

## Clergy Terms of Service - Questions and Answers

*This is a summary of the questions asked at the Presentations held in May about Clergy Terms of Service. They have been collated here in case they are useful to others. Please note that the most up to date advice was given at the presentations when answering particular questions. On a very few occasions the Archbishops' Council has amended its position, and so the answers have been updated.*

There is also a national "Frequently asked Questions" on the national Clergy Terms of Service website: [www.common tenure.org](http://www.common tenure.org)

### **General**

- Q: Clergy Terms of Service is due to come into effect on the 31<sup>st</sup> January 2011. What might affect whether that happens or not?
- A: This legislation has been through the approval process and dioceses have indicated that they will be ready to implement it on the 31<sup>st</sup> January 2011. For these reasons it should move ahead as planned.

### **Common Tenure**

- Q: Does Common Tenure alter the length of time ministers are expected to remain in post?
- A: No.
- Q: What will happen to Team Rectors?
- A: Because of the way in which Team Rectors hold their posts, they will be invited to transfer to Common Tenure.
- Q: Are self supporting and part time ministers included in Common Tenure?
- A: Yes.
- Q: Will ministers still be appointed as Rector and Vicar?
- A: Yes, but they will not hold a freehold tenure. Common Tenure is a new way of holding office and it is not easy to compare freehold with common tenure. However, a very useful document has been produced that you may find will help [www.common tenure.org](http://www.common tenure.org)
- Q: Will there be a probation period?
- A: Not under full common tenure. There are a couple of very specific reasons why a post may be designated probationary and if this is the case the individual will be appointed under time-limited Common Tenure and details will be clearly set out in the Statement of Particulars.
- Q: Will the new suffragan bishops have freehold or Common Tenure?
- A: It would depend on the point at which the new suffragan bishops are appointed. After the 31<sup>st</sup> January 2011 they will be appointed under Common Tenure. Bishop Michael has indicated that he will resign his freehold and transfer onto Common Tenure at the earliest opportunity.

- Q: Will churchwardens be able to block pastoral reorganisation?  
A: The processes for pastoral re-organisation will not be changed and PCCs will still have to be consulted.
- Q: Is a Bishop's Mission Order the same as a Fresh Expression?  
A: That is one possibility. Bishop's Mission Orders can be set up across parish boundaries. Mission Orders are not a consequence of Common Tenure; they may currently be used and exist under the Dioceses Pastoral and Mission Measure 2007. Someone appointed to a position to carry out the work of a BMO would be appointed under time limited common tenure as BMO's are usually only active for a 5 year period.
- Q: Are most parishes likely candidates for pastoral reorganisation?  
A: Who can tell what the future holds! The important thing to remember is that when someone is appointed into a priest in charge role, they will benefit from certain protections under Common Tenure.
- Q: The Winchester diocese is currently short of funds, is there a possibility that Common Tenure will facilitate clergy redundancies?  
A: The Pastoral Measure continues to enable a process for a redundancy type arrangement following pastoral reorganisation. The cost of ending someone's office whether full common tenure or freehold is considerable and is the reason it has hardly ever been used in any diocese.
- Q: With the budgeted cuts in stipendiary posts, would it be better to give all clergy time-limited Common Tenure?  
A: No, this is not possible. Time-limited common tenure can only be applied in very specific circumstances, e.g. training posts, posts created due to sponsorship funding etc.
- Q: Most exceptions to full Common Tenure are specific and objective. Is "clear likely pastoral reorganisation" not subjective?  
A: The Pastoral Measure and Clergy Terms of Service Measure will not fit perfectly together. As they are trying to achieve different things, it would be difficult for pastoral reorganisation to be completely specific as situations change over time. However, Common Tenure seeks to be specific about the terms of someone's appointment and rights. In the future, a priest in charge will receive a statement of particulars which will detail what level of security of tenure they have so they are clear about what is likely to happen to them. To appoint a priest in charge due to pastoral reorganisation a proposal will have been formulated and described in the respective deanery pastoral plan. The p-i-c will be appointed under time limited common tenure and will be entitled to full common tenure if pastoral reorganisation does not come into effect before he/she has been in post for 5 years. Obviously once the p-i-c moves to full common tenure they may hold that post until they retire. It may or may not be possible to effect the pastoral reorganisation within a 5 year period.
- Q: What is the position of an office holder on common tenure who reaches the age of 70?  
A: The Ecclesiastical Offices Age Limit Measure extends to all office holders whether on common tenure or freehold. This means that office holders shall retire at 70 subject to powers contained in this measure that permit a bishop to extend the term

of office for a limited period. Within common tenure the bishop may permit the individual to continue in post after the age of 70 under time limited common tenure enabling the bishop and the individual to review the arrangement at a set time. Following the government's announcement of its intention to remove the ability to compel people to retire at 65 years old, advice is being sought as to what difference this may make to the Ecclesiastical Offices Age Limit Measure, if any.

