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Diocese of Southwell & Nottingham

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Southwell and Nottingham  
Diocesan Board of Finance

**Handbook for Clergy  
and stipendiary licensed Lay Workers**

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## Foreword

The role undertaken by clergy can be complex and constantly evolving; it is governed by many different areas of law, as well as shaped by guidelines and good practice. This handbook is designed to be the 'go-to' source (a first port of call) when clergy are looking for answers to questions they have, although it is recognised that in some cases the Diocesan Office will need to be contacted for specialist advice.

This handbook covers matters of licenses as well as stipends, pensions, expenses, annual leave, sickness and the special circumstances of life. It also covers the provision for clergy development and review, in order to help clergy make the most of opportunities before them to learn, grow and reflect. Matters of wellbeing are also referred to here as they can impact significantly on us, our families and our ministry.

It is hoped that this handbook provides a framework for all aspects of our ministry that we need to do, and those aspects that we should do to ensure we are modelling a healthy working culture for ourselves and those around us, as we share together in growing disciples wider, younger and deeper.

As legislation and guidance changes, this handbook will be updated. Equally, if there are questions that do not appear to be covered, do get in touch with [Janet.Brothwell@southwell.anglican.org](mailto:Janet.Brothwell@southwell.anglican.org) as it may result in helpful amendments and clarifications that benefit clergy in similar situations.

The Ven Phil Williams  
Archdeacon of Nottingham

The Ven Victoria Ramsey  
Archdeacon of Newark

# 1. Introduction

**This Handbook sets out the provisions for Clergy and stipendiary licensed Lay Workers under Common Tenure.**

Much of the information contained within it also applies to Clergy who are not within Common Tenure. A comparison of Freehold with Common Tenure is included at [Appendix O](#).

In this Handbook the 'Regulations' referred to are the Ecclesiastical Offices (Terms of Service) Regulations 2009.

This handbook should be placed alongside other key documents included as Appendices, and also the following:

- **The Diocesan Directory** Full contact information on parishes, key people, the Diocesan Office, etc.
- **Ad Clerums** The Diocesan Bishop's guidelines to clergy on specific issues are issued to all clergy in the form of 'Ad Clerums'. These will usually refer to the practical outworking of ministry for instance on holy communion, marriages, confirmation, licensings and pastoral ministry.

Ad Clerums can be obtained from the diocesan web site via the following link:

<http://southwell.anglican.org/about-us-2/who-we-are/bishops/bishop-paul/ad-clerum/>

From time to time the Bishop will also write Pastoral Letters or invitations to specific events; these will be emailed directly to you.

- **Our diocesan website** [www.southwell.anglican.org](http://www.southwell.anglican.org) where you can access a wealth of information about current and future events, help available from the Diocesan Office Departments, key people, the diocesan download site, and much more.

# 2. Vision, Values and Resources

Our diocesan vision (an outline of which is included at [Appendix A](#)) is defined as:

**Growing Disciples Wider Younger Deeper**

**Compelled by the love of Christ, by 2023 we will prayerfully seek to:**

**Welcome 7000 new disciples into the fellowship of Christ and His church**

**Commission 1000 younger leaders (15-30) equipped to serve God in the Church and society**

**Plant or graft 75 new Worshipping Communities**

**Grow 25 larger Resource Churches inspired and equipped to "give themselves away"**

**Serve as 1 Church contending for the Gospel in every community and sphere of public life**

### **3. About the Diocese**

The Diocese of Southwell was founded in 1884. It covers 847 square miles including the whole of Nottinghamshire and a few parishes in South Yorkshire. The Diocese covers the city of Nottingham and many former coalfield communities, with other major towns including Mansfield, Newark, Worksop and Retford, as well as rural villages with traditional farming industry, plus the heavy industry of the power stations in the 'megawatt valley'.

There are 297 Anglican church buildings in the 234 parishes and 154 benefices served by 187 clergy. The Diocese of Southwell changed its name to the Diocese of Southwell & Nottingham at the end of 2005. The main reason for this was to help people understand its locality in the UK.

Great social variation and personal characteristics are found between the south of the Diocese, by far the more affluent part, and the north, which is the area that has suffered most devastation, both economically and in terms of community morale, from the widespread pit closures and resulting unemployment.

