reasons for not making it permanent.

In all cases of fixed term appointments, the candidate will be made aware 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 its Fixed Term clergy.

Fixed Term clergy must not be treated less favourably than comparable permanent clergy 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 contracts 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 Chief Executive Officer will be in touch with the individual concerned to offer appropriate HR support such as CV help, interview skills etc.

All Statement 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 a contract at the end of the fixed term period.

Recruiting to a Fixed Term post

Candidates for clergy appointments must be made aware of, and show that they understand, that the post is a Fixed Term post, the duration of the Fixed term post, and the reason(s) why, together 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. This is no different for part time clergy as all clergy, full or part time, are automatically entered into the Church of England Funded Clergy Pensions Scheme.

Reviewing or Extending Fixed Term Contracts

Where a Fixed Term appointment is to be extended, this will be for a further defined period, with the reasons and the 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, the post may be made permanent.

Ending a Fixed Term Contract (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 Fixed Term contracts are regarded in law as 'dismissal' and so in order to end the appointment it is necessary for there to be a clear and justifiable reason for the non-renewal of the contract e.g. where the work comes to an end OR where someone on maternity leave is to return to work. Failure to follow the statutory process (below) may render such a dismissal automatically unfair.

The process for formally dismissing a member of clergy on the expiry/non-renewal of a Fixed Term contract follows the Statutory Disciplinary and Dismissal Procedure:

- The member of clergy should be consulted about the proposal to terminate with reason(s).
- The Bishop offers the individual the opportunity to attend a consultation meeting conducted by an Archdeacon (at which the individual has the right to be accompanied by an appropriate clergy colleague, or union representative) where the proposal and reasons for the termination are given. Other issues may also be discussed e.g. redundancy payment. At the end of this meeting the individual should be formally informed of the decision and that they have the right of appeal against the decision prior to the expiry of the contract – an appeal must be sent to the Chief Executive Officer within 5 working days of the termination being confirmed.
- The Chief Executive Officer will arrange for the Bishop to hear/chair the Appeal. The individual may again be represented. Following this meeting the final decision will be confirmed by the Bishop within 5 working days.

The diocese has an obligation to both inform Fixed Term clergy of any permanent vacancies as their appointment progresses, and to advise them of any 'suitable alternative' posts that may be available. If there is genuinely none available and the dismissal process has been followed carefully the appointment will terminate.

*Where a post or posts are potentially at risk of redundancy through a Pastoral Scheme, the process will be followed as set out in the Pastoral Measure 1983.

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 for 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).

NB there is no entitlement for redundancy payments for those covering maternity leave as the work will continue.

Fixed Term 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 statutory or contractual notice must be given.

Fixed Term Redundancy

An individual in a Fixed Term role will only be entitled to a redundancy payment at the expiry/non-renewal of a Fixed Term contract if:

- they have 2 years continuous service
- they meet the statutory definition of redundancy (i.e. where the requirements to carry out work of a particular kind has ceased or diminished.)

Rights for the individual

In line with the Regulations, any member of clergy who believes they are being less favourably treated has the right to ask for a written statement setting out the reasons for the treatment they believe has occurred – the Archdeacon must reply within 21 days. Advice should be sought from the CEO.

1.4 Medical Clearance

Pre-employment medicals may be undertaken only after an offer of an appointment has been made.

1.5 Proof of Right To Work

In accordance with the amendment to the Immigration, Asylum, and Nationality Act 2006, effective from February 29th 2008, you are required to provide proof of the Right to Work in the UK.

1.6 Disclosure and Barring Service (DBS)

The Diocese of Lichfield is committed to safeguarding and promoting the safety and welfare of children, young people and vulnerable adults. Prior to completion of the formal DBS Disclosure form, a Declaration of Confidentiality form will need to be completed. This will be issued by the Bishop's Office.

If you are successful in obtaining a post with the Diocese of Lichfield and it requires an Enhanced Disclosure this will be paid for by the diocese. Refusal to do so would prevent further consideration of your application. Any information received from the DBS should be shared with the employer and will be treated in the strictest confidence.

1.7 Induction

After the *institution or collation* of a newly appointed incumbent by the Bishop, giving the individual charge of the 'care of souls', and of which notice must be given at least one month earlier, the priest is *inducted* in his/her parish by the Archdeacon and thus given possession of the temporalities of the parish.

1.8 Job/Role Induction

A comprehensive (job) Induction programme will be 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.

1.9 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 will not always be necessary to issue a new licence immediately after an office holder transfers 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.

1.10 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. You are strongly advised to contact your Archdeacon to ensure that the completed role description complies with best practice. If the role description is to fulfil its purpose, it will need to command the support of the parish.

1.11 Person Specifications

Person specifications support the process of discernment through which candidates, patrons, parish representatives and others involved in the appointment process discover whether someone has been called by God to serve in a particular place by

- focussing on the attributes that are essential to carry out the duties of the post
- listing the qualities and skills that will enable someone to carry out the duties of the post to a good standard
- and
- avoiding unnecessary assumptions that might deter good candidates.

The person specification

- describes the skills and knowledge and experience which a person will need to have, or be able to acquire, in order to do the job well uses explicit terms
- avoids subjective or irrelevant criteria.

Section 2 DAY TO DAY ARRANGEMENTS

2.1 Changes to Personal Circumstances

Whenever a new appointment is made, regardless of whether the individual is coming into the diocese from another, or moving within the diocese, a notice of appointment will be issued to trigger payroll.

If personal details change during an appointment, eg where bank details may change, an individual is requested to complete the form and return it to the diocesan Finance Department as soon as possible.

2.2 Stipend

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

The amount of the stipend is payable at monthly intervals on the last working of each month.

You will receive each month an itemized statement of stipend from the Clergy Payments Department of the Church Commissioners which will also notify you 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 include 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.

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

2.3 Parochial Fees

Fees that were formerly payable to the incumbent have become payable to the DBF (or in a few cases, the PCC). Since almost all clergy who were legally entitled to fees assigned them to the DBF, the change in most cases will be that fees that were payable to the DBF by assignment have become payable to the DBF under legislation. Any questions on this subject can be answered by the Finance Department.

2.4 Expenses

You are entitled to the reimbursement of expenses reasonably incurred in connection with the exercise of your office. Reimbursement is the responsibility of the Parochial Church Council(s) of the parish(es) in which you serve. Guidance can be found in the booklet *The Parochial Expenses of the Clergy: a guide to their reimbursement*, published by the Central Stipends Authority.

2.5 Removal and Re-Settlement Grants

Your removal costs should be fully reimbursed and you should be offered a re-settlement grant of at least 10% of the National Minimum Stipend. The diocesan office will advise you how this policy applies in your particular case, and of their requirements.

2.6 First Appointment Grants

Individuals taking up a full-time post as assistant curate, deacon or licensed lay worker for the first time, and those taking up an appointment as an incumbent or minister of incumbent status for the first time, should receive a grant for at least 10% of the National Minimum Stipend to help with the additional costs incurred in taking up such a post.

2.7 Housing Allowances

A Housing allowance may be offered in certain circumstances. Any consideration of this will need to be discussed with the Archdeacon and the Chief Executive Officer.

2.8 Pension

Stipendiary posts

Your service 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 posts

Your service is not pensionable.

2.9 Annual Leave

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

See section 6 for further guidance

2.10 Sickness Reporting

Your obligations and rights if you are unable to perform your duties because of sickness are set out at Regulation 27 of the Measure. <https://www.churchofengland.org/resources/clergy-resources/national-clergy-hr/clergy-terms-and-conditions-service>

If you are absent from work for any illness beyond the self-certification period (7 days) you are required to inform the Officer for HR and append your sick note.

For pastoral purposes both the Diocesan and Area Bishop (and the Director of Ministry if you are a curate) will be informed and will be in touch with you if your sickness exceeds three weeks to ensure what additional support you may need

In addition to the Statutory Sick Pay Scheme, you are entitled to 6 months full stipend in the event of sickness, and thereafter at the discretion of the Bishop of Lichfield. Any discretionary decisions will not create a precedent either for the diocese or for yourself.

See section 11 for detailed information.

2.11 Confidentiality

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

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

2.12 Health & Safety

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

Please refer to Section 12.

2.13 Security

In the event of any incident involving verbal abuse, threats or actual violence to a priest, deacon or a member of their household, they should contact their Rural Dean or Archdeacon immediately; they will provide immediate practical and pastoral assistance.

The diocese 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.

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

Much has been written about clergy safety issues in the light of local 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, and the use of 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 appropriate address.

2.14 Data Protection

The Archbishops' Council has published guidance for parishes on issues of data protection, registration and compliance.

The Data Protection Act 1998: A Guide to Parishes

The Bishop's Council has recently approved a new Data Protection Policy outlined below:

Lichfield Diocesan Board of Finance collects and uses information about people with whom it communicates. This personal information must be dealt with properly and securely however it is collected, recorded and used – whether on paper, in a computer, or recorded on other material – and there are safeguards to ensure this in the Data Protection Act 1998.

Lichfield Diocesan Board of Finance regards the lawful and correct treatment of personal information as very important to the successful and efficient performance of its functions, and to maintain confidence between those with whom it deals.

To this end Lichfield Diocesan Board of Finance fully endorses and adheres to the Principles of Data Protection, as set out in the Data Protection Act 1998.

Purpose of Policy

The purpose of this policy is to ensure that the staff, volunteers and trustees of Lichfield Diocesan Board of Finance are clear about the purpose and principles of Data Protection and to ensure that it has guidelines and procedures in place which are consistently followed.

Failure to adhere to the Data Protection Act 1998 is unlawful and could result in legal action being taken against Lichfield Diocesan Board of Finance or its staff, volunteers or trustees.

Principles of Policy

The Data Protection Act 1998 regulates the processing of information relating to living and identifiable individuals (data subjects). This includes the obtaining, holding, using or disclosing of such information, and covers computerised records as well as manual filing systems and card indexes.

Data users must comply with the data protection principles of good practice which underpin the Act. To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully.

To do this Lichfield Diocesan Board of Finance follows the eight Data Protection Principles outlined in the Data Protection Act 1998, which are listed below:

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless
 - (a) at least one of the conditions in Schedule 2* is met, and
 - (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3* is also met.
2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the rights of data subjects under this Act.
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

** Schedule 2 relates to conditions such as the consent of an individual and the necessity of processing the data; Schedule 3 relates to the necessity and manner of processing of sensitive personal data – see <http://www.legislation.gov.uk/ukpga/1998/29/schedule/2> and <http://www.legislation.gov.uk/ukpga/1998/29/schedule/3> for details.*

The principles apply to “personal data” which is information held on computer or in manual filing systems from which they are identifiable. Lichfield Diocesan Board of Finance’s Office holders,

employees, volunteers and trustees who process or use any personal information in the course of their duties will ensure that these principles are followed at all times.