Q: How is the role of patrons affected under common tenure?

A: The rights and responsibilities of patrons are not affected under the legislation. However, with increased emphasis on making fair appointments the bishop and diocese will expect best appointments practice to be followed. We intend to ensure that up to date guidelines on best practice are included in the Vacancy pack.

### ***Freehold***

Q: Can clergy with freehold currently be made redundant?

A: Yes, but only with pastoral re-organisation, and the process is very complicated and expensive. This will also apply for those under full Common Tenure.

Q: What is the current proportion of clergy with freehold?

A: Roughly half.

Q: How much pressure will there be to convert from freehold to Common Tenure?

A: None at all. The Bishop will issue the invitation, but the choice is the individual cleric's. Those currently on licences, such as priest's in charge and team vicars, will automatically transfer to Common Tenure

Q: What if incumbents are appointed before 31 January 2011?

A: They must be given freehold.

Q: Will freeholders still clog up the process of pastoral reorganisation?

A: Probably, if they wish to do so! But others can also impede that process if they wish to do so!

### ***Statements of Particulars***

Q: How much detail will be in the Statement of Particulars?

A: It will follow a set format and have factual detail specific to a minister's role, and linked to diocesan policy.

Q: Will the Statement of Particulars cover what I am rather than what I do?

A: Yes. A draft Statement of Particulars will be issued to those currently on licence this autumn, for finalising by 1 February 2011.

Q: Will expenses be included in the Statement of Particulars?

A: Yes. We plan to bring this to the attention of the PCCs.

Q: What if PCCs object to the level of expenses allowed?

A: Under the measure they are obliged to meet the national level of reasonable expenses. If this continues to be an issue and it cannot be resolved informally, a cleric on Common Tenure would have the right to raise this as a Grievance.

- Q: Will I still own my vicarage under Common Tenure?  
A: Yes, all those who are on full Common Tenure and are Vicars or Rectors will own their Vicarage or Rectory as at present as a corporation sole.
- Q: Will there be more flexibility about what is considered a suitable house for incumbents?  
A: This is not affected by Clergy Terms of Service. However, it is now possible on a case by case basis for the Bishop to grant someone permission to live outside the benefice they serve and this may create a level of flexibility for some.
- Q: Will there be a national framework for stipends, holiday entitlement etc?  
A: Yes, minimum standards will be set. Dioceses may offer more than the minimum if they wish.
- Q: Will the actual amount of the stipend appear in job advertisements?  
A: That is a matter for each diocese. But in the future clergy will be assured of receiving at least the minimum national standard and that information is readily available. We are thinking of including a draft statement of particulars with the details of posts sent to applicants.
- Q: Will hours of work be specified in the Statement of Particulars?  
A: Only in cases where a specific working agreement has been set up. For obvious reasons the role of the clergy does not fit fully the employment legislation that governs working time. However, there will be information on taking appropriate time off.
- Q: Should clergy have Bank Holidays off?  
A: Yes. If Bank Holidays fall on their normal day off they should take another day. Clergy obviously need to work on Good Friday and Christmas Day but days should be taken in lieu.
- Q: Do some clergy take more leave than they should?  
A: This may be, but it is thought that on the whole clergy may not be taking sufficient time off. Checks are not kept. In serious cases, where clergy are taking an unreasonable amount of time off, the Clergy Discipline Measure may come into operation.

### ***Role Descriptions***

- Q: Is there a national template for role descriptions?  
A: Yes, but dioceses are able to create a process that best fits them and they are not required to use the national template. Some dioceses have provided a rather rigid task list. We want role descriptions to engage with the benefice profiles, with an emphasis on gifts and character rather than task.
- Q: A framework needs to be provided for benefice profiles. Ministers need to be able to say no when appropriate.  
A: We are working on a framework and intend to help benefice/parish representatives create a realistic and relevant role description. More information on this will be made available shortly.

