

Winchester Deanery Synod Motion

Note from the Diocesan Secretary

Introduction

1. I welcome this proposed motion from Winchester Deanery Synod, not only for its constructive and affirming intentions, but also as it is such a positive demonstration of how our synodical structures can be used to raise important issues.
2. It has been some years since we last received a Diocesan Synod motion through a Deanery Synod. I therefore felt it might be useful to remind Synod members of how the process works.
3. When a motion is received from a Deanery Synod (or indeed a Private Members motion) it is usual practice for the Diocesan Team to respond, offering a technical perspective on what is proposed. In some cases it may be that a motion cannot be progressed due to legislative or technical issues. That is not the case in this instance. Having reviewed the proposals as drafted, the Diocesan team does not wish to raise any objections or concerns.
4. This motion calls for action from General Synod, Diocesan Synod and the Bishop of Winchester. If it is passed by Diocesan Synod, the motion will be forward to General Synod for consideration, the actions agreed for Diocesan Synod will be enacted, and the Bishop of Winchester will be invited to reflect on the request.
5. We cannot guarantee when the motion would be put to General Synod (due to pressures of business), but as and when it is scheduled, one of our General Synod representatives would be called upon to speak to the motion and propose in on our behalf.
6. Below I have shared the full comments received from the Diocesan Registry relating to this proposed motion. I commend these to Synod as helpful background and legal context to the motion before you.
7. Finally, if other members of Synod are interested in exploring bringing forward motions from their deanery please do review the guidance notes on our website <https://winchester.anglican.org/wp-content/uploads/2022/11/Guide-to-submitting-a-deanery-synod-motion-to-diocesan-synod.pdf> and contact Cathy Laird for an initial conversation.

CH
March 2023

Comments from the Diocesan Registry

Most clergy are ecclesiastical office holders. They have certain duties and must discharge certain functions as required by the Canons of the Church of England and by other law. However, it is entirely a matter for them how they choose to discharge their functions including, if they choose, arranging for another suitably qualified person to perform them.

In 2010, the Common Tenure regime was introduced with the aim of defining with greater clarity the terms of service of the clergy. It introduced, for the first time, a minimum entitlement to an uninterrupted rest period of not less than 24 hours in any 7 day period. However, clergy are still office holders, and they are still entitled to perform their duties in whatever way they think fit. They can, therefore, perform their duties (or arrange for their duties to be performed) in such a way as to allow for longer periods of rest without any further permission or authority.

To complete the picture, almost all serving clergy are now subject to the Common Tenure regime, but many of the Common Tenure regulations (including the entitlement to a minimum rest period) do not apply to employed clergy. Employed clergy are usually serving as chaplains in schools, hospitals, prisons or other institutions, or as diocesan central staff. Employed clergy have entered into a contract of employment with their employer, and their terms and conditions (including entitlement to annual leave and days off) are regulated by that contract.

I have seen the motion proposed by the PCC of St Barnabas, Winchester, and I would comment as follows:

1. Most clergy (those that are entitled to the minimum uninterrupted rest period) do not need further authority if they wish to take longer periods of rest, provided their duties are being performed.
2. There may, nonetheless, be merit in amending the Common Tenure regulations to increase the minimum entitlement to an uninterrupted rest period as a way of encouraging clergy to take more rest.
3. The Common Tenure regulations can only be amended by the General Synod.