Procedures

The following procedures have been developed in order to ensure that Lichfield Diocesan Board of Finance meets its responsibilities in terms of Data Protection. For the purposes of these procedures data collected, stored and used by Lichfield Diocesan Board of Finance falls into two broad categories:

1. Lichfield Diocesan Board of Finance's internal data records;
Staff, volunteers and trustees
2. Lichfield Diocesan Board of Finance's external data records;
Members, customers, clients.

Lichfield Diocesan Board of Finance as a body is a DATA CONTROLLER under the Act, and the Bishop's Council is ultimately responsible for the policy's implementation.

Internal Data Records

Purposes

Lichfield Diocesan Board of Finance obtains personal data (names, addresses, phone numbers, email addresses), application forms, and references and in some cases other documents from staff, volunteers and trustees. This data is stored and processed for the following purposes:

- Managing the day to day running of the diocese and delivery of services
- Recruitment
- Equal Opportunities monitoring
- Volunteering opportunities
- To distribute relevant organisational material e.g. meeting papers
- Payroll

Access

The contact details of staff, volunteers and trustees will only be made available to other staff, volunteers and trustees. Any other information supplied on application will be kept in a secure filing cabinet and is not accessed during the day to day running of the organisation.

- Contact details of staff, volunteers and trustees will not be passed on to anyone outside the organisation without their explicit consent.
- Staff, volunteers and trustees will be supplied with a copy of their personal data held by the organisation if a request is made.
- All confidential post must be opened by the addressee only.

Accuracy

Lichfield Diocesan Board of Finance will take reasonable steps to keep personal data up to date and accurate. Personal data will be stored for 6 years after an Office holder, employee, volunteer or trustee has worked for the organisation and brief details may be retained for longer (see Appendix A) Unless the organisation is specifically asked by an individual to destroy their details it will normally keep them on file for future reference. The CEO has responsibility for destroying personnel files.

Storage

Personal data is kept in paper-based systems and on a password-protected computer system. Every effort is made to ensure that paper-based data are stored in organised and secure systems.

Lichfield Diocesan Board of Finance operates a clear desk policy at all times – this means that no personal data will be left on unattended desks.

Use of Photographs

Where practicable, Lichfield Diocesan Board of Finance will seek consent from individuals before displaying photographs in which they appear. If this is not possible (for example, a large group photo), the organisation will remove any photograph if a complaint is received. This policy also applies to photographs published on the organisation's website or in the Newsletter.

External Data Records

Purposes

Lichfield Diocesan Board of Finance obtains personal data (such as names, addresses, and phone numbers) from members/clients. This data is obtained, stored and processed solely to assist staff and volunteers in the efficient running of services. Personal details supplied are only used to send material that is potentially useful. Most of this information is stored on the organisation's database known as Worthers CMS.

Lichfield Diocesan Board of Finance obtains personal data and information from clients and members in order to provide services. This data is stored and processed only for the purposes outlined in the agreement and service specification signed by the client/ member.

Consent

Personal data is collected over the phone and using other methods such as e-mail. During this initial contact, the data owner is given an explanation of how this information will be used. Written consent is not requested as it is assumed that the consent has been granted when an individual freely gives their own details.

Personal data will not be passed on to anyone outside the organisation without explicit consent from the data owner unless there is a legal duty of disclosure under other legislation, in which case the Director will discuss and agree disclosure with the Chair/ Vice Chair. Contact details held on the organisation's database may be made available to groups/ individuals outside of the organisation. Individuals are made aware of when their details are being collected for the database and their verbal or written consent is requested.

Access

Only the organisation's staff, volunteers and trustees will normally have access to personal data. All staff, volunteers and trustees are made aware of the Data Protection Policy and their obligation not to disclose personal data to anyone who is not supposed to have it.

Information supplied is kept in a secure filing, paper and electronic system and is only accessed by those individuals involved in the delivery of the service.

Information will not be passed on to anyone outside the organisation without their explicit consent, excluding statutory bodies e.g. the Inland Revenue.

Individuals will be supplied with a copy of any of their personal data held by the organisation if a request is made.

All confidential post must be opened by the addressee only.

Accuracy

Lichfield Diocesan Board of Finance will take reasonable steps to keep personal data up to date and accurate. Personal data will be stored for as long as the data owner/ client/ member uses our services and normally longer. Where an individual ceases to use our services and it is not deemed appropriate to keep their records, their records will be destroyed or deleted according to the schedule in Appendix A. However, unless we are specifically asked by an individual to destroy their details, we may keep them on file for future reference.

If a request is received from an organisation/ individual to destroy their records, we will remove their details from the database and request that all staff holding paper or electronic details for the organisation destroy them. This work will be effected by the Information Officer.

This procedure applies if Lichfield Diocesan Board of Finance is informed that an organisation ceases to exist.

Storage

Personal data may be kept in paper-based systems and on a password-protected computer system. Paper-based data are stored in organised and secure systems.

Lichfield Diocesan Board of Finance operates a clear desk policy at all times – this means that no personal data will be left on unattended desks.

Use of Photographs

Where practicable, Lichfield Diocesan Board of Finance will seek consent of members/ individuals before displaying photographs in which they appear. If this is not possible (for example, a large group photo), the organisation will remove any photograph if a complaint is received. This policy also applies to photographs published on the organisation's website or in the Newsletter.

Disclosure and Barring Service

Lichfield Diocesan Board of Finance will act in accordance with the DBS's code of practice.

Copies of disclosures are kept for no longer than is required. In most cases this is no longer than 6 months in accordance with the DBS Code of Practice. There may be circumstance where it is deemed appropriate to exceed this limit e.g. in the case of disputes.

Responsibilities of staff, volunteers and trustees

During the course of their duties with Lichfield Diocesan Board of Finance, staff, volunteers and trustees will be dealing with information such as names/addresses/phone numbers/e-mail addresses of members/clients/volunteers. They may be told or overhear sensitive information while working for Lichfield Diocesan Board of Finance. The Data Protection Act (1988) gives specific guidance on how this information should be dealt with. In short to comply with the law, personal information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. Staff, paid or unpaid, must abide by this policy.

To help staff, volunteers, trustees meet the terms of the Data Protection Act, the attached Data Protection/Confidentiality Statement has been produced. **Staff, volunteers and trustees are asked to read and sign this statement and return it to Julie Jones at St Mary's House, The Close, Lichfield WS13 7LD to say that they have understood their responsibilities.**

Compliance

Compliance with the Act is the responsibility of all staff, paid or unpaid. Lichfield Diocesan Board of Finance will regard any unlawful breach of any provision of the Act by any staff, paid or unpaid, as a serious matter which will result in disciplinary action. Any Office Holder who breaches this policy statement will be dealt with under the disciplinary procedure which may result in dismissal for gross misconduct. Any such breach could also lead to criminal prosecution.

Any questions or concerns about the interpretation or operation of this policy statement should in the first instance be referred to the line manager.

Retention of Data

No documents will be stored for longer than is necessary. For guidelines on retention periods see the Data Retention Schedule (Appendix A).

All documents containing personal data will be disposed of securely in accordance with the Data Protection principles.

Section 3: Housing

3.1 Address

The address of the property as confirmed on the Statement of Particulars is the address at which the office holder is required to occupy for the better performance of his/her duties.

3.2 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
- to use all reasonable endeavours to keep the property clean and free from deterioration
- to use the property as a private residence and for other purposes agreed by the relevant housing provider
- not to make any repairs, alterations or additions without consent.
- if the property is on lease, to observe the term
- to vacate the property within one month from the date on which the office holder ceases to hold office
- 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 office holder's death.

Please refer to Regulation 14 of the Measure for further guidance.

3.3 Rights And Responsibilities Of 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
- to keep the property in an appropriate state of repair
- to enter the property for notified purposes
- to pay Council Tax and water rates
- to insure the property against all risks

3.4 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.

3.5 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 amended to reflect any such change.

3.6 Vacating The Property

The office holder should vacate the property within one month from the date on which the office holder ceases to hold office, or within such longer period as agreed by the Housing Provider.

The Housing Provider shall 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 office holder's death.

Section 4: Family Friendly Policies

4.1 Entitlement to Statutory Maternity, Paternity and Adoption Pay

Stipendiary office holders are entitled to statutory maternity, paternity and adoption pay in the same way as employees, by virtue of their payment of National Insurance contributions. This applies to office holders on freehold and Common Tenure.

Statutory Maternity Pay

Statutory Maternity Pay (SMP) is payable for 39 weeks, at two different rates:

- for the first 6 weeks, 90% of normal weekly earnings;
- for the remaining 33 weeks £124.88 per week or 90% of normal weekly earnings, whichever is the lower.

For a woman to be eligible for SMP, the following conditions must be satisfied.

- a) She must have been continuously employed for at least 26 weeks at the end of the Qualifying Week (the fifteenth week before the Expected Week of Childbirth ("EWC"). For office holders paid through NCIs' Clergy Payroll Services the number of weeks on the payroll is, in practice, treated as continuous service for this purpose
- b) Her normal weekly earnings are at least the lower earnings limit ("LEL") for National Insurance purposes (£97 from 6 April 2010)
- c) She must give at least 28 days' notice (or as much notice as is reasonably practicable) of the date she intends SMP to start
- d) She must still be pregnant 11 weeks before the start of her EWC, or have already given birth
- e) She must supply, no more than 3 weeks after the birth, a certificate from a midwife or doctor confirming the date of her EWC
- f) She must have ceased to work.

Diocesan Maternity Pay

Subject to the eligibility below, clergywomen and licensed lay workers who express an intention to return to work and who have completed at least one year's service at the beginning of the 14th week before the Expected Week of Childbirth (EWC), will receive 39 weeks' paid maternity leave on full stipend.

To qualify for Diocesan Maternity Pay it is necessary to:

- a) have one year's continuous service at the beginning of the 14th week before the EWC
- b) be in paid service at the time maternity leave begins
- c) stop work at the earliest after the start of the 11th week before the EWC
- d) give notice to the diocesan office in writing of the intention to take maternity leave before the end of the 15th week before the EWC. The Commissioners' Clergy Payments Department should then confirm the date in writing, including the date when the clergywoman or licensed lay worker is expected to return to work. The clergywoman/licensed lay worker can change her mind about the dates but should give 8 weeks' notice of any changes, which should again be confirmed by the Commissioners' Clergy Payments Department in writing
- e) give an undertaking of the intention to return to work after the birth
- f) be pregnant at the 11th week before the EWC, or have had the baby.

Women whose babies are stillborn, or who miscarry after the 24th week of pregnancy, still qualify for the full scheme terms.

The payment of Diocesan Maternity Pay includes any entitlement to SMP.

4.2 Adoption Policy And Leave

Statutory Adoption Pay

This mirrors SMP, except that the rate of pay is 39 weeks at the prescribed rate set by the Government each tax year or 90% of the individual's normal weekly earnings whichever is the lower.

The qualifications for statutory adoption pay are

1. the individual must be the child's adopter
2. the individual must have continuous service for at least 26 week ending with the week the adopter is notified of being matched with a child
3. the individual must have agreed the date of placement with the adoption agency
4. over the eight weeks ending with the date on which the adopter is notified of the match, the individual must have had normal weekly earnings of at least the LEL
5. the individual must have ceased to work.

