

**Clergy
Couples
Guidance**

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Foreword

When the Advisory Council for the Church's Ministry first issued guidance on the selection, training, and deployment of couples in ministry (*Joint Ministries*, 1986), it was addressing a comparatively rare phenomenon. Most of the couples involved were still in first appointments and all the women were either deaconesses or licensed lay workers: it was not until the following year that women were ordained to the diaconate.

In these circumstances, there was an understandable tendency for those responsible for deploying clergy couples to engineer pragmatic local solutions, without undue concern for broader issues of policy and principle. Many couples benefitted from this entrepreneurial approach; others found themselves disadvantaged.

The situation is now very different. The Church of England, and the nation as a whole, has been blessed over the past quarter of a century by the faithful ministry of many clergy couples, working in an almost bewildering range of permutations, covering parochial and specialist ministries, senior posts, part-time and full-time, stipendiary and non-stipendiary. It is difficult to be precise about numbers but it would be a fair estimate to say that some 900 clergy are now part of a clergy couple.

With the burgeoning of this ministry has come a realisation that the informal solutions of former years are no longer adequate. A more complex and prescriptive national legislative framework has had an impact on the work, and working conditions, of all clergy. The Church of England's own Terms of Service legislation creates more precise expectations about the way in

which clergy are deployed and their ministry supported and developed. The clergy themselves rightly expect fair and consistent treatment in terms of their working conditions.

The information given in this guidance incorporates the provisions of the terms of service legislation. The guidance builds on the accumulated experience and reflection of clergy couples and those who have particular responsibilities towards them, and is the latest in a series of attempts to provide accurate and informative guidance in the light of changing circumstances. By setting out a good deal of information, much of it technical and prescribed by law, the guidance can help to manage the expectations of all those, not least the couples themselves, who seek to promote and enrich this particular configuration of ordained ministry.

The National Association of Diocesan Advisors in Women's Ministry (NADAWM) intends to produce in 2010 a complementary resource on the opportunities and pitfalls for clergy couples. The Archbishops' Council's Deployment, Remuneration, and Conditions of Service Committee has agreed to circulate this in due course.

When it comes to balancing economic, pastoral and individual needs, expectations will need to be realistic on all sides, with a recognition that not all ideal solutions can be delivered; and desirable outcomes might sometimes be in conflict with each other. For instance, at a time when there is rightly a greater transparency and openness in clergy appointments, it is more difficult to create posts to suit the needs of an individual or couple, however desirable that might be. The Church of England has always selected and trained people for ordained ministry as individuals, and its deployment of stipendiary clergy is predicated on the identification of established posts, for which

those individuals can be considered for appointment. The Church does not employ a workforce which it is then free to move around at will. This state of affairs creates a constraint on clergy couples, in requiring them to be realistic and flexible when seeking appointments, and on those making appointments, to be equally realistic and flexible in the way they treat clergy couples, to minimise their frustrations and to respect their ability to make mature decisions about their future.

I welcome the publication of this timely document and would like to thank the working group which produced it. I hope it will be useful to clergy couples and those advising and supporting them.

+ John Ripon and Leeds

Background

1.1 The guidance booklet, *Partners in Marriage and Ministry* (ABM Ministry Paper No 11), was published in December 1995. Since then further guidance of a more technical and legal nature which impacts on the position of clergy couples has been issued periodically. However, all this material is now out of date and has been withdrawn.

1.2 In 2008 the Archbishops' Council's Deployment, Remuneration, and Conditions of Service Committee (DRACSC) asked a working group to develop up to date technical guidance relating to clergy couples. The group met five times from December 2008 to July 2009, and has prepared this guidance which sets out the key points and signposts further detailed guidance on specific issues. The guidance was approved by DRACSC in September 2009.

Chapter 2

Selection

2.1 Over the last 15 years there has been an increasing number of couples exercising ordained ministry. Some have married during training or soon afterwards whilst for other couples the second partner's vocation has been realised some years later. The selection process for people in these two situations is relatively straightforward. There is, however, a small number of people who are already a couple when they offer for ordination and the Ministry Division can advise on their selection process on a case by case basis.

2.2 Individuals will be expected to attend different Bishops' Advisory Panels, although, if asked, Ministry Division will try to allocate them to panels which run concurrently.

2.3 As for any candidates, no guarantee can be given that individuals in a clergy couple will be deployed in a particular way.

2.4 It would be helpful if the DDO would encourage couples planning to engage in ministry to make contact with more experienced clergy couples in the diocese for information and advice. People in the diocese who have been involved in ministerial development and review might also be a useful source of help.