Latest population figures for the county of Nottinghamshire, including the city of Nottingham total 1,132,100 with almost 303,900 in the city. Nottingham is a magnet for shopping, culture and leisure activities for people in the south, while those further north tend to look elsewhere, towards Derby, Sheffield, Doncaster or Lincoln. It is also a young city with two expanding universities currently having between them some 53,000 full-time students – nearly a sixth of the city's population.

Southwell Minster became the cathedral for the newly formed Diocese of Southwell in 1884, when the first Bishop of Southwell was the Revd Dr George Ridding. In 1927 the Diocese was divided when the Diocese of Derby was formed. For many generations the Minster has been an important centre of church life in Nottinghamshire – known for its fantastic Norman architecture, spectacular Chapter House and ornate leaf carvings. In 2008 it celebrated its 900<sup>th</sup> anniversary and welcomed some 90,000 visitors over the year. Today the Minster has two functions: it is the cathedral for the 307 churches in the Southwell and Nottingham Diocese and it is an active and well-loved parish church.

The financial business and assets of the Diocese are managed and held by the Diocesan Board of Finance which also acts as the employer of staff and the paymaster for the clergy. Whilst there are good informal relationships between the Cathedral and the Diocese, the two bodies are legally and financially separate. However, we are moving towards more collaborative working arrangements, for example, much of the financial accounting work for the Minster is now carried out within the Diocesan Finance Department and the media management is covered by our Communications Team.

The directors and other paid staff, under the overall direction of the Chief Executive, are responsible for developing appropriate strategies to implement the policies proposed by Bishop's Council and determined by Diocesan Synod.

A diagram showing the structure of the Diocese can be found at [Appendix C](#).

# Policy making: Leadership and Governance

## The Diocesan Bishop and his Staff Team

The leadership and governance of the Church of England are often defined by the term 'episcopally led and synodically governed'.

In an Anglican diocese the essence of its mission leadership and unity are locally focussed in the office and ministry of the Diocesan Bishop, who gathers around him other leaders, both clerical and lay, to share his leadership oversight (episcopate).

The Diocesan Bishop also has a special national leadership role as part of the House of Bishops who act as guardians of the faith, being called to oversee and nurture the doctrinal outlook of the Church of England, as expressed in holy scripture, the catholic creeds and the 39 articles of religion. Due to the legally established nature of our Church, diocesan bishops also exercise duties and influence in relation to the state, including liaison with Government Ministers and membership of the House of Lords in certain cases.

The Diocesan Bishop gathers around him a **Bishop's Staff** team comprising of the Suffragan Bishop of Sherwood, the Dean of Southwell, the Archdeacons of Nottingham and Newark, the Diocesan Chief Executive, the Bishop's Adviser for Women's Ministry, the Chair of the Finance Committee and the Diocesan Registrar (legal officer). This team shares his episcopal oversight and tasks, offers counsel and support and acts as an advisory think tank to the Bishop and his Council. This is especially the case in relation to the deployment and pastoral support of the clergy and the wider affairs of the diocese in its partnership with City and County.

In our diocese the **Diocesan Bishop of Southwell and Nottingham** shares his Episcopal ministry in particular with the **Suffragan Bishop of Sherwood**, who has a special mission focus in relation to the City of Nottingham as well as general Episcopal duties across the whole diocese.

## Diocesan Synod

Episcopal leadership works in partnership with the democratically elected laity and clergy drawn from the parishes and deaneries of the diocese who make up the diocesan synod. Chaired by the Diocesan Bishop or the vice presidents (Chairs of House of Clergy and Laity), this body considers the Christian direction of the diocesan mission and defines its broad policies.

The synod also holds accountable the other decision making bodies and executives of the diocese and acts as the **Diocesan Board of Finance**, overseeing its financial operation.

## Bishop's Council

supported by the **Finance Committee** and **Business Committee**

The **Bishop's Council** consists of appointed and elected leaders acting as the inner cabinet for the formation of the diocesan operation. In practice it is this body that frames the detailed policies for our mission and ministry. Again chaired by the Diocesan Bishop, his Council legally acts as the Standing Committee for the Synod and as the **Board of Directors** of the Diocesan Board of Finance. Members of the Bishop's Council also form the **Mission and Pastoral**

**Committee** for the diocese, meeting on the same dates as Bishop's Council. It's membership is as follows:

*Appointed:*

The Diocesan Bishop  
The Suffragan Bishop  
The Dean of Southwell Minster  
The Archdeacon of Nottingham  
The Archdeacon of Newark  
The Chair of the Finance Committee