Within 7 days' of being matched with a child, the adopter must notify the employer of the expected date of placement and the date the individual intends the adoption leave to start.

The diocese will follow the Child Support Agency recommendations and give clergy and licensed lay workers who intend to return to work up to 39 weeks' adoption leave on full pay, followed by a further period of unpaid additional adoption leave, subject to the conditions and eligibility criteria.

Either partner may receive Adoption Pay, but not both.

In addition to paid adoption leave, clergy or licensed lay workers may wish to take an additional 13 weeks' unpaid adoption leave after the end of the period of paid adoption leave.

4.3 Ordinary Parental Leave

- Following the birth of a child, eligible Office Holders are entitled to take up to 18 weeks ordinary parental leave before the child's 18th birthday. The right is available to both men and women and both full and part-time Office Holders.
- The maximum amount of OPL that may be taken in any one year in respect of a child is 4 weeks. OPL may not be taken in blocks of less than one week except where the child is disabled in which case it may be taken one day at a time.
- Application for parental leave must be made in writing to the HR Officer 21 days before the commencement of the leave and evidence of parenthood or parental responsibility must be produced upon request.
- You will not receive any payment for any parental leave taken;
- If any Office Holder is returning from a parental leave break of 4 weeks or less than he/she is entitled to return to the job which he/she left before his/her absence. If, however, the leave period is 4 weeks or above, then he/she would return to his/her previous position, unless it is

not reasonably practical. In which case he/she will undertake a position which is suitable and appropriate;

Eligibility:

All parents (biological or adoptive) will have a right to parental leave subject to the following conditions:

- The Office Holder must have a minimum of one year's continuous service with the employer before the time the leave is taken.
- The Office Holder must have or expect to have parental responsibility for the child in question.
- The leave must be taken with the purpose of caring for the child.

Definition of parental responsibility:

A person has parental responsibility for a child if he/she is the natural parent of the child (where the father is not married to the mother he must be registered as the child's father) Adoptive parents are also deemed to have parental responsibility as from the date of placement of the child with them. Step parent may acquire parental responsibility for their spouse or civil partner's child by means of an agreement with the child's natural parents. A child's guardian may also have parental responsibility. Foster parents are not eligible for parental leave.

4.4 Shared Parental Leave

Eligible Office Holders will be entitled to shared parental leave, enabling mothers and their partners to choose how they share time off work after the child has been born. As the shared parental leave provisions are complex, if an Office Holder wishes to take shared parental leave, he/she should clarify the relevant procedures with the HR Officer to ensure that they are followed correctly. The mother and the partner should ensure that they are each liaising with their own employer to ensure that requests for shared parental leave are handled as smoothly as possible.

The amount of shared parental leave to which an individual is entitled will depend on when the mother brings her maternity leave period to an end and the amount of leave that the other parent takes in respect of the child. Shared parental leave must be taken in blocks of at least one week. The Office Holder can request to take shared parental leave in one continuous block (in which case the Board is required to accept the request as long as the Office Holder meets the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case the Office Holder needs the Board's agreement). A maximum of three requests for leave per pregnancy can normally be made by each parent.

The first two weeks following birth are the compulsory maternity leave period and are reserved for the mother. This means that the mother cannot curtail her maternity leave to take shared parental leave until two weeks after the birth and the maximum period that the parents could take as shared parental leave is 50 weeks between them (although it will normally be less than this because of the maternity leave that mothers usually take before the birth).

However, the mother's partner can begin a period of shared parental leave at any time from the date of the child's birth (but the partner should bear in mind that he/she is entitled to take up to two weeks' ordinary paternity leave following the birth of his/her child, which he/she will lose if shared parental leave is taken first). The mother and partner must take any shared parental leave within 52 weeks of birth.

Mother's Eligibility:

- If she has at least 26 weeks continuous employment ending the 15th week before the EWC and remains in continuous employment with the organization until the week before any period of any SPL she takes.
- Has at the date of the child's birth the main responsibility (apart from the partner) for the care of the child.
- Is entitled to SMP in respect of the child
- Complies with the relevant maternity leave curtailment requirements (or has returned to work before the end of SML) and shared parental leave notice and evidence requirements
- For the mother to be eligible for SPL the partner must
- The partner must have been employed or have been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of child birth
- Have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks and
- Have at the date of the child's birth the main responsibility apart from the Mother for the care of the child.

Partner's Eligibility:

- At least 26 weeks continuous employment ending with the 15th week before the EWC and remain in continuous employment with the organization until the week before any period of SP that he or she takes.
- Has at the date of the child's birth the main responsibility, apart from the Mother for the care of the child and complies with the relevant SPL notice and evidence requirements.

For the Partner to eligible for SPL the mother must:

- Have been employed or have been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of child birth
- Have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks and
- Have at the date of the child's birth the main responsibility apart from the Mother for the care of the child.
- Be entitled to SML, SMP or maternity allowance in respect of the child and
- Comply with the relevant maternity leave or pay curtailment requirements or have returned to work before the end of SML.

Notice periods:

The notices that the parents must give to the relevant employer to be able to take shared parental leave are made up of three elements. They are:

- a "maternity leave curtailment notice" from the mother setting out when she proposes to end her maternity leave (unless the mother has already returned to work from maternity leave);
- a "notice of entitlement and intention" from the Office Holder giving an initial, non-binding indication of each period of shared parental leave that he/she is requesting; and
- a "period of leave notice" from the Office Holder setting out the start and end dates of each period of shared parental leave that he/she is requesting.

Office Holders are advised that, if they have already decided the pattern of shared parental leave that they would like to take, they can provide more than one type of notice at the same time. For example, the mother could provide a maternity leave curtailment notice, notice of entitlement and intention and period of leave notice at the same time. Similarly, the partner could provide his/her notice of entitlement and intention and period of leave notice at the same time.

4.5 Paternity Leave

A father may be granted up to 2 weeks' paternity leave which must be arranged via your immediate Manager subject to the following guidelines.

Eligibility

To qualify for paternity leave, you must:

- Have responsibility for the child's upbringing, be the biological father of the child or the mother's husband or partner; be the adoptive father of the child
- Have worked continuously for the Board for at least 26 weeks into the 15th week before the expected week of the child's birth.

The Board reserves the right to ask you to provide a self-certification as evidence that you meet the requirements.

Duration of paternity leave

Eligible staff can either take 1 or 2 weeks consecutive weeks' paternity leave, but not odd days. One period of leave only is allowed irrespective of whether it is a multiple birth. You can start your leave from the date of the baby's birth or from another date that you give notice of, as long as that date is after the birth.

The leave can start on any day of the week but must be completed within 8 weeks of the actual birth (or if the baby is born early, between the actual date of birth and up to 8 weeks after the expected week of the birth).

Notification of paternity leave

You must inform the HR Officer in writing of your intention to take leave in or before the 15th week before the expected week of childbirth. You must include in your letter:

- The week the baby is due;
- Whether you want to take 1 or 2 weeks leave;
- When you want your leave to start.

Providing you give the Board at least 28 days' notice in writing, you can change your mind about the start date for leave.

Returning to Work

Where you are returning from paternity leave as an isolated period, or where the paternity leave was the last of two or more consecutive periods of leave (that do not include, parental leave of more than 4 weeks or additional adoption leave), you should be allowed to return to the job in which you were employed before your absence.

Where you are returning from other periods of leave, you have the right to return to a job that is suitable and appropriate.

Statutory paternity pay

If you are eligible, Statutory Paternity Pay (SPP) will be paid at the rate of SPP or 90% of your average weekly earnings, whichever is the lower.

You must also earn on average for the 8 weeks period prior to this not less than the lower limit for the payment of National Insurance contributions.

4.6 Dependants' Care Leave

The Employment Relations Act 1999 (EReA) introduced a statutory right to **unpaid** dependants' care leave. The Act defines a 'dependant' and the 'unexpected or sudden problems' for which leave would be granted.

All clergy are entitled to short period(s) of paid leave (usually no more than a few days) to assist in dealing with emergency situations or to make alternative arrangements in instances such as:

- providing assistance when a dependent is injured, falls ill or gives birth
- to make care arrangements for a dependent who is ill or falls ill
- in consequence of the death of a dependent
- due to the unexpected disruption or termination of current care arrangements

A dependant is clearly defined in law as: "a person whose support and maintenance is contingent upon the aid of, or being sustained by, another person, such as a child supported by his or her parents." Thus

- a child
- a spouse
- a parent
- a dependant may also be anyone who reasonably relies on the individual for assistance in cases of illness and/or injury

Individuals must let the HR Officer know as soon as possible of their need to be absent from work and give an idea of how long they will need to make suitable arrangements for cover so that appropriate pastoral and/or practical support can be offered and/or arranged.

The amount of time off which is 'reasonable' will depend on each set of circumstances.

Where prolonged absence is required individuals should talk to their Area Bishop, as it may be appropriate for an agreed period of special leave, compassionate leave, unpaid leave, or temporary change in working days/arrangements.

4.7 Childcare Vouchers

The Church Commissioners operates a Childcare Voucher Scheme through the provider Edenred, whereby their salary can be sacrificed in return for childcare vouchers. These vouchers are exempt from National Insurance contributions and therefore represent a saving for the employer who use them to purchase childcare. Further information is available at

www.churchofengland.org/clergy-office-holders/clergypay/childcare.aspx

Section 5: Annual And Other Leave

5.1 Annual Leave

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

If you hold a part-time post, you will receive a pro-rata entitlement.

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 on 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.

5.2 Rest Periods

You are entitled to an uninterrupted rest period of not less than 24 hours in each period of seven days, and at least once a month you 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 on Ash Wednesday or Good Friday.

5.3 Statutory leave

You are 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 Regulation 23 and the directions of the Archbishops' Council as Central Stipends Authority.

5.4 Compassionate Leave

In special circumstances, unpaid leave of absence is subject to the approval of the Bishop in the first instance.

5.5 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.

5.6 Funeral Leave

One day's paid leave to be given to attend the funeral of a dependant or close relative.

5.7 Special Leave

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

5.8 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.

5.9 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.

SECTION 6: CONDUCT AND PERFORMANCE

6.1 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 the Clergy on the Church of England web site*

6.2 Social Media Policy

Who is covered by this policy?

Employees of the Lichfield Diocese Board of Finance (LDBF), clergy and church workers are subject to this policy. It is designed to ensure that we communicate within the law and in a way consistent with our Christian character.

What is social media?

Social Media, in this policy, refers to all online communication in a public space, from blogging to Twitter and Facebook. Engagement through a computer or smartphone screen should not change our understanding of confidentiality, responsibility, good manners and Christian witness.

1. **Public Domain**

The law views anything shared online as being in the public domain. Sharing thoughts and reflections with friends using social media or email might feel personal and private; but if more than one person can access what we have written, it is highly likely that the law would class it as "published". It is subject to the law touching libel, copyright, freedom of information and data protection. If we wouldn't say something in the local newspapers we shouldn't say it online.