Training

3.1 No special provisions are made for the training of clergy couples.

3.2 If candidates marry during training, care should be taken in exploring the consequences of this for their subsequent ministry. Special problems may arise, for example, when the periods of training do not match. It may be helpful for both partners to become candidates of one diocese. Those wishing to make changes to their original selection recommendation because of the change in their status should note that such changes require the consent of the Candidates Panel.

3.3 It is not advisable for a curate to serve his/her title under the direct supervision of his/her spouse except in very rare circumstances. The personal relationship could distort the training relationship, making rigorous training, supervision and evaluation difficult

Chapter 4

Holding Office

4.1 Most people who have jobs are employees, working under a contract of employment, which is a legally binding agreement between the employer and employee, and duties arise out of that agreement. In contrast, the parochial clergy of the Church of England are office holders. Duties flow from the nature of the office, they are not created by contractual agreement but arise from Common Law, and the Canons and Measures of the Church of England.

4.2 Although it does not have to be full time, one of the features of an office is that it cannot be shared with another person. Where clergy wish to serve together in the same parish, it has sometimes been the practice to license one as incumbent or priest in charge, and the other to a different office as assistant curate or associate priest. For some couples this works well, but in some cases this has the potential to be a source of difficulty and tension for a number of reasons.

- It requires one person to hold an office that is senior in status to that held by the other, when their personal perception may be that they are sharing ministry in the parish equally.
- The legal reality – as depicted on pay statements and in Crockford and the Diocesan Directory – may not reflect how the clergy concerned are actually carrying out their ministry.
- In future interviews it could be difficult to demonstrate that someone had experience at a certain level.

4.3 In view of this, many couples have found it helpful, both for themselves and those to whom they minister, for each to hold offices in different benefices, or different parishes in a multi-parish benefice or, alternatively, for one to exercise ministry in a separate role (for example, as a chaplain or in a diocesan role), while the other has a parochial office.

Chapter 5

Appointments

5.1 Principles of equal opportunity should be applied to appointments. The Sex Discrimination Act 1975 and Regulations made under it, provide that it is unlawful to discriminate against employees and certain office holders on the grounds that they are married. So, for example, a policy which prevents or discourages an individual from applying for a particular office either because she or he is a member of a clergy couple, or because he or she is not could be discriminatory.

5.2 The advantages of members of a clergy couple ministering together in a single benefice relate to the wider range of gifts present in the couple than could be offered by either of them alone. Disadvantages can include the difficulty in setting aside the demands of their work roles during time off, and the risks of deciding things between themselves with less consultation in the parish than might otherwise be the case.

5.3 Although it is recognized that appointing the members of a couple to work together is contrary to much secular practice, particular circumstances surround the deployment of clergy such as the geographically defined area of work, residence requirements and housing provision, which make the position less clear cut. On the other hand factors such as the perception by others of preferential consideration or undue influence need to be taken into account.

Decisions on deployment should not be made based on assumptions about how a partner may be affected.

5.4 Where members of a couple are to be appointed to offices in the same benefice, dioceses and patrons should be active in helping parishes to understand the positive benefits and the particular pressures that may be experienced by the couple.

5.5 Care should be taken to ensure that full and unambiguous details of working arrangements are prepared and understood *before* individuals in a clergy couple are appointed to offices where they will work together. These should cover the following¹:

- i) the duties of each office and whether or not it attracts a stipend and provided housing
- ii) the payment of working expenses
- iii) office facilities and any secretarial support
- iv) holiday provision
- v) how duties are to be shared in the parish
- vi) when time off is to be taken
- vii) the meetings that both partners are expected to attend
- viii) regular review of the arrangements

These details should be made known to the churchwardens in the parishes.

¹ Some, but not all, of these matters will be stipulated in the Statement of Particulars for office holders under Common Tenure.

Chapter 6

Remuneration

6.1 Stipends

6.1.1 Where an office is stipendiary, the appropriate stipend should be paid to individuals in relation to their appointment, whether for full-time or part-time appointments.

6.1.2 Where a person is appointed to a part-time post, there should be recognition of their eligibility for other employment during the remainder of the week.

6.1.3 Each person will have independent entitlement to statutory payments such as sick pay, maternity/paternity leave and parental leave.

Up to date information about the Central Stipends Authority's recommendations on family friendly policies can be obtained from the CSA c/o the Ministry Division, Church House, Great Smith Street, London SW1P 3AZ. The document also gives information about statutory provision.

6.2 Housing

6.2.1 The origin of the tied-house system for clergy lies in the middle ages when clergy were provided with land, from which they derived an income, and on which they lived. To secure it clergy were given freehold rights in the property for the tenure of their office.