*Elected (tri-annually by Diocesan Synod):*

The Chair of the House of Laity  
The Chair of the House of Clergy  
6 laity from the Archdeaconry of Nottingham  
4 laity from the Archdeaconry of Newark  
3 clergy from the Archdeaconry of Nottingham  
2 clergy from the Archdeaconry of Newark

This makes up **23 voting members**

*In attendance:*

The Diocesan Chief Executive  
The Diocesan Registrar  
The Bishop's Chaplain  
Departmental Directors

The Council is advised by a **Finance Committee**, normally chaired by a local Christian business man/woman appointed by the Diocesan Bishop. Committee membership includes the Archdeacons, the Chief Executive, the Director of Finance, the Chairs of the House of Laity and Clergy and other financially able clergy and laity. The Finance Committee is supported by two sub-committees appointed by the Finance Committee: the **Audit Committee** and the **Investment Committee**.

The committee's particular tasks on behalf of the Council and Synod are to oversee budget formation, annual accounts and auditing and provide investment advice and management.

A small **Business Committee**, comprising the Chairs of the Houses of Clergy and Laity, the two Archdeacons and the Chief Executive, in consultation with the Diocesan Bishop, arrange agendas and advise on the business of the Bishop's Council and Diocesan Synod.

## **The Diocesan Board of Education**

The other major policy making body in the diocesan life is the Diocesan Board of Education (DBE), which as its name suggests deals with matters relating to our 71 church schools. This is a statutory body which has a Chair appointed by the Diocesan Bishop and a membership elected from across the diocese by the members of Diocesan Synod.

## **Strategic Operation**



Once diocesan policies are made, the responsibility for enacting, resourcing and communicating their outcomes lies with the Diocesan Chief Executive, Departmental Directors, Archdeacons and Deanery Leaders.

## Chief Executive and Departmental Directors

The **Diocesan Chief Executive (DCE)** is responsible for delivering the mission and ministry strategy of the diocese. In doing so the DCE oversees the implementation of policy, administration, finance and support and applies the steer for diocesan business.

The DCE leads a team of six **Departmental Directors**, all based at the Diocesan Office, **Jubilee House**. Each Director heads up a departmental team responsible for delivering and resourcing strategy in particular areas of diocesan life. There are currently seven departments: 1) **Ministry and Mission**, 2) **Partnership and Mission**, 3) **Education**, 4) **Communication**, 5) **Finance and Parish Support** 6) **HR** 7) **Safeguarding** (see [Appendix C](#))

The DCE and Directors are especially concerned to maintain good collaborative links with all deanery and parish leaders as well as other local dioceses and secular partners to forward diocesan mission. Contact details may be found on the diocesan website, or in the diocesan directory.

## Archdeacons

The diocese is divided into two sub sections:

- The **Archdeaconry of Newark** - the northern sector, many ex-mining communities, market towns and a large number of rural villages.
- The **Archdeaconry of Nottingham** - the southern sector, including the City of Nottingham, its conurbation and other rural communities.

The Archdeacon of Newark and the Archdeacon of Nottingham act as executive 'regional managers' for the Diocesan Bishop. Their major tasks include the management of change, arranging clergy appointments and deployment, pastoral care for clergy and their families and specific support for Deanery leadership teams, and statutory legal, property and administrative responsibilities. They admit Churchwardens into office and deal with problems in parishes. They work closely with the Chief Executive on the strategic planning and operational needs of the Diocese.

## Deanery Leaders

The Archdeaconries are further sub divided into **9 Deaneries** (4 in the Archdeaconry of Newark and 5 in the Archdeaconry of Nottingham).

Each deanery is made up of a number of parishes, each having its own **Deanery Synod**, a **Deanery Chapter** (for clergy fellowship and support) and a **Leadership Team** (often called a **Deanery Standing Committee**). Attendance at Deanery chapters is expected and is an important element in our pastoral support of one another and in our keeping in touch with the Diocese.

The Deanery Leadership Team comprises of at least: an **Area Dean** (drawn from the parish clergy), a **Lay Chair** of its synod, a Treasurer, Secretary and a small number of elected members. This group relates strongly to the Archdeacons and Chief Executive in collaboration over local mission strategy and resourcing. This work is supported by the Diocese, who employ the part-time Deanery Administrators.

The policy of recent years has been to delegate more leadership authority, especially in relation to mission, ministry deployment and financial resourcing, to deanery level. This includes targeting ministry deployment through a shadow structure of key leadership posts and enhancing deanery viability and relationships through changes in deanery numbers and boundaries.