2. **Permanence**

Anything said on the Web can be assumed to be permanent. Even if we delete a comment made on a website, it could still have already been seen by other people, re-published, or had a screenshot picture taken. It is easy to say something in the heat of the moment that we regret later, but it could remain permanently online for all to see.

3. **Security**

It is absolutely not safe to assume anything electronic is secure. Privacy settings on social media tools might mean comments going only to accepted "friends" or "followers" but there is no guarantee that they will not pass (repost) them outside trusted circles.

4. **Gossip**

Social media can pose a risk to confidentiality and be intrusive. Social media does not change our fundamental understanding about confidentiality in the life of the Church. When telling a story about a situation which involves someone else, it is always useful to pose the question "Is

this MY story to tell?"

Furthermore, we should ask if the story is likely to cause distress, inconvenience, upset or embarrassment to others if they discovered it had been shared in this way. If in any doubt at all, it should not be shared online.

5. **Representatives**

If we are clergy, youth leaders or church employees, anything we do or say in the public domain will be interpreted by the public as representative of attitudes and behaviour in the Church. Controversial, hasty or insensitive comments can quickly attract the attention of the media. In the web environment, the person pressing the keys is ultimately responsible for their own online activities, but they can tar a lot of others with their own brush in the eyes of the media. News providers are always on the watch for gritty church-related stories via social media.

6. **Separation**

Keep a clear separation between personal and corporate accounts. If you tweet as yourself, mark the account clearly as "my own views" so there is no suggestion your opinions represent a wider church or organisation. If you tweet from an account representing a church or organisation, then make sure you avoid expressing personal opinions. Any account which carries the logo, address or website of a church or organisation should be seen as a corporate account and only speak for that organisation.

7. **Recommendations**

Take care with external links. When you link to material, check out the website you are linking to – is its overall focus one you are happy to publicise and promote?

8. **Real-time Relationships**

Interactions in the virtual world need to be transparent. Healthy boundaries and practices must be adhered to just as they should be in the physical world. In the virtual world, "friend" or "follower" can mean anyone with whom you are willing to communicate through that medium. In the physical world, friend can mean much more in terms of intimacy, self-disclosure, mutuality and expectations for relationship.

Clergy have a right to free speech, restrained only by the law, the doctrine of the Church of the England, and the requirement that they may not be members or supporters of any organisation declared by General Synod to be incompatible with Christian beliefs (currently, the BNP is in this category). Clergy frequently give views on all sorts of issues, from the pulpit, in school settings, on civic occasions, in ordinary interaction and online. However, if badly or insensitively expressed, they could under Canon Law be construed, shown to and be disciplined for 'conduct unbecoming of a clerk in holy orders'

"The sort of distinctions that apply routinely in secular appointment between private life and work life do not operate in the same clear-cut way in relation to ordained ministry... A priest is expected by the canons to be 'diligent to frame and fashion his life and that of his family according to the doctrine of Christ, and to make himself and them, as much as in him lies, wholesome examples and patterns to the flock of Christ'.

From "Guidance on parochial appointments–Appointment of clergy office holders: A guide to good practice" produced in support of the Ecclesiastical Offices (Terms of Service) Measure 2009 and approved by the House of Bishops.

More so than for laity, the difference between personal opinion and the position of the Church of England is often not clear in the mind of the public. Most clergy are conscious of this when in public local settings: but blog posts, tweets and Facebook posts are just as public. In fact, they may be the biggest pulpit you ever occupy.

Clergy have a unique power dynamic with people with whom they have a pastoral relationship, and therefore have a special responsibility to guard how they interact with those people. Some have found that while online, they have been alerted to pastoral issues and been able to offer immediate counsel in a moment of crisis.

Safeguarding

Laws regarding mandated reporting of suspected abuse/neglect/exploitation of children, youth, elders and vulnerable adults apply in the virtual world as they do in the physical world.

Very clear boundaries must be maintained when communicating with children and young people. The law and diocesan policies on Safeguarding apply in communications with children and young people by whatever means, and Safeguarding guidelines apply fully online.

Communications should be public and in the view of whole groups, not individuals. Private messages should not be exchanged with young people via social media. The diocese offers *Social Media & Young People* guidance for PCCs to consider adopting.

If you need help or further guidance, you can contact the Communications Director.

6.3 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.”

What is bullying and harassment?

In its advice leaflet for employees, ACAS gives the following definitions of harassment and bullying. The terms are used interchangeably by many people, and although some definitions may include bullying as a form of harassment the legal definitions are more precise.

'Harassment, in general terms, is unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.'

'Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.'

The legal definition of harassment also requires the behaviour to have 'the purpose or effect of violating people's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.'

'Unacceptable behaviour' changes its label to 'bullying' or 'harassing behaviour' when it causes actual harm or distress to the target(s), normally but not exclusively, after a series of incidents over a prolonged period of time.

How can bullying and harassment be recognised?

Bullying may manifest itself in a variety of different ways. It is usually persistent, and often unpredictable, and can amount to severe psychological intimidation. It is insidious, and undermines the ability and confidence of the person suffering from it. It can lead to fear, isolation, demotivation and reduced output, poor concentration, symptoms of stress, a noticeable level of sickness absence or stubborn attendance when obviously unwell, psychological, emotional and physical harm.

On the other hand it is important to distinguish between bullying, and behaviour that is reasonable in a particular context. For example there may be occasions where shortcomings in performance are being addressed and more incisive behaviour is interpreted as bullying simply because the recipient is unused to being challenged or asked to account for their actions.

Harassment, in general terms, is unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religious belief (including theology or churchmanship), nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The important point is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

On the whole it is safest to take the view that if a person complains that they are being bullied or harassed, then they have a grievance, which should be dealt with regardless of whether or not their complaint accords with a standard definition.

The Chief Executive Officer will be responsible for encouraging and monitoring the implementation of the policy and reporting on its effectiveness. The policy will be reviewed every five years.

Standards of behaviour

Those who are ordained in the diocese, (clergy, rural deans, archdeacons, area bishops and the diocesan bishop) recognise the importance of setting a good example. Whilst acknowledging that ministry has a leadership role their primary function is to teach, admonish (reprove gently but earnestly) and build the people up in faith.

Overall they will seek to develop a culture that is consultative in style where all are consulted and problems discussed. They undertake to participate in the training provided by the diocese in support of this policy

The laity of this diocese recognise that in certain situations they could be perceived as harassing and bullying both each other and their clergy. As lay members of the diocese they recognise the importance of setting a good example and measuring their behaviour against our Christian values beliefs and standards in the simple question "How Christ like are we?" They undertake to participate in training provided by the diocese in support of this policy

Communication & training

The Chief Executive Officer is responsible for encouraging and monitoring the implementation of the policy. Suitable resources to facilitate discussion and promote understanding are available for use by PCCs, Deaneries and other groups.

The Director of Ministry sources and facilitates suitable training for clergy, laity and those with pastoral responsibility for the clergy.

Advice and Mediation

Any member of the clergy who feels they need advice or support around issues of bullying and harassment are invited to contact the Bishops Advisor for Pastoral care and well-being who will seek to provide appropriate support.

In addition the diocese will provide the services of Mediators.. They will be authorised to investigate the issue fully and bring the parties together to discuss and resolve a way forward. Mediation is intended to be the last informal step before more formal procedures are introduced.

Counselling and dispute resolution

Professional counsellors, trades unions, and professional associations are other useful sources of support for individuals. In this diocese the Bishops Advisor for Pastoral Care and well-being is the key contact.

Confidentiality

It is diocesan policy that these matters are to be treated with absolute confidentiality and that no action will be taken without the willing consent of the person who feels he/she has been a target.

Fair procedures

When both the perpetrator and the target is a clergy person or a licensed lay minister, complaints of bullying or harassment may, with the complainant's consent, be brought under the Grievance Procedure for Licensed Lay Ministers. It has been developed by the church to deal with grievances of various kinds between ministers.

When the perpetrator is a clergy person, it may be more appropriate for the complainant, or an Archdeacon, with the complainant's consent, to make a complaint under the complaint's procedure or, in very serious cases only, under the Clergy Discipline Measure.

When the perpetrator is a lay person, and the complainant is either ordained or lay, complaints of bullying or harassment may, with the complainant's consent, be dealt with in one of a number of ways according to the circumstances. If you feel you are being harassed or bullied by a lay person the following list of actions lays out the diocese's policy recommendations

1. Make it clear to the person harassing you that their behaviour is inappropriate and explain the impact of their actions on you.
2. Invite a colleague or a friend to intervene/support you. This could be your incumbent
3. Seek the help of the Bishop's Advisor for Pastoral Care and well-being.
4. Request formal mediation with a Diocesan Mediator
5. Take civil action by involving the police which could lead to the issuing of an ASBO

False accusation

False accusations are a serious matter. The behaviour of anyone who is found to have made an unfounded, deliberately malicious complaint or allegation will be regarded with the utmost seriousness and where possible formal action taken. A member of either the clergy or laity could be subject to an action for defamation if they have made false accusations against someone else.

Examples of bullying behaviour

This list of behaviours is not exhaustive but gives a clear indication of the sorts of actions that constitute bullying or harassment

- removing areas of responsibility without discussion or notice
- isolating someone or deliberately ignoring or excluding them from activities
- consistently attacking someone's professional or personal standing
- setting out to make someone appear incompetent
- persistently picking on someone in front of others
- deliberate sabotage of work or actions
- deliberately withholding information or providing incorrect information.
- overloading with work/reducing deadlines without paying attention to any protest
- displays of offensive material
- use of e-mails to reprimand, insult or otherwise inform someone of their apparent failing, either to the individual or to third parties
- repeatedly shouting or swearing in public or in private
- spreading malicious rumours to third parties
- public humiliation by constant innuendo, belittling and 'putting down'
- personal insults and name-calling
- aggressive gestures, verbal threats and intimidation
- persistent threats about security
- making false accusations
- aggressive bodily posture or physical contact
- talking/shouting directly into someone's face
- direct physical intimidation, violence or assault

The most serious incidents might result in:

- creating an unsafe working environment
- ignoring signs of overwork and extreme stress
- putting someone's health physically, emotionally or psychologically at risk by making them upset, frightened and/or ridiculed

If you are experiencing bullying or harassment you should not suffer in silence or feel that you are to blame in some way for inviting bullying behaviour.

Actions you can take yourself

- Keep a factual log of all incidents of bullying – dates, times, nature of incident, details of accusations, criticisms, emails and other correspondence. This may be needed as evidence should harassment, victimisation or bullying continue or subsequently recur.
- Try to get witnesses to bullying incidents and avoid situations where you are alone with the bully. Find out if you are the only person being bullied or whether other people are also affected now, or have been in the past. Talk to colleagues and see if they will support you.
- If possible, clarify your role description is so that you can check whether the responsibilities you are given match it.

- Research all the available informal and formal options open to you and what support and advice is available including from qualified counsellors, professional associations, trades unions and the police.

You are strongly advised to use the support of the Bishop's Advisor for Pastoral Care and Well-being.

