

APPOINTMENT AND OFFICE

Information for Clergy who hold their *Office* with Common Tenure (and in some cases Freehold) terms

Clergy Responsibilities

Clergy are called as Priests and Deacons to serve and care for the people of God. In this task they work with the Bishop, their fellow clergy and other ministers. The responsibilities of their office are set out in the Ordinal and in the Canons, as well as the licence/deed of appointment, the role description (often contained within the Benefice Profile) and the Guidelines for the Professional Conduct of the Clergy. Further responsibilities of office are linked to particular appointment or tenure of office (Appointment and Office below).

The Canons of the Church of England <https://www.churchofengland.org/more/policy-and-thinking/canons-church-england>

The Guidelines for the Professional Conduct of Clergy
<https://www.churchofengland.org/sites/default/files/2017-10/Clergy%20Guidelines%202015.pdf>

Clergy hold the Bishop's licence to minister either in their parish or in the context of a sector post. Bishops have a particular pastoral care for those who hold their licence. Bishops exercise this duty of care alongside their responsibility to uphold and guard the faith, unity and discipline of the Church.

In order that Bishops can fulfil their calling to care for those who work with them in the ministry of the Church, it is important that they should be informed of any significant matter that affects the life and well-being of clergy and their families. Clergy are therefore requested to let their Suffragan Bishop know about the following:

- if they are to be married;
- if there is a new child born into the family;
- if they or anyone close to them suffers an accident or is diagnosed as suffering from serious illness;
- the death of a spouse, member of their family or someone close to them;
- any matter which has a significant effect upon the life of the clergyperson and/or their family, and which may put a particular strain upon them either privately or publicly.

For those ordained to the public ministry of the church, private and public aspects of life impinge upon each other in a unique way. To enable the Bishops to discharge their responsibilities for pastoral care and for the upholding of public ministry, clergy must inform them at the earliest opportunity, about the following:

- serious marital problems likely to lead to divorce;

- an intended marriage to a person who is divorced and whose former partner is still alive;
- circumstances of personal hardship or serious debt;
- if through pressure of work or lack of finance they or their family are unable to take a holiday.

Sometimes clergy find themselves involved in matters which seriously affect both their own life and their ministry, and which are also matters of public concern. The Bishops will be able to give advice and assistance to the minister involved, but will also be aware of their responsibility to the parish and those amongst whom the minister serves. The Bishops, the minister involved, and others will very likely require the help of the Diocesan Communications Resource – <https://www.winchester.anglican.org/communications/> in handling any press or media interest.

It is imperative that clergy inform the Bishops as soon as possible about such matters as:

- prosecution for drink-driving;
- any charge which may lead to a court appearance;
- any offence committed in public or private which may lead to press exposure or public scandal;
- any offence committed which involves children or vulnerable adults;
- any matter which may seriously prejudice the individual's future ministry through adverse public reaction or controversy.

Bishops and clergy should be constantly aware of “the greatness of the trust committed to their charge” (The Ordinal), and so should take every opportunity to reflect upon the practice of their ministry and always be prepared to work with others in identifying and implementing good practice.

The Diocese provides confidential counselling for its clergy in times of need. Details of the Diocesan Counselling Service can be found on the Diocesan Website -

[https://cofewinchester.contentfiles.net/media/documents/document/2017/11/Counselling_Leaflet - Updated 21 September 17.pdf](https://cofewinchester.contentfiles.net/media/documents/document/2017/11/Counselling_Leaflet_-_Updated_21_September_17.pdf)

The Bishop's Visitors provide confidential support to the spouses and family of clergy whose marriages are in difficulty. They are able to put people in touch with appropriate networks for further help. Contact the Diocesan Office for contact details.

Under a nationally agreed policy all clergy in the Diocese are subject to an enhanced disclosure procedure undertaken by the Disclosure and Barring Service (DBS) according to the procedures currently in place. This check will occur when any clergyperson takes up a new post in the Diocese. The check may also take place at other times in accordance with current good practice in this area. For further information about DBS contact the Diocesan Office.

Appointment and Office

It should be noted that all clergy, regardless of their form of tenure (are subject to the provisions contained within the Canons, the Clergy Discipline Measure, the current law related to patronage and the appointments procedure, and anti-discrimination legislation (apart from the specific exemptions granted).

Prior to February 2011, clergy held their office either with Freehold or without Freehold. From February 2011, the Ecclesiastical Offices (Terms of Service) Measure and the Ecclesiastical Offices (Terms of Service) Regulations came into effect. This legislation conferred a new way of holding an ecclesiastical office, termed **Common Tenure**.

All appointments made after this legislation came into effect are subject to Common Tenure. Those clergy with Freehold are welcome to transfer to Common Tenure, for further information contact the Head of HR at the Diocesan Office or follow links to national Church of England website.

<https://www.churchofengland.org/more/clergy-resources/national-clergy-hr/common-tenure-faqs>

Common Tenure

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

afford clergy a range of rights, support, responsibilities and accountabilities.

Clergy on Common Tenure receive a Statement of Particulars which sets out the matters relating to the general day to day aspects of their appointment and indicates rights and responsibilities. The person nominated by the Bishop to issue a Statement of Particulars is the Suffragan Bishop.

Most common tenure appointments are permanent and will be held until the individual reaches the age of 70. However, it is possible to hold common tenure on a time limited arrangement. Such arrangements can only be made in the following specific circumstances:

- If the appointment is designated as covering another office holder's absence from work
- If the appointment is held by an office holder over 70
- If the appointment is designated as a training post
- If the appointment is designated as subject to sponsorship funding
- If the appointment is designated as a probationary office
- If the appointment is created by bishop's mission under the diocese Mission and Pastoral Measure 2011
- If the appointment is designated as held in conjunction with another office or employment.

- If the appointed office holder does not have the right of abode or unlimited leave to remain in the UK
- If the appointment is designated as a Locally Supported Ministry post (eg locally funded).
- If the appointment is formally designated as an interim post by the bishop of the diocese

The appointment may also be event limited, as when a cleric is priest in charge of a benefice where presentation to the living has been suspended.

Termination of Office

For all clergy, unless resigning, term of office may only be terminated by the Bishop in accordance with the following circumstances:

- on the death of the office holder;
- on attaining the retirement age specified in relation to that office in section 1 of the Ecclesiastical Offices (Age Limit) Measure 1975 (1975 No. 2) or on the expiration for any period which the office holder is permitted to continue in office after the retirement age under section 2 or 3 of that Measure;
- where the office holder is removed from office following a finding of guilt for an offence under Part VI of the Ecclesiastical Jurisdiction Measure 1963 (1963 No. 1) or under any provision of the Clergy Discipline Measure 2003 (2003 No. 3);
 - where the office ceases to exist in consequence of a pastoral scheme or order made under the Pastoral Measure 1983 (1983 No. 1) or reorganisation scheme made under Part II of the Dioceses, Pastoral and Mission Measure 2007 (2007 No. 1)

Additional circumstances for terminating Common Tenure appointments

As set out at Section 3 of the Ecclesiastical Offices (Terms of Service) Measure 2009 the bishop may also terminate office:

- where the Bishop revokes the licence of the office holder under the capability procedures
- where the term is fixed or is otherwise limited, on the expiry of the term or the occurrence of the event in question, as the case may be.

Resignation of office

All clergy are requested to put their intention to resign in writing to the Diocesan Bishop directly if they hold office as an incumbent or priest-in-charge, and to their incumbent and the Diocesan Bishop if they are in an assistant role. Clergy are required to give at least 3 months' notice before resigning their appointment. This period may be waived by agreement with the Diocesan Bishop.

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