## 4. Diocesan Departments

Appendix C shows the functions and roles within the Diocesan Departments

## 5. Varieties of Tenure

A comparison of Freehold with Common Tenure is included at [Appendix O](#).

### a) Common Tenure

Common Tenure is established by the Ecclesiastical Offices (Terms of Service) Measure 2009 which came into effect from 31<sup>st</sup> January 2011 (the 'appointed day').

The following **were transferred automatically onto common tenure** on the appointed day:

- All Team Vicars, Priests in Charge, Assistant Curates not in training posts, Clergy on general licences, Residentiary Canons on fixed term, Clergy in LEPs, House for Duty Clergy, Stipendiary Readers / Lay Workers, all Self-Supporting Ministers other than on PTO.
- Clergy currently in post who were over 70 before the appointed day were required by the legislation to resign their posts but could be issued with a new licence after the appointed day for a fixed or limited term under Regulation 29.

The following **were invited onto common tenure**:

- Incumbents, Team Rectors (fixed term), Team Rectors (freehold), Archdeacons, Suffragan Bishops, Deans, Residentiary Canons (not on fixed term).

All new appointments made after 31<sup>st</sup> January 2011 are on common tenure.

Some Clergy fall outside of the scope of the common tenure legislation eg those who are subject to a contract of employment (diocesan employees or chaplains). Some Associate Ministers whose stipend is paid by the parish may be held to be an employee of the parish. Those Clergy who are held to be employees of the Diocesan Board of Finance or the Parish may be on different terms from other clergy in the diocese (for example over sick leave, parental leave and sabbaticals).

b) Freehold

Clergy who did not opt into common tenure will remain on freehold.

In the case of Team Rectors where the current appointment is for a limited term, it will come to an end when the term ends, unless the Team Rector opts to transfer to common tenure before the expiry of the term.

c) Appointments subject to pastoral reorganisation under Regulation 30 of the Ecclesiastical Offices (Terms of Service) Regulations 2009. This is a new kind of appointment that could be made after the appointed day. Where views of interested parties have been invited before submitting proposals to the diocesan bishop, then, as an alternative to suspending presentation and appointing a priest in charge, the post may be designated under Regulation 30 of the Ecclesiastical Offices (Terms of Service) Regulations 2009 as held subject to pastoral reorganisation, and an incumbent may be appointed on a limited term basis. A date should be fixed when the post would revert to full common tenure if a pastoral scheme had not taken effect (must not be longer than 5 years from the start date of the appointment).

## **6. Statement of Particulars** - not applicable to Clergy with freehold

The Statement of Particulars (SOP) is a factual statement of the basic terms and conditions of service that apply to the post holder in a particular office. All clergy ministering under Common Tenure within the diocese, with the exception of those having Permission to Officiate, should have received and agreed their Statement of Particulars (SOP) for their specific ministry appointment.

The Licence and the SOP should be consistent with each other.

In the case of Self Supporting Ministers, the combination of the Statement of Particulars with the Role Description replace the previous Working Agreements documents.

In the case of dual-role posts, it may be necessary to issue two SOPs. Regulation 29 of the Ecclesiastical Offices (Terms of Service) Regulations 2009 allows a common tenure office which is held in conjunction with another office or employment to be expressly linked to that other office or employment, so that it may be terminated if the other element of the role comes to an end. A priest who hold two posts, one of which is as an office holder, and the other being as an employee of the Diocesan Board of Finance will have both a Statement of Particulars as an office holder, and a Statement of Terms and Conditions (an employment contract) as an employee.

The particular duties of the post are not covered in the SOP but should be described in a Role Description. It is intended that Role Descriptions will be developed using a common format for all posts, as part of the Ministerial Development Review (MDR) process.

The nominated persons for the purpose issuing Statements of Particulars are the Archdeacons of Nottingham and Newark.

## **7. Training posts**

The terms and conditions for a Training post are contained within the letter of offer sent by the Bishop when first arranged. The term is four years for those with a stipend and six years for those who are Self-Supporting.

## 8. The Licence / Deed of Appointment

The Licence is the Bishop's authority to the office holder to exercise his or her ministry, under Canon C8. The Licence and the SOP should be consistent with each other.