Informal action

It may be possible for the complaint to be resolved quickly by explaining directly to the harasser or bully the effect their behaviour is having, and that you want it to stop. By trying the informal route you may be able to get the harasser or bully to stop their behaviour and so prevent the matter becoming public, or of escalating and making your situation more difficult.

It has been shown that it is rarely advisable for a target to confront a bully alone, without professional support.

Every effort should be made to use informal means, including considering alternative dispute resolution using the Diocesan Mediators, to stop the offensive behaviour before formal procedures are invoked, however, it should also be made clear that if the behaviour continues you will make a formal complaint. This may be enough to sort things out, particularly if the person(s) involved was/were unaware that their behaviour was causing offence.

Whenever possible, any complaint of bullying or harassment should be notified, in confidence, to your rural or area dean or archdeacon. Once an outcome has been agreed between the parties, the rural or area dean or archdeacon will monitor the situation as appropriate.

If the rural or area dean or archdeacon decides the matter is sufficiently serious or constitutes gross misconduct, they will make a file note of action taken and with your permission, institute an investigation under the formal procedures.

Formal action

Formal procedures are not dependent on you having to take personal action to ask the bully to stop their behaviour. It is recognised that by its very nature bullying is something that happens over a prolonged period of time and the longer it goes on the more difficult it is to take personal action to confront the behaviour.

6.4 Grievance Procedure

The Archbishops' Council has issued a Code of Practice under section 8 of the EO(ToS) Measure 2009 containing a procedure for enabling an officer holder to seek redress for grievances.

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

Code Of Practice Made Under Section 8 Ecclesiastical Offices (Terms Of Service) Measure 2009

Part 1 – Introductory

Those who feel they have been disadvantaged should have the opportunity to have their concerns addressed. Ideally, these should be aired and resolved quickly to the satisfaction of all

concerned without recourse to formal proceedings. On occasions where this is not possible, a procedure is needed to give office holders the right to seek redress and to know that their complaints will be dealt with promptly, fairly and consistently. Reconciliation is a desired outcome, but never at the expense of failing to deal adequately with the issues raised.

1. Authority of the procedure

1.1 This Code of Practice is issued by the Archbishops' Council under section 8 of the Ecclesiastical Offices (Terms of Service) Measure 2009 and Regulation 32(1) of the Ecclesiastical Offices (Terms of Service) Regulations 2009. Anyone dealing with a grievance raised by any person holding office on Common Tenure must have regard to this Code of Practice.

1.2 This Code of Practice is supported by advice on good practice issued from

time to time by the Archbishops' Council and available at www.common tenure.org

2. Principles

2.1 Office holders need to feel assured there is a way of raising their concerns that is confidential and fair. The aim of this procedure is:

- to respond to grievances fairly and quickly
- to ensure that the focus is on the issues rather than personalities
- to take account of the legitimate interests of all concerned
- to allow grievances to be pursued without fear of sanction.

2.2 The basic principles of the procedure are as follows:

- every grievance should be treated seriously
- no-one should be disadvantaged for raising a grievance
- a grievance should be dealt with informally wherever possible
- proceedings should be kept confidential
- even during the informal stage, a written record should be made
- office holders raising a grievance should be allowed to bring a lay or ordained colleague or trade union representative to any meeting
- attempts should always be made to resolve grievances as swiftly as possible, although it is recognised that, where a number of people are involved, it can take time to gather all the necessary evidence
- mediation should be considered at every stage.

3. Mediation

It is central to the teaching of Jesus that those who are reconciled to God must be open to being reconciled to those who have offended them or those they have offended. Reconciliation involves clarification of what has happened, how it is perceived by the other person and acknowledgement of the depth of anger and hurt. Reconciliation, for both parties, involves the rebuilding of damaged relationships. Reconciliation should be the desired outcome. It is important to consider how mediation might be used to bring this about at every stage of the procedure (for example, at the outset or where the first formal stage has not resulted in a mutually acceptable outcome).

4. Scope

4.1 This grievance procedure is available to all office holders under common

tenure and is intended to provide a means of addressing grievances relating to the exercise of the office held, which may include issues relating to:

- the interpretation and application of terms and conditions of service
- housing
- ministerial development reviews
- continuing ministerial education
- (in the case of training posts) provision of suitable training and experience or the result of an assessment at the end of the training.

4.2 In the case of bullying, the diocesan anti-bullying and harassment policy will set out the informal steps which office holders may take before making a

formal complaint under this procedure.

Full details of the procedure are available from the HR department in St Mary's House

6.5 Disciplinary Procedure

The disciplinary rules and procedures applicable to clergy are contained in the Clergy Discipline Measure 2003 (the CDM) and the Ecclesiastical Jurisdiction Measure 1963 (the EJM). More serious matters are dealt with under these procedures, but a more informal process (set out below) is applied to less serious matters. The EJM process is applicable to matters of doctrine but this handbook does not include any details of the procedures: the Diocesan Registrar would advise if ever a case arose under the EJM.

The procedures for a CDM issue are set out in the Code of Practice which is agreed by both the Archbishops' Council and the General Synod and can be accessed through the Church of England' website. The Church of England website provides a good deal of information about procedure, including helpful leaflets. But the Code of Practice is a readily accessible and readable document.

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. The CDM procedures are intended for more serious situations.

Whenever a 'complaint' or issue of concern about an individual member of the clergy is brought to the attention of the Bishop or to members of his senior staff, it will be appropriately investigated, with pastoral sensitivity, within a fair process. This may be via the Complaints procedure or it may be more informally depending on circumstances. If criminal conduct is suspected, the police will be informed about the matter so that they may investigate; in these cases it may not be appropriate to involve the member of clergy in the investigation at all. But in other situations, the person investigating will find out what lies behind the concern, discuss the issue with the member of clergy and then decide what action is appropriate.

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 Complaints procedure

Introduction

1. This procedure for the resolution of complaints is adapted from that developed by the Ecclesiastical Law Society Working Party on the Clergy Discipline Measure in conjunction with the Clergy Discipline Commission and appended to the CDM Code of Practice. It is being put in place now pending likely changes to (or replacement of) the Clergy Discipline Measure itself, and sits alongside the latter, which should be used in the case of serious allegations of misconduct on the part of clergy.
2. The manner in which a complaint made outside of the CDM is resolved is a matter for the diocesan bishop. Accordingly, the use of this procedure is not mandatory but is intended to provide a 'best practice' approach. It aims to resolve disputes swiftly, fairly, and in a non-confrontational manner.
3. The procedure set out below is not comprehensive and can be adapted to meet the needs of the specific case. The bishops will do their utmost to resolve complaints in a timely manner and according to the timescales given but on occasion timescales may be extended if there are compelling pastoral or other reasons for this.

Panel of assessors

4. The diocese, at the direction of the diocesan bishop, maintains a panel of lay and ordained assessors who are selected on account of their established skills and experience in dealing with matters of conflict and/or grievance. Assessors are drawn from a wide range of backgrounds.

Stage 1 – Making a complaint

5. A complaint should be sent to the relevant Area bishop.
 - 5.1 **The complaint must be in writing** and contain the following information:
 - The specific details of the complaint, including what occurred and when it occurred; or what was not done and when it should have been done, as the case may be. This should be set out in a non-combative manner.
 - Details of what the person making the complaint is seeking by way of resolution. This might be an apology from the cleric concerned, a meeting with the area bishop, or some other form of resolution.
 - 5.2 The complaint **must** be signed (no anonymous complaints should be allowed) and contain a statement of truth in the following form:

"I believe the facts as stated in this complaint are true".
 - 5.3 A complaint must not be frivolous or vexatious (i.e. intended only to harass, annoy or frustrate the member of clergy) and must not include any deliberately false or misleading information.

Stage 2 – the Area bishop's acknowledgment and respondent's answer.

6. The Area bishop **will normally** acknowledge receipt within 7 days and **supply a copy of the written complaint to the cleric concerned asking for their written response, within 7 days if possible.**
7. Where appropriate, the Area bishop will take advice from the registrar and diocesan safeguarding adviser. If safeguarding and/or criminal matters are raised referral to the appropriate statutory agencies must take place, and the Clergy Discipline Measure may be activated.
 - 7.1 The **cleric's response must be in writing** and include the following information:

- The cleric's answer to the complaint, setting out what did or did not happen. This should be written in a non-combative manner.
- How the cleric believes that the complaint can be resolved.

7.2 The answer **must** be signed by the cleric and contain a statement of truth in the following form:
"I believe the facts as stated in this answer are true".

7.3 The answer must not make frivolous or vexatious counter complaints and must not include any deliberately false or misleading information.

Stage 3 – Referral to an assessor.

8. The assessor acts independently of the bishop, the person making the complaint and the cleric concerned.

8.1 Upon receipt of the cleric's answer the Area bishop **within 7 days** identifies an assessor who does not know the parties and sends the written complaint and answer to that assessor.

8.2 The assessor arranges to meet separately with the person making the complaint and the cleric concerned. During the meeting each may be accompanied by a supporter should they wish, although they should not be legally represented. The assessor will be able to seek points of clarification. The assessor may also wish to try and enable each of the parties to see and understand the other person's perspective on the issues in dispute.

8.3 The assessor will come to a view as to whether:

- The complaint is, on the balance of probabilities, substantiated or not.
- The complaint should be dismissed as being frivolous, vexatious, malicious or of no substance.
- The complaint is capable of resolution and the manner in which any resolution should take place. This might include a face to face meeting between the parties concerned, a meeting with the bishop, or a facilitated conciliation or mediation.
- The cleric concerned should be given a written warning or advice or be asked to undertake specific training.

8.4 Within 28 days of the referral from the Area bishop the assessor will aim to produce a written report to the Area bishop containing the relevant findings and recommendations.

Stage 4 – Resolution

8.5 The Area bishop will consider the report and form a view as to the most appropriate course of action to take, normally within 7 days of receiving the assessor's report. The Area bishop is free to depart from the assessor's recommendation, where she or he considers there is a good reason.

8.6 The Area bishop should write to both parties setting out how the complaint is to be resolved, or that it is not upheld. The Area bishop should set out the reasons for the decision in a clear manner to enable both parties to understand how it was reached. Where advice or a warning is given to the cleric concerned, this should be recorded in writing and placed on the clergy file. The Area bishop may refer the matter back to the assessor for the implementation of the recommendations e.g. a meeting between the parties.

8.7 If the Area bishop is of the view that the substance is more properly an allegation of misconduct under the Clergy Discipline Measure the person making the complaint should be invited to complete a Form 1a, or refer the matter to an archdeacon to bring an allegation of misconduct under the CDM.

The formal CDM process

A national review of the Clergy Discipline Measure is under way and there is intent to replace it with a new Clergy Conduct Measure in due course. Until this passes through General Synod, however the Clergy Discipline Measure remains in force. A Code Of Practice to the CDM was recently updated, among other things to emphasize further that the CDM is intended to deal only with "allegations of misconduct which are serious in nature" and that "grievances, disagreements and/or minor acts or omissions, however, genuine, are likely to fall outside the scope of the Measure".