- Q: Is there any theological thinking about words like “spirituality” and “evangelism” which can mean just about anything?
- A: We expect to provide examples of what these words might mean in the context of a benefice and in the wording of a role description. The archdeacons and suffragan bishops who support the appointment process will ask challenging questions if necessary.
- Q: What is the relationship between the role description and the Statement of Particulars?
- A: There is no legal requirement to provide a role description. However, it is difficult to ensure effective ministry without clarifying expectations and setting them out in a role description.
- Q: What would happen if there is a big change in a benefice – e.g. a large number of immigrants from Eastern Europe arrive?
- A: The benefice, working with its clergy, should review its benefice profile in the first instance and then consider the impact on the role description which will need to be updated at the next pastoral consultation.
- Q: Will rural/area deans have a separate role description?
- A: Not usually. As rural/area deans take this responsibility on as an addition to their benefice role, this will probably be treated as a portfolio item added to their benefice role and articulated in their role description. However, if someone is appointed simply at Area/rural Dean or this is seen as a particular part of a post rather than an addition to an existing role, then it would need its own Statement of Particulars and role description.
- Q: Will role descriptions be a counsel of excellence (and expect the married version of the Archangel Gabriel)?
- A: It will be necessary to consider what is achievable and make them realistic.
- Q: Will attendance at deanery chapter and the collegiate nature of ministry be mentioned in the role description?
- A: Yes, expectations beyond the benefice should be included.
- Q: Do I need to get the PCC’s permission to stand for diocesan synod?
- A: No, it is a way in which you choose to engage in sharing in the wider life of the deanery, diocese and national church. This particular expectation may be included in the role description.
- Q: It will be “interesting” in multi-parish benefices where the parishes have different ideas about the role description.
- A: To date parish profiles have included a short description of the sort of person they are looking for and in some multi-parish benefices it has been a challenge to create something that meets everyone’s needs and is meaningful to the person considering the position. We hope to offer a variety of guidance and help in the future but this will only work if PCCs change their way of viewing ministry across parishes and are willing to work together to create a useful Benefice Profile out of which a role description can be drawn.

Q: An indication of how to apportion one's time would be useful, e.g. in a multi-parish benefice.

A: The role description needs to be prepared collaboratively which should include discussions about prioritising and apportioning time. There also needs to be some flexibility to respond to pastoral situations and to be able to develop new work. Role descriptions should also be reviewed regularly.

Q: Are the points in the role description actionable?

A: Yes, they will be discussed during pastoral consultations. If someone is experiencing any difficulties the Bishops will try to determine what can be done to help. The capability process would only be used after all informal attempts at resolving a challenge have been exhausted. But that is the last resort.

Q: Will a link be made to the Pastoral Letter mentioning "Generous Community" etc?

A: Yes.

### ***Pastoral Consultations***

Q: Will suffragan bishops have time to see all their clergy every 18 months?

A: On average this works out at about two per week, three or four if you allow for holiday periods and other busy times. This commitment is seen as an essential part of their roles.

Q: It is important that the suffragan bishops' PAs issue invitations on time.

A: Yes, we agree. This will be a high priority for the new suffragan bishops.

Q: Will there be bishops who are adept at pastoral consultations?

A: This is a priority in the appointment process. Training will be available on a national basis. Suffragan Bishops will also be subject to review (with the Diocesan Bishop); their ability to conduct Pastoral Consultations will be a competency that will feature as part of their reviews.

Q: Will ministers be treated differently with regard to pastoral consultations if they are freeholders or have Common Tenure?

A: No, they will be treated similarly. Freeholders do not have to take part in the pastoral consultation process but to date almost everyone does.

Q: How will the system cope when the posts of suffragan bishop are vacant?

A: It will not be easy. Bishop Michael is seeing some clergy during the current vacancies. We hope to have our new suffragan bishops in post this year and Bishop Michael has indicated that he views Pastoral Consultation as a priority task for the new suffragans.

Q: Would it be desirable for the archdeacons to conduct pastoral consultations (alternating with the suffragan bishops)?

A: This would not be possible given their current and envisaged workloads.

Q: Will self supporting ministers go through the same process of pastoral consultation?

A: Yes, exactly the same as stipendiary clergy.

Q: What would happen if clergy did not participate in the process of pastoral consultation?

A: The bishop concerned will follow that up. But we are aiming for positive engagement rather than coercion. To date almost everyone has participated in Pastoral Consultation freely and have found it a beneficial process.

Q: No-one in my parish knows what I do. How do I find people to complete the feedback forms?

