



Clergy Terms of Service : A Brief Overview

BRIEFING

Major Cultural Change

- 1.1 The Terms of Service legislation represents a significant shift away from established patterns of ministry in the Church of England.
- 1.2 Under the new regime, Clergy become accountable in a new way to the bishops; and bishops will be required to support clergy in a new way
- 1.3 The Archbishops' Council (through the Ministry Division) may give guidance to the bishops in their oversight, training and development of clergy in their ministry
- 1.4 Diocesan Boards of Finance become responsible as the "respondents" to any legal action brought by clergy in Employment Tribunals.

Some Practical Issues

Common Tenure and Qualified Common Tenure

- 2.1 "Common tenure" gives a high measure of security to all clergy, so that most cannot be required to leave a parish without due process and/or compensation under the Measure, until they reach the compulsory retirement age (currently 70 years).
- 2.2 Not all clergy will be covered automatically by "Common Tenure": those already holding a freehold benefice may volunteer

to relinquish this in favour of common tenure (as may the bishops and archdeacons already in post on 1 February 2011); some (for example, training posts, certain reorganisation posts, and probationary posts) will have "Qualified Common Tenure".

Statements of Particulars

- 2.3 Upon implementation, all qualifying clergy are now issued with a "Statement of Particulars". These contain specified information about inter alia stipends, occupation rights, entitlement to paid leave, maternity and paternity leave.
- 2.4 These Statements are in a highly abbreviated form. They are filled out by reference to other material (in legislation, guidance, or diocesan handbooks – on paper or online) to be found elsewhere

Continuing Ministerial Education

- 2.5 A new regime of Continuing Ministerial Education is being implemented in dioceses in collaboration with the Ministry Division of the Archbishops' Council.
- 2.6 There is a statutory duty on bishops to make provision for all new clergy under Common Tenure to receive appropriate ongoing training



Ministerial Development Review

- 2.7 The process of Ministerial Development Review which previously was entirely voluntary has now become compulsory, and provides the context in which “capability” will be assessed.
- 2.8 Canon C24 (appended to this note) provides a helpful summary of the legal duties of clergy who have pastoral care for parishioners.
- 2.9 Guidelines for the Professional Conduct of the Clergy gives further guidance as to the way clergy should carry out their ministry. See:
<http://www.churchofengland.org/media/1168846/guidelines%20for%20the%20professional%20conduct%20of%20the%20clergy.pdf>

Capability Proceedings, Warnings, Panels and Appeals

- 2.10 There is a detailed process for assessing “capability”, similar to the ACAS process for secular employees: it involves an informal stage, then three formal stages with written warnings and rights of appeal to capability assessment panels. Potentially, capability issues may result in an appeal to an Employment Tribunal.
- 2.11 A structure has also been introduced for dealing with grievances by clergy against bishops, archdeacons, area deans and one another.

- 2.12 Employment Tribunals may award compensation (limited to £50,000.00 in most cases but open-ended in cases involving discrimination)

Appointments and Role Descriptions

- 2.13 All this will have an effect on the appointment process, as “Role Descriptions” in particular will have to be prepared in collaboration with parish representatives (a process similar to, but not identical with the present “Parish Profiles”).
- 2.14 Extending the tenure of, for example, team vicars’ posts may mean that clergy mobility and redeployment will become less predictable.

Suspension of Presentation

- 2.15 Whilst it will still be possible to suspend presentation by patrons, there will be compensation implications in all cases, and particularly high value compensation provisions in certain cases if reorganisation is not completed within five years. Careful legal advice will need to be taken by Pastoral Committees and others proposing significant reorganisation in these cases.

Embracing the New Culture

- 3.1 All this may appear very daunting, and the extent to which the Church of England’s culture may be changed by it, cannot be overstated.



- 3.2 However, it remains largely a matter of formalizing the ideal of ministry and mission encapsulated in “canonical obedience” and (in the words used at clergy licensing and institutions) “the ministry which is both yours and mine”.

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Appendix : C24 Of priests having a cure of souls

- 1) Every priest having a cure of souls shall provide that, in the absence of reasonable hindrance, Morning and Evening Prayer daily and on appointed days the Litany shall be said in the church, or one of the churches, of which he is the minister.
- 2) Every priest having a cure of souls shall, except for some reasonable cause approved by the bishop of the diocese, celebrate, or cause to be celebrated, the Holy Communion on all Sundays and other greater Feast Days and on Ash Wednesday, and shall diligently administer the sacraments and other rites of the Church.
- 3) Every priest having a cure of souls shall, except for some reasonable cause approved by the bishop of the diocese, preach, or cause to be preached, a sermon in the church or churches of which he is the minister at least once each Sunday.
- 4) He shall instruct the parishioners of the benefice, or cause them to be instructed, in the Christian faith; and shall use such opportunities of teaching or visiting in the schools within his cure as are open to him.
- 5) He shall carefully prepare, or cause to be prepared, all such as desire to be confirmed and, if satisfied of their fitness, shall present them to the bishop for confirmation.
- 6) He shall be diligent in visiting the parishioners of the benefice, particularly those who are sick and infirm; and he shall provide opportunities whereby any of such parishioners may resort unto him for spiritual counsel and advice.
- 7) He and the parochial church council shall consult together on matters of general concern and importance to the parish.
- 8) If at any time he shall be unable to discharge his duties whether from non-residence or some other cause, he shall provide for his cure to be supplied by a priest licensed or otherwise approved by the bishop of the diocese.