6.2.2 Thus, in all but a small number of benefices, a stipendiary incumbent's remuneration includes housing vested in the incumbent as benefice property. The incumbent has a legal duty to reside in that house unless the bishop grants a concession, see paragraph 6.2.6.

6.2.3 This is not the same as a legal *entitlement* to housing. There is presently no legal entitlement to housing for any office although housing for stipendiary parochial clergy who are not incumbents is usually provided. This position will change under Common Tenure².

6.2.4 Under Common Tenure, stipendiary parochial office holders who are not incumbents will usually be entitled to be provided with housing. The housing provider is the diocesan parsonages board in the case of parochial clergy. This does not mean that the DPB has itself to provide the house - it can arrange for another person or body (such as the DBF or the parish or the patron) to provide it.

6.2.5 This Common Tenure right to accommodation can be waived or modified by agreement; and a diocese can fulfill its duty to provide housing if clergy share provided accommodation as part of a clergy couple.

6.2.6 Canon C25 provides that incumbents must reside on the benefice, and in the house of residence belonging to that benefice. It also defines circumstances in which the bishop can dispense with that requirement.

² Common Tenure will be created by the coming into force of the Ecclesiastical Offices (Terms of Service) Measure 2009, expected to be by 2011.

6.3 Housing Allowance

6.3.1 The stipend levels recommended by the Central Stipends Authority assume that accommodation will be provided free of rent, water rates, repairs, (building) insurance and Council Tax.

6.3.2 If parochial clergy occupy their own house with the permission of the bishop and in a location convenient for their work a housing allowance may be paid, but there is no entitlement to one.

6.3.3 The CSA gives guidelines to dioceses on matters to take into account in the calculation of housing allowances. However, dioceses are under no obligation to follow these.

6.3.4 Sometimes a member of a clergy couple will be working in a diocesan post; in which case they will probably be an employee rather than an office holder.

Care needs to be taken that in the total remuneration package there is no unlawful discrimination on the grounds of gender or marital status between such a person and another diocesan employee working in a similar role.

It may be helpful to seek advice from your diocesan registrar or HR Adviser.

6.4 Expenses

6.4.1 Clergy who do not live in their parish are not as a matter of course entitled to claim expenses for travelling to their place of work any more than any other worker would be able to.

However, there may be particular circumstances where full or partial re-imbursement would be reasonable. If so this should be agreed at appointment.

6.5 Pensions

6.5.1 Pensions for clergy in stipendiary ministry are provided under the Church of England Pensions Measures.

6.5.2 Benefits follow stipend. If one partner receives the full stipend then they will have full pension cover (pension/lump sum accrual and death in service benefits) and the other partner will not be covered at all.

6.5.3 Those in part-time roles will be covered in proportion to stipend. This includes the death in service lump sum. For example, if someone is on half stipend then the death in service lump sum which they have accrued will be half of the full amount. Similarly, each year of actual service would accrue half a year of pensionable service.

6.5.4 The death in service lump sum benefit is payable at the discretion of the Pensions Board. Scheme members are invited to nominate one or more beneficiaries.

6.5.5 Copies of the latest pension leaflet are available from the Church of England Pensions Board, 29 Great Smith Street, Westminster, London SW1P 3PS on request. If you have any pension queries, please send them to The Pensions Manager at the Pensions Board.

Chapter 7

Taxation

7.1 Since the introduction of independent taxation for husbands and wives in 1990, the taxation circumstances of clergy couples are unlikely to be different from any other clergy. Questions that do arise are often about expenses and allowances and apply to all non-stipendiary clergy and part time stipendiary clergy whether or not they are in a clergy couple.

7.2 Where work expenses are reimbursed, there should be no tax implications. If they are not reimbursed, clergy may seek tax relief. Such relief is only available, however, against tax which has been paid in the same role. If an office is non-stipendiary, therefore, no relief can be claimed since no tax would have been paid in that role.

7.3 The Church Commissioners' Heating Lighting and Cleaning scheme has two principal advantages. First, it saves national insurance contributions on the proportion of the stipend which is spent on these costs. Secondly, it gives additional tax relief on those costs. (The actual value of this relief varies from case to case, since it is based on the very complex Service Benefit restriction, whereby the amount by which these costs exceed 10% of the occupant's net income is granted tax relief.). However, the scheme is restricted to those who are both in provided accommodation and in full-time duties (measured, in practice, by the receipt of a full stipend).

Clergy who do not qualify may claim tax relief only on the work-related proportion of such costs, although once again this is only

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available against tax which has been paid in the same role.
Thus, if an office is non-stipendiary no relief would be available.

7.4 Further information can be obtained from the Clergy Pay Department, Church House, Great Smith Street, London SW1P 3AZ.

Personal taxation advice should be sought from HMRC, or a suitable qualified professional.