A: Others should be aware of what you do, because they hear from others, are told by you and can observe for themselves. I am sure that you interact with many people in your day to day ministry and you may be surprised at how much those people are aware of your work.

### ***Continuing Ministerial Development***

Q: For many years, the Bishop has encouraged Continuing Ministerial Development up to age 60. Will that continue?

A: Yes. But we have already dispensed with that age limit. Indeed, retired clergy are welcome to share in the provision of Continuing Ministerial Development – they are still ministers.

Q: Does the annual minimum of five days' Continuing Ministerial Development have to include a residential conference?

A: No. Continuing ministerial development may involve participation in diocesan events, other courses and conferences, study (either guided by an external agency or self devised), having a work consultant, being part of a work-based learning group, or accessing other support or development opportunities. It must respond to the individual priest's identified personal and development priorities.

Q: Can the Diocese afford to make the necessary CMD provision?

A: Legally we have no choice. We cannot afford *not* to make CMD provision. But it is anticipated that the extra cost will not be substantial.

Q: What funding is there for CMD other than that provided within the Diocese?

A: We aim to provide a grant to cover one third of the cost of fees and travel for external courses and conferences. The Benefice is expected to pay a third and the individual a third. Only one grant per year can be made and the ceiling is about £200 per person. There are also various grant awarding trusts listed in the Discipleship and Ministry department brochure.

Q: What are the rules with regard to sabbaticals (study leave)?

A: Information is given in the Discipleship and Ministry brochure. The minimum 15 years period of service has been reduced to 11 and there will be the possibility of more than one period of study leave during a cleric's working life.

### ***Retreats***

Q: Is it a requirement to go on retreat?

A: Yes. But the time need not be taken in a block. For instance the annual retreat can be spread over five separate days if that suits an individual better.

Q: Is there funding for retreats?

A: Yes, a grant of £50 per year from the Diocese. The Bishop suggests that benefices should pay the remainder of the cost.

Q: Will the flat at Wolvesey continue to be available as a low cost retreat option after the bishop retires?

A: This will depend on the diocesan bishop. It may be necessary to do maintenance work after Bishop Michael retires. There are other low cost options within the diocese and information is available from the Department of Discipleship and Ministry.

### ***Capability and Grievance Procedures***

Q: How will capability be defined? Will questions be asked such as “Has the parish share been paid?” “Has ministry in schools been developed?”? It is not always in the power of the minister to achieve such things.

A: The aim of the capability procedure is developmental – to assist and support the cleric in their role. It would be wrong to expect the impossible from someone but it may be possible after investigation and consideration to achieve improvements in a situation with the right help and support.

Q: In the event of a capability procedure, would what a congregation member had written on a feedback form for a Pastoral Consultation be taken into account?

A: No, feedback forms are destroyed after the Pastoral Consultation. The bishop completes a summary under set headings, which is agreed by the cleric. This summary document will only be referred to in a capability process if the content is relevant to the capability.

Q: Are there set timescales in the capability and grievance procedures?

A: Yes, but the archdeacon has to try and do everything possible to resolve the matter informally before formal processes begin.

Q: Do the capability and grievance procedures replace the clergy discipline measure?

A: No, they will run alongside each other. They are however quite different.

Q: What procedure is available should clergy have, for example, a difficult churchwarden?

A: The appropriate route would be a grievance procedure. The Archdeacon, or another person agreeable to both parties, would try to mediate first.

Q: At what stage would a record be kept on my file?

A: When the formal process begins.

### ***Other matters***

Q: Will the process create a lot of work for diocesan staff?

A: Yes, initially. That is why Susan Beckett has been appointed as half-time HR Adviser. Suffragan bishops, archdeacons and their PAs will also have their workloads affected, and some diocesan office staff. Our Clergy Terms of Service Implementation Group will be keeping a close eye on the resource implications.

- Q: Have the tax implications for stipendiary and self supporting ministers been considered?
- A: We have been advised by the Archbishop's Council that the current tax arrangements will not change.
- Q: Is there any training or information available for lay people about Clergy Terms of Service? They probably do not understand it.
- A: We plan to carry out a variety of awareness raising and training in particular for churchwardens and diocesan staff.
- Q: Parish representatives involved in the appointment process will need to understand Common Tenure.
- A: The impact Clergy Terms of Service will have on the appointments process is currently being considered. The Archdeacons will continue to discuss Common Tenure with the parish representatives at the point of vacancy. We will be creating guidelines to add to the Vacancy Pack shortly.