A Complainant may however commence procedures without having previously brought the matter to the attention of the diocese; or it may be that the Archdeacon feels on a preliminary review of matters that he or she should bring the case forward by a Complaint.

The disciplinary process is started by a formal written Complaint of misconduct, which is made to the Bishop (or Archbishop, as the case may be); the Complaint can only be brought by a person who is considered to have a proper interest in bringing the matter forward (a person who has experienced the misconduct, a relevant churchwarden, a person nominated by a special resolution of the PCC, or an Archdeacon). There are five grounds on which misconduct may be alleged, namely:

- acting in breach of ecclesiastical law;
- failing to comply with the duty under section five of the Safeguarding and Clergy Discipline Measure 2016 (duty to have due regard to House of Bishops' Guidance on safeguarding children and vulnerable adults):
- failing to do something which should have been done under ecclesiastical law;
- neglecting to perform or being inefficient in performing the duties of office;
- or engaging in conduct that is unbecoming or inappropriate to the office and work of the clergy.

The Complainant must produce evidence in support of the Complaint, and verify the Complaint by a statement of truth. The Complaint and evidence in support are referred by the Bishop to the Diocesan Registrar for advice as to (1) whether the complainant has a proper interest in making the complaint, and (2) whether the allegations are of sufficient substance to justify proceedings under the Measure. The Registrar sends a copy of the Complaint to the Respondent and provides a letter giving more detail of the procedures, and what the Respondent is able to do. This is the 'preliminary scrutiny' stage.

Bishop's decision

Having received the Registrar's advice, the Bishop may decide that the Complaint should be dismissed, in which case it will proceed no further under the Measure.

If on the other hand the Bishop considers that the Complainant has a proper interest in complaining and that the Complaint deserves further consideration, he will invite the priest or deacon about whom the Complaint is made ('the Respondent'), to send a written Answer verified by a statement of truth, together with evidence in support. In the meantime, the Bishop may in rare and specific circumstances almost always involving safeguarding risk consider it appropriate temporarily to suspend the Respondent from priestly functions. Suspension, if applied, is always regarded as a neutral action, and does not influence any later consideration of the case. When the Answer is received, the Bishop may choose to meet either or both of the Complainant or Respondent, to learn more about the situation. The Bishop will then decide which of five possible courses of action available to him under the Measure is the appropriate one to pursue. He can:

1. take no further action
2. record the Complaint conditionally for a period of up to five years, such that if another complaint is made within that time and is dealt with under paragraphs c, d or e below, the two complaints may then be dealt with together
3. refer the Complaint to a conciliator in an attempt to obtain agreement between the Complainant and the Respondent as to how the complaint should be resolved
4. impose a disciplinary penalty (but only with the consent of the respondent)
5. require the Complaint to be formally investigated by the Designated Officer, a barrister employed in the Church of England Legal Office in London. The diocesan involvement after a referral to formal investigation is minimal because the process is entirely independent of the diocese.

Bishop's Disciplinary Tribunal

The vast majority of cases will be dealt with by the Bishop . In the small minority of cases where the Designated Officer is asked to investigate, a report will be produced for the President of Tribunals, who will then decide whether there is a case to answer before a Bishop's Disciplinary Tribunal. Tribunals consist of two members in Holy Orders and two communicant lay members, plus an experienced lawyer in the chair. If a complaint is proved, the Tribunal can impose the same range of penalties that a Bishop can impose by consent, ranging from a rebuke to lifelong prohibition from exercising any ministerial functions.

The Archbishops' List

Where a penalty is imposed under the Measure, either by the Bishop or by the Bishop's Disciplinary Tribunal, it will be recorded in the Archbishops' List, which is maintained at Lambeth Palace. The Respondent will be informed of the particulars to be recorded, and may request the President of Tribunals to review the entry.

Proceedings in secular courts

The Measure provides a separate procedure under which a member of the clergy who commits a criminal offence and receives a sentence of imprisonment may be liable to a penalty of removal from office, or prohibition from exercising any functions. A member of the clergy who is arrested on suspicion of an offence may be suspended from priestly functions during the period under which that suspicion continues. A similar procedure is available if a member of the clergy has had a decree of divorce or an order of judicial separation made against him or her and has committed adultery, behaved unreasonably or deserted the former spouse.

6.6 Capability Procedure

The new Terms of Service/Common Tenure arrangements confer on clergy a range of rights and responsibilities. One such right is access to a Capability Process.

The procedures for a Capability Process are set out in a Code of Practice which is 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 right of appeal

As a last resort it is possible to dismiss a member of clergy within the Capability Process. Any office holder under Common Tenure who is removed from office under the Capability procedures has the right to make a claim in an employment tribunal on ground of unfair dismissal. (This right does not extend to office holders who are over the statutory retirement age for clergy of 70yrs).

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

Capability Procedure

Code Of Practice Made Under Section 8 Ecclesiastical Offices (Terms Of Service) Measure 2009

1. The authority of the procedure

1.1 This Code of Practice is issued by the Archbishops' Council under section 8 of the Ecclesiastical Offices (Terms of Service) Measure 2009 and Regulation 31(3) of the Ecclesiastical Offices (Terms of Service) Regulations 2009. Anyone dealing with issues of capability in relation to any office holder on Common Tenure must have regard to this Code of Practice.

1.2 This Code is supported by advice on good practice issued from time to time by the Archbishops' Council and available from the HR department at St Marys House.

PART I – INTRODUCTORY

2. The purpose of the capability procedure is improvement

2.1 The principal objective of a capability procedure is to help office holders whose performance falls below an acceptable minimum standard to improve in cases where the problems are not disciplinary in nature. It is expected that most performance-related matters will be identified and addressed informally without engaging this procedure. Nevertheless, there will be occasions where informal steps are not appropriate and in such cases it will be

necessary to implement the procedure. If an improvement in performance cannot be achieved through the capability procedure, there is a real possibility that the office holder will be removed from his or her current office, but only as a last resort.

2.2 Capability is demonstrated by the execution of the duties of a particular office to an acceptable minimum standard over a sustained period of time. It is about both what an office holder does and how he or she does it.

2.3 In assessing what is an acceptable minimum standard, the requirements of the post should be taken into account along with the more general requirements of the Canons, the Ordinal, and the Ecclesiastical Offices (Terms of Service) Measure and Regulations 2009.

2.4 Lack of capability in one particular office does not necessarily mean that the office holder is not capable of exercising any ministerial function. Removal from one particular office on capability grounds does not remove a cleric from holy orders or disqualify him or her from being appointed to another office. Regulation 29 (1)(e) of the Ecclesiastical Offices (Terms

of Service) Regulations 2009 provides a means whereby a cleric who has been removed from one office on capability grounds may be appointed to another office on a probationary basis.

2.5 Except in the limited circumstances prescribed in Canon C8.2, clerics are unable to carry out any ministerial function without authority from the Bishop. Before granting a licence or

permission to officiate to clergy who have been removed from office for incapability, or instituting them to a benefice, the bishop should satisfy himself that their new duties are demonstrably different in nature from those in their previous post or that there is some other good reason why the previous lack of capability is no longer an issue.

Full details of the capability procedure can be provided by the HR department at St Mary's House.

6.7 Equal Opportunities Policy

Our commitment

The diocese is committed to providing equal opportunities in employment and to avoiding unlawful discrimination in employment and against other stakeholders.

This policy is intended to assist us to put this commitment into practice. Compliance with this policy should also ensure that Office Holders do not commit unlawful acts of discrimination.

The law

It is unlawful to discriminate directly or indirectly in recruitment or employment because of age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership. These are known as "protected characteristics".

Discrimination after employment may also be unlawful, eg refusing to give a reference for a reason related to one of the protected characteristics.

Staff should not discriminate against or harass a member of the public in the provision of services or goods. It is unlawful to fail to make reasonable adjustments to overcome barriers to using services caused by disability. The duty to make reasonable adjustments includes the removal, adaptation or alteration of physical features, if the physical features make it impossible or unreasonably difficult for disabled people to make use of services. In addition, service providers have an obligation to think ahead and address any barriers that may impede disabled people from accessing a service.

Types of unlawful discrimination

Direct discrimination is where a person is treated less favourably than another because of a protected characteristic. An example of direct discrimination would be refusing to employ a woman because she is pregnant.

In limited circumstances, employers can directly discriminate against an individual for a reason related to any of the protected characteristics where there is an occupational requirement. The occupational requirement must be crucial to the post and a proportionate means of achieving a legitimate aim.

Indirect discrimination is where a provision, criterion or practice is applied that is discriminatory in relation to individuals who have a relevant protected characteristic (although it does not explicitly include pregnancy and maternity, which is covered by indirect sex discrimination) such that it would be to the detriment of people who share that protected characteristic compared with people who do not, and it cannot be shown to be a proportionate means of achieving a legitimate aim.

Harassment is where there is unwanted conduct, related to one of the protected characteristics (other than marriage and civil partnership, and pregnancy and maternity) that has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive

environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.

Associative discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (although it does not cover harassment because of marriage and civil partnership, and (according to guidance from the Government and ACAS) pregnancy and maternity).

Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not, in fact, have that protected characteristic (other than marriage and civil partnership, and pregnancy and maternity).

Victimisation occurs where a person is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she is suspected of doing so. However, one is not protected from victimisation if he/she acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare his/her treatment with someone who has not made or supported a complaint under the Equality Act 2010. For example, if a blind person raises a grievance that the employer is not complying with its duty to make reasonable adjustments, and is then systematically excluded from all meetings, such behaviour could amount to victimisation.

Failure to make reasonable adjustments is where a physical feature or a provision, criterion or practice puts a disabled person at a substantial disadvantage compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

Equal opportunities in employment

The diocese will avoid unlawful discrimination in all aspects of employment including recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.

Person and job specifications will be limited to those requirements that are necessary for the effective performance of the job. Candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may be required for candidates with a disability. Disability and personal or home commitments will not form the basis of employment decisions except where necessary.

The diocese will consider any possible indirectly discriminatory effect of its standard working practices, including the number of hours to be worked, the times at which these are to be worked and the place at which work is to be done, when considering requests for variations to these standard working practices and will refuse such requests only if the diocese considers it has good reasons, unrelated to any protected characteristic, for doing so. The diocese will comply with its obligations in relation to statutory requests for contract variations. The diocese will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

The diocese will monitor the ethnic, gender and age composition of the existing workforce and of applicants for jobs (including promotion), and the number of people with disabilities within these groups, and will consider and take any appropriate action to address any problems that may be identified as a result of the monitoring process.

Customers, suppliers and other people not employed by the organisation

The diocese will not discriminate unlawfully against customers using or seeking to use goods, facilities or services provided by the organisation.

You should report any bullying or harassment by customers, suppliers, visitors or others to the Diocesan Secretary who will take appropriate action.

Training

The diocese will provide training in equal opportunities to managers and others likely to be involved in recruitment or other decision making where equal opportunities issues are likely to arise.