It is not always necessary to issue a new licence when an office holder transfers to common tenure - the authority conferred by the existing licence will continue until the expiry of any time limit stated on the licence, at which point it can be renewed either on an open-ended basis or, if the office holder is holding a time-limited common tenure post under Regulation 29 of the Ecclesiastical Offices (Terms of Service) Regulations 2009, for the period applicable to that post.

## 9. The Canons and the Ordinal

The Canons and the Ordinal remain, together with The Ecclesiastical Offices (Terms of Service) Measure and Regulations 2009, the legal reference points for the clergy in the performance and practice of their duties. Reference should also be made to Common Worship and the Ordinations Service 2007.

'Guidelines for the Professional Conduct of the Clergy' can be found here: [Guidelines2 \(churchofengland.org\)](http://www.churchofengland.org)

## 10. Ad Clerums

**Ad Clerums** The Diocesan Bishop's guidelines to clergy on specific issues are issued to all clergy in the form of 'Ad Clerums'. These will usually refer to the practical outworking of ministry for instance on holy communion, marriages, confirmation, licensings and pastoral ministry.

Ad Clerums can be obtained from the diocesan web site via the following link:  
<http://southwell.anglican.org/about-us-2/who-we-are/bishops/bishop-paul/ad-clerum/>

From time to time the Bishop will also write Pastoral Letters or invitations to specific events; again any current ones will be put on the web site.

## 12. Role Descriptions

Role Descriptions are being developed using a common format for all posts. All new posts will have a Role Description and this will be made available to potential applicants as part of the vacancy process. Clergy already in post will develop or amend Role Descriptions following the new template (included as [Appendix F](#)) as part of the Ministerial Development Review (MDR) process. The Role Description is at the heart of the change that is brought about by *Terms of Service* so every effort should be made to make sure that each one is fit for purpose and theologically grounded. Once completed, each proposed Role Description will be sent to the Archdeacon and to the Bishop, and, once agreed, will be retained on their files.

In the case of Self-Supporting Ministers, the combination of the Statement of Particulars with the Role Description replaces the previous Working Agreements documents.

### **13. Ministerial Development Reviews (MDRs)**

A comparison of Ministerial Development Reviews within Freehold and Common Tenure is included at [Appendix O](#).

The Diocese of Southwell and Nottingham is committed to supporting Clergy participation in the requirement for ongoing professional and personal development through the Clergy Development Scheme which utilises MDR as its main diagnostic tool.

After the first six months in post, the office holder will meet with the relevant Archdeacon to review development and any amendments needed to the Role Description. The first MDR will take place after approximately twelve months in post and will be followed by subsequent MDRs at two year intervals. The clergyperson will be matched with a trained reviewer at the beginning of a calendar year and given a time period in which the review is to take place. If, for any reason, the reviewer is not suitable or appropriate another may be requested. There is no expectation that the reviewee will stay with the same reviewer for subsequent reviews.

Each review requires that the opinions of others in working relationships with the reviewee are sought. A post review meeting is offered by the Principal for Wellbeing and Ministerial Development.

A full explanation of the scheme and all the MDR paperwork is available for download on the diocesan website.

### **14. Continuing Ministerial Development (CMD)**

A comparison of Continuing Ministerial Development within Freehold and Common Tenure is included at [Appendix O](#).

Office holders under common tenure are required under Regulation 19 of the Ecclesiastical Offices (Terms of Service) Regulations 2009 to participate in arrangements approved by the diocesan bishop as appropriate for the continuing ministerial development of that office holder.

These arrangements normally apply in most circumstances but do need to be treated with flexibility for the range of ministries that clergy sometimes take up.

## Compulsory

- A bi-annual Ministry Development Review (MDR), seen by the Diocesan Bishop.
- At least 6 hours per year in spiritual direction or its equivalent.
- Attendance at the annual Diocesan Conference (paid for by the PCC).
- Attendance at the annual Clergy Study Day(s).
- A *personal* retreat annually, to provide refreshment and spiritual growth as a disciple and minister at a specific location. Some accountability for and review of the event chosen is normally appropriate. Grants are available for a wide range of possibilities for the individual clergyperson.
- Approx 18 hours of other CMD - either reading, study or contact training time. This to be identified from the previous MDR, conversation with Archdeacon and/or Ministry Development Adviser or others who accompany the clergy person. Grants are available to support on-going training, study and development from the Ministry Development Adviser.

## Optional

- At least 12 hours of group reflective practice or 6 hours of one to one reflective practice.
- Attendance at a clergy peer support group.

For clergy with roles which are other than full-time (whether, stipendiary, SSM or House for Duty) the compulsory elements of training (as set out above for full-time clergy) need to be considered on an individual basis and agreed with those with responsibility for the post (Archdeacon/incumbent etc.) and the Principal for Wellbeing and Ministerial Development. What is reasonable given the time being offered should be discerned not necessarily on a strictly pro-rata basis – e.g. we might expect spiritual direction provision to stay the same whatever the time element, but could not require the same for the 18 hours of other CMD.

## 15. Sabbatical / Retreats

It is Diocesan policy to include Sabbatical Leave and Retreats within the CMD provision. Time off for Sabbatical Leave and Retreats is not therefore to be recorded as annual leave.

There are two options for Sabbatical Leave:

- a) After ten years clergy are eligible for up to three months (12 weeks).
- b) After three years clergy are eligible for up to a month's sabbatical (4 weeks).

Clergy must opt for either a) or b), so for example if you take a month's leave every 3 years you aren't eligible for 3 months, after 10 years!

For all sabbaticals the timing needs to be negotiated with the Bishop, Archdeacon and Area Dean. A plan needs to be agreed in advance for the leave with the Principal of Wellbeing and Ministry Development. A grant of up to £250 is available for each month taken. The process for applications is in [Clergy Study Leave – Diocese of Southwell & Nottingham \(host.ninja\)](#)

Clergy are encouraged to take an annual retreat and can apply for financial assistance through the Principal for Wellbeing and Ministerial Development. The application form can be found on the website. The form and pattern of retreat will vary but during a year full-time clergy should set aside five days for this activity (some may prefer to take a longer retreat every 2 years).

## **16. Trade Union / Professional Association Representation**

All Clergy are entitled to be a member of a Trades Union or Professional Association. Members of a Trades Union or Professional Association may be represented in matters affecting them as individuals by their Trades Union or Professional Association representative.

## **17. Stipends**

A comparison of rights to stipend within Freehold and Common Tenure is included at [Appendix O](#).

The Central Stipends Authority reviews stipends annually, setting the national minimum stipends and national stipends benchmark.

The Diocesan Synod sets the stipend for this Diocese each year. Under Regulation 11 of the Ecclesiastical Offices (Terms of Service) Regulations 2009 this must be at least the national minimum stipends level.

Part-time stipendiary Clergy receive stipends pro-rata to the requirements of the post, as shown on their Statement of Particulars.

For Clergy not housed by the diocese, the level of Housing Allowances is shown in Appendix H 'Stipends, Pensions & Expenses Guidelines'.

Responsibility for payment of the stipend is that of the Southwell and Nottingham Diocesan Board of Finance. Stipends are paid monthly through Payroll Services (National Church Institutions), by means of BACS payments on the last working day of the month.

## **18. Expenses**

The payment of expenses reasonably incurred in connection with the exercise of the office, including the current mileage rate, is covered in Appendix H 'Stipends, Pensions & Expenses Guidelines'. Reimbursement is the responsibility of the parochial church council(s) of the parish(es) in which the officeholder serves.

Issues relating to non-reimbursement of expenses are best informally raised with the PCC and the Archdeacon, but the Grievance Procedure (see [Appendix L](#)) is available as a last resort.

## **19. Grants**

The levels of First Appointment Grant, Removal Grant, etc, is covered in Appendix H 'Stipends, Pensions & Expenses Guidelines'.

The level of CMD grants is covered in this Handbook under section 14 Continuing Ministerial Education.

There are discretionary grant-making funds which provide limited support in specific circumstances of need. For information about such support Clergy can speak to the relevant Archdeacon in confidence.

## **20. Fees and Other Income**

Please see [Appendix I](#) concerning Fees. This guidance and documents can also be found as Downloads from the diocesan website.

Any other income arising from the exercise of the office must be reported.

## **21. Time off for public duties**

The following provisions apply to Clergy on Common Tenure.

This section (Regulation 26(4) of the Ecclesiastical Offices (Terms of Service) Regulations 2009) does not apply to any public role which is part of the office-holder's normal duties eg as governor of a school in the benefice. Nor does it include public duties which the office holder is legally bound to undertake eg jury service or obeying a witness summons. If called for Jury Service, clergy should claim the maximum allowance for loss of earnings, which will be offset against their stipend.

Regulation 26(4) is intended to allow the office holder scope to engage in activities for the public benefit which is outside of his or her office, while providing a means of ensuring that time spent on such activities is kept within reasonable bounds. Such