The diocese will provide training to all existing and new Office holders and others engaged to work at the organisation to help them understand their rights and responsibilities under the dignity at work policy and what they can do to help create a working environment free of bullying and harassment. The organisation will provide additional training to managers to enable them to deal more effectively with complaints of bullying and harassment.

Your responsibilities

Every Office Holder is required to assist us to meet our commitment to provide equal opportunities in employment and avoid unlawful discrimination.

Office holders can be held personally liable as well as, or instead of, the organisation for any act of unlawful discrimination. Office Holders who commit serious acts of harassment may be guilty of a criminal offence.

Acts of discrimination, harassment, bullying or victimisation against Office Holders or customers are disciplinary offences and will be dealt with under our disciplinary procedure. Discrimination, harassment, bullying or victimisation may constitute gross misconduct and could lead to dismissal without notice.

Grievances

If you consider that you may have been unlawfully discriminated against, you may use the diocese's grievance procedure to make a complaint. We will take any complaint seriously and will seek to resolve any grievance that we uphold. You will not be penalised for raising a grievance, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

Use of the diocese's grievance procedure does not affect your right to make a complaint to an employment tribunal. Complaints to an employment tribunal must normally be made within three months beginning with the act of discrimination complained of.

Monitoring and review

This policy will be monitored periodically by the diocese to judge its effectiveness and will be updated in accordance with changes in the law. If changes are required, we will implement them.

Information provided by job applicants and Office Holders for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the Data Protection Act 1998.

6.8 Relationships With The Media

The diocese treats its relationship with the local and national media very seriously; to support this it has appointed a specialist Officer to be its primary spokesperson. People receiving requests for information

or comment on Church issues from members of the media (newspapers, radio, television and the like) should in the first instance, therefore, direct all such requests to Director of Communications.

If queries arise from requests from the media due say to the lack of availability of the Communications Director, these should be directed to the CEO.

7.1 Safeguarding – Children (Under 18)

The diocese has a duty of care under the law of the land to protect children in its care, to keep them safe and sound, whether in church premises, community facilities, diocesan residential centres or the homes of adult leaders and helpers.

Diocesan people (paid or voluntary) who in the course of their activities have specific or frequent contact with children/young people under eighteen years of age are required to have an enhanced disclosure check to be carried out by the Disclosure and Barring Service before commencing those activities. In short, the Church has to ensure there is adequate, secure supervision of and a safe environment for people in its care.

The complete diocesan policy on child protection issues may be found on the diocesan website. All major national church publications can also be obtained from Church House publishing.

7.2 Safeguarding - Vulnerable Adults

The diocese has an equal duty of care to protect vulnerable adults. The complete diocesan policy on vulnerable adults may be found on the diocesan website.

7.3 Relationships With The Media

The diocese treats its relationship with the local and national media very seriously; to support this it has appointed a specialist Officer to be its primary spokesperson. People receiving requests for information or comment on Church issues from members of the media (newspapers, radio, television and the like) should in the first instance, therefore, direct all such requests to Director of Communications.

If queries arise from requests from the media due say to the lack of availability of the Communications Director, these should be directed to the CEO.

Section 8: Ministerial Development Review And Continuing Professional Development

8.1 Ministerial Development Review (MSR)

The new 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. All programmes of learning and development are co-ordinated by the Ministry Development.

8.2 Continuing Professional Development (Cpd)

This document sets out the current strategy for CMD provision in the Diocese of Lichfield. Provision is shaped by the diocesan purposes. It recognizes the guidance given by the Archbishop's Council, under regulation 19 of the Ecclesiastical Offices (Terms of Service) Regulations 2009, in September 2010. Failure to give heed to this advice could result in findings against the diocese in an employment tribunal.

The diocese adopts a ministry development policy as follows.

Having regard to the Archbishops' Council advice (September 2010) and the articulated diocesan vision, we commit to a policy of provision for ministerial development in the Diocese of Lichfield, within the constraints of available resources.

Ministerial development provision in the diocese is essentially led by an individually focused approach. There are some corporate events, the Selwyn lecture, the area lectures, the diocesan conferences, the New Opportunities conferences but the overall focus is upon individual training programmes funded by the CMD allowance.

We commit ourselves to a strategy that combines both individual (through the provisions of ministry development grants) and corporate developmental opportunities for our clergy and licensed lay ministers, within the constraints of available funds.

1. Individual CMD grants are limited to clergy holding Common Tenure, Common Tenure B and freehold.
2. The full grant is payable to full-time clergy only (£245 p.a.) Clergy cannot build up a fund of grants not taken. If they are not taken in any one year, then that grant is forfeit. There is provision for the grant for the next year to be taken in advance.
3. A half-grant is payable per annum to those clergy who are offering half to fulltime ministry to a parish or deanery. Half-time is defined as 2.5 days per week (or 6 units per week) plus 3 Sundays per month. (One unit is a morning, an afternoon or an evening). This is evidenced by the role description agreed with the PCC and affirmed by the Incumbent as functioning.
4. A quarter grant is payable to those who are offering less than half-time to the parish.

5. Clergy may use up to half their grant for retreat provision. (Agreed by Bishop's staff 2013)
6. Individual grants will not be payable to those who are authorized local ministers or Readers. The Director of Lay Development will provide corporate training events at low cost for Readers and authorized Local Ministers.

Charging and allocation of grants

The diocese will not normally pay a grant for a training event costing less than £25.

Grants paid to chaplains will be paid for personal professional development, not for ministerial development. These costs should be met by the employer.

For ministry events outside of the First Incumbency and IME 4 – 7 programmes we will expect the first £10 to be paid by the participant.

8.3 Training

All office holders in training posts are provided with and to participate in suitable training and given the necessary time off work to undertake it.

8.4 Extended Study Leave (Sabbaticals)

The diocese encourages all stipendiary clergy to take ESL periodically. A grant of £500 is available for this. Because ESL concerns professional and vocational development the grant is free of Income Tax. ESL for 2011 was oversubscribed. We now have a diocesan policy for allocation of ESL. Although Bishops' permission is still required for ESL, permission does not constitute an entitlement.

These notes explain not only the practicalities of our diocesan procedure but also offer some guidelines on how to approach the idea of study leave and make the most of it.

What qualifies as Extended Study Leave?

Some are put off by the label 'study leave', feeling that they must pursue some higher degree or other academic course. But what counts as appropriate is much wider than that.

The basic notion of 'sabbatical' leave is, of course, Biblically based. The cessation of work principal in Genesis 2 v.3 is a positive gift or rest ('God blessed the day and made it holy'). In Leviticus 25 we have 'Sabbath years' and the sound idea that the ground should be left untilled so that it can replenish itself. David Ellingson draws the parallel with our lives:

'Just like the soil, we humans need a sabbatical, a time to lie in fallow. We require a time to receive rather than give output, to carefully nurture and cultivate our lives so that the soil of our spirits may be rid of weeds and have opportunity to receive nourishment' **(1)**

There is then a place for extended rest and change rhythm. The hectic pace of today's world makes this hugely important for clergy who readily admit to a lack of sufficient time for personal and spiritual nurture. The weekly day off and the regular holiday are vital, but the longer break for personal renewal has been of great long-term benefit.

ESL is a time for professional and vocational development

Spiritual refreshment

- A new environment
- A time to explore a different rhythm of life, less outcome focussed

Restoration

- A time for God to restore balance, spiritual vitality and vision

Stimulus

- New input to give new vision
- Visiting new cultures and places to give new perspectives

Reflection

- Deeper understanding
- New ways of doing things
- Future objectives

The result of such a time will be to re-focus attention from the narrow task-orientation in which parish ministry can trap us, to a fresh personal awareness of our identity and our vocation. Or, as Richard Bullock neatly sums it up, 'A time when perspective and the Holy Spirit can come together'. **(2)**

Guidelines for the Lichfield Diocese

- A period of extended study leave is normally six to twelve weeks
- All stipendiary clergy and licensed lay ministers who have served seven years in ministry, can be considered for ESL
- Funding from the diocese is available for study leave approved by the area bishop. Currently, a sum of up to £500.00 is made available from the Director of Ministry Development

There will be 2 deadlines each year for allocation of ESL. Applications should be made by July 31 for ESL 18 - 30 months ahead and by January 31 for ESL 12 - 24 months ahead.

Application forms, which now include provision for Bishop's permission, are available from the diocesan website. Completed applications for ESL should be sent for the attention of The Ministry Department, Three Spires House, Station Road Lichfield.

We will accept people for ESL in this order (up to a total of 19 per annum)

- People who have been in current post for 7 years or more and have not taken ESL in the last 7 years.
- People who have been in current post for 6 years or more and have not taken ESL in the last 7 years
- People who have been in current post for 5 years or more and have not taken ESL in the last 7 years
- People who have been in ordained or nationally accredited ministry for 10 years or more and have not taken ESL in that time. In the event of oversubscription in this category, then those who have had the longest interval since their last ESL, whilst in stipendiary ministry, will be the first to be awarded funding.
- The Director of Ministry holds details of some of the colleges and institutions that offer sabbatical accommodation and study opportunities.
- The diocese requires a brief written report of the study leave to be shared with the Area Bishop, Archdeacon and the Director of Ministry. This is not meant to be a major piece of work, but

rather to offer personal reflections on the learning experience and the opportunity for self-development.

Making the most of Study Leave: some important factors

1. Plan your leave with great care

- Some people begin with a recognition that they are eligible to apply for study leave in two years time, but have no clear idea what to do with it. Others determine early on a particular activity or area of research that they want to follow up and simply need to structure it and work out the practical details.
- In either case, careful planning is vital. Occasionally, a priest comes to the end of study leave with a sense of disappointment and failure that it has not lived up to expectation. "If I could do it over again, I would do it differently." Although it is unlikely we shall achieve all our sabbatical targets, care in the planning stage is sure to make the whole enterprise more creative.
- If you have very unformed ideas on how to use a study leave, or you would benefit from knowing more about what is available, contact the Director of Ministry for a chat about possibilities.
- As the plans begin to form, share them with your Area Bishop and Archdeacon. They will have the wider diocese picture in mind as well as your own needs. They may have useful ideas to help shape things at an early stage. You will need their approval and support when final decisions are reached.
- Share your plans with churchwardens and PCC. The parish could easily hold misconceptions about study leave ("The vicar's going on holiday for 3 months!") so it is important that they understand its purpose and where possibly can take an active interest in the kind of sabbatical you envisage.
- They may be encouraged to make a financial contribution to it. You will certainly want their prayers and goodwill for your leave of absence.
- Write out a summary plan (for your own benefit as well as those with whom you are sharing) which should answer questions like:-
 - What do I most want to happen to me personally?
 - How would I like the parish to benefit?
 - What area of study or research am I really interested in?
 - How will I discover the information I want?
 - What preliminary reading should I set myself before the study leave?

If you intend to visit a number of places to discover their liturgical practise or their principles of church growth or whatever, clarify the questions you want to ask and the information you want to elicit. You might construct for yourself a questionnaire sheet, even if you don't propose to administer it directly on your visits. If you have no such structure, the danger is you return with a lot of scribbled notes that are difficult to digest and formulate.

The emphasis on planning does not mean that every aspect of the leave should be stitched up in advance. There needs to be room for flexibility as you respond to new situations and insights. But some serious plan that is not over-rigid will be the best guarantee of wise use of time.

A final wise word on this from Loren Mead of the Alban Institute in the USA

'Be sure the sabbatical is tailored for you, who you really are.

Don't set up ideal plans that would bore you to death or workaholic plans. And don't become infatuated with what someone else did and try to copy it.' (3)

2. Consider using a Consultant for your leave programme

It is generally a mistake to think you alone will be able to see the best way of using your extended study leave. We have already noted the value of sharing the concept with the diocesan staff and interested people in the parish. But beyond this, it is highly beneficial to find a consultant to supervise and monitor your programme in a helpful way.

Some fight shy of such a consultation, fearing that it will lead to over demanding academic rigour, when they would prefer a more relaxed exploration of the topic. But this need not be the case.

Choose a consultant appropriate for the concept you have in mind. It may be you simply need an experienced clergy friend who will help you shape the leave period in the most beneficial way. Maybe some experienced practitioner in an area can guide you on how to go about some piece of reading or research your plan. If your study leave involves an overseas trip, you would be strongly advised to make a link with Selly Oak Colleges so that someone from overseas culture can help you prepare for the experience.

3. Sort out sensibly the timing of your study leave

a) In planning well ahead you will want to ***choose the period for being away from the parish carefully.***

There are several considerations:

- **the parish:** Can cover be found for the period? (It will be important to explore this with the rural dean). Can I avoid being absent at a major festival? Are there other particular points in the parish programme, e.g. stewardship campaign, mission week, that I need to avoid?
- **the family:** Are they able to join me, at least for part of the time? Are there particular family considerations to be taken into account?
- **the projected leave** Is there a limitation on when I can get accommodation when the planned activity is possible?
- Sometimes integrating all of these factors becomes so difficult that you are tempted to abandon or at least postpone the whole enterprise! But it is well worth the effort of reaching a compromise that gives you the necessary weeks.

b) ***Plan the use of the time of the leave itself*** so that your personal goals are possible.

- It might be sensible to begin the period with a major family holiday or a time away with your spouse. Alternatively, such a holiday break might come right at the end. In any case, beginning a sabbatical period should not be too abrupt – a time of winding down to a new pace is useful.
- Some travel component of the leave is very helpful. Whilst it is financially prohibitive to think of several weeks of overseas travel, or accommodation at a university or college, some change of scene is highly desirable. It removes you from the place of your normal routine and opens you to a fresh rhythm and perspective in meeting new people in different places.

- There may be the possibility of finding some cheap accommodation which takes you away from the parish for study and rest, not least for some of the time. Some examples that have been tried are: a spare room with some member of extended family or a good friend; borrowing the holiday accommodation/second home from a parishioner or clergy colleague. The Priscilla Trust offer a splendid property in the Dordogne for a four-week period, without charge and in some circumstances contribute to travel costs (details of this from Ministry Development Office).

c) *Think carefully about the conclusion of your leave*

It would be thoroughly unwise to rush back on Maundy Thursday to take all the Easter services! Ease yourself in sensibly with time to pick up the news and prepare for re-engagement with the task.

4. Prepare a financial budget as carefully as you can

As from April 2010, the diocese provision for approved study leave is £500. This can be claimed from the Ministry Development Office, at whatever point it is needed. If you are travelling widely or staying in University or college accommodation, the diocesan grant may prove to be only a helpful foundation. You will need to ask:

- Are there any charitable trusts (from your school or university, or from the historical resources of your parish or locality) that maybe approached for additional funding.
- The Lichfield Theological Trust makes some grants through the Bishop Woods Travel Scholarships 'for individuals seeking to develop their understanding of their ministry and of their faith through travel overseas'. Application forms from the Secretary to the Grants sub-committee, c/o Visitor Study Centre, The Close, Lichfield, WS13 7LD.
- Grants are also made from Trust Funds administered by the Board of Mission in London for 'periods of sabbatical leave for the study of mission or mission issues'. Send applications to:-

The Administrative Secretary
Board of Mission and Council for Christian Unity
Church House
Great Smith Street
London
SW1P 3NZ

- How much are you and your family able and willing to put into the pot?
- Is your PCC able and willing to make some contribution? This may require a tactful approach and resources are always stretched, but it would be a positive gesture of backing your plans if some financial support was offered.

Whatever resources you can put together will need to be carefully measured against the expenditure plans you have in mind. If necessary, you may have to adjust your schedule to live within your means.

5. Prepare a pastoral cover scheme for your absence

You will benefit from your Study Leave if you are confident that you have totally adequate parish cover and you do not need to think about what might arise. This works well if you are part of a team where

others have agreed to cover for you. But often, you will have to make greater demands upon retired priests, NSM's and local colleagues, working with the rural dean to ensure that cover is in place.

Obvious areas to consider are:

- The regular Sunday services
- Occasional offices
- Special local events that occur in your absence
- Advance planning for later in the year that may need to be done before you go
- The briefing of wardens or PCC secretary about specific responsibilities that you would normally undertake.

The Area Bishop and Archdeacon will need to be assured that you have adequately covered these and other eventualities before you depart.

5. Keep a journal / diary of your Study Leave

If your study leave matches your own expectations, there will be many new insights and new experiences to digest. It is therefore well worth recording these as you go along in some daily journal or sabbaticals diary. This is for your own use, so the way in which you do this is entirely up to you. You may well find it helpful to travel with a small notebook so that as encounters and conversations develop, you can quickly note down a pithy comment, a recommended book, a useful address etc.

At the end of your Study Leave, **you will be asked to submit a brief report** on it to your Area Bishop, Archdeacon and the Director of Ministry. This should usually take the form of an outline of the way the time was used together with reflections on personal learning and how it may be used. You are not expected to produce a large academic dissertation although it may have followed some more rigorous course or produced a substantial essay, these conclusions could be shared in your reports.

Keeping a journal will help produce your final report. It will also be valuable as a basis for material to share with the parish on your return. Those with whom you earlier shared your plans and expectations, will be keen to hear about your weeks away. Maybe you could plan a special evening for you to share some of your insights and experiences, perhaps show slides of your travels and then give space for some to tell how the parish has fared during your time away.

The journal will also be a valuable source for some reflection in a de-briefing session. This could well be with the consultant you worked with before the study or in some cases, maybe a different person who you feel would help you consolidate the learning experience and point you to future action.

Someone has said 'It is important not to mistake the edge of the rut for the horizon'.

We can all too easily sink into a rut or parish routine and we need the opportunity to lift our eyes to new horizons. At its best, extended study leave can fulfil this purpose and fill us with gratitude to God and new enthusiasm and energy as partners in the work in His Kingdom

Section 9: Managing Change

9.1 Retirement

Section 3 (10) of the EO(ToS) Measure 2009 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 then hold on attaining the age of 70, 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 years 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, and are capable of continuing, to work beyond the age of 70 to do so provided the bishop also wishes them to continue, but with an inbuilt mechanism to enable both the bishop and the office holder to review the position at stated intervals.

9.2 Redundancy

The only mechanism for making clergy office holders 'redundant' is through pastoral re-organisation. 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 are eligible to receive compensation for loss of office if they are displaced as a result of pastoral re-organisation.

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.

9.3 Dismissal

Those holding office on Common Tenure are only 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 cease 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.

9.4 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.

Section 10: Health And Well-Being

10.1 Sickness Reporting And Sick Pay

Your obligations and rights if you are unable to perform your duties because of sickness are set out at Regulation 27 of the Measure.

In addition to the Statutory Sick Pay Scheme, you are entitled to 6 months full stipend in the event of sickness, and thereafter at the discretion of the Bishop and any discretionary decisions will not create a precedent either for the diocese or for yourself.

You are required to inform the HR Officer (the officer of the diocese designated for this purpose) if you are unable to perform the duties of your office due to illness.

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. These requirements are necessary to enable 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.

10.2 Cover Arrangements During Periods Of Sickness Absence

All office holders are obliged to make reasonable endeavours to make arrangements for someone else to perform their duties when they are unwell and to notify the Archdeacon of the absence and arrangement.

10.3 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.

10.4 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 shall undergo a medical examination by a medical practitioner selected by agreement between the Bishop and the office holder.

10.5 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 capability procedures.

10.6 Informal Support Or Conversation

The diocese offers mechanisms for pastoral care and support. This service is headed up by the Bishop's Advisor for Pastoral care and well-being.

Her job is to provide pastoral care to clergy and their families, offering encouragement on all aspects of pastoral ministry and personal issues, overseeing the network of diocesan approved counsellors, considering pre-retirement issues and designing well-being events. Please contact her for further information. She will also advise on the diocese's provision of a confidential and free counselling service.

10.7 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 ensure that:

- he/she fully understands all aspects of the processes and possible outcomes, and have the opportunity to explore these in confidence at every stage
- he/she is aware of the range of pastoral and practical support available
- he/she is made aware of timescales and next steps as formal processes are run and managed consistently, and as quickly and fairly as possible
- he/she is aware of roles and responsibilities, and of the 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 and will always exhaust informal ways of moving forward positively, before any formal process is instigated where this is appropriate.

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

Confident that clergy are determined to live out the commitments and promises they made at ordination, the diocese has three key expectations from 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)

Section 11: Health And Safety

11.1 Health And Safety Policy

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 tips 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 parishes are employing other people such as administrators as there will be health and safety liability for these employees.

www.hse.gov.uk/pubns/law.pdf

Other issues which require Health and Safety related considerations include:

- Security (section 3)
- Parishes as employers (section 9)

11.2 Lone Working

There is no specific piece of legislation that covers lone working but the Health and Safety at Work Act 1974 imposes responsibilities on organisations (including places of worship) for the health, safety and well-being of their workers. Organisations should identify hazards, assess the risks and put measures in place to avoid or control the risks.

Control measures could include:

- Periodic checks by another team member. This could include telephone contact or have a lone worker report in elsewhere at agreed times. It is good practice to ensure the lone worker reports into the organisation on a regular basis.
- Instruction and training on the risk of lone working should be provided especially where there is limited supervision to help in situations of uncertainty
- It is essential staff know what to do in an emergency and feel confident in the actions they should take to distance themselves from danger.
- Individuals could be supplied with personal alarms and trained how to use them. Door entry systems are also a useful way of protecting lone workers.

Further advice on lone working is available from St Marys House.

Section 12 Termination Of Office

12.1 Notice Periods

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.

Other than as a result of the disciplinary or capability procedures specified in this handbook, your 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.

12.2 Respondent In Employment Tribunal Proceedings

The body to be treated for the purpose of the Ecclesiastical Offices (Terms of Service) Regulations 2009 as the respondent in any proceedings you might bring before an Employment Tribunal is the Lichfield Diocesan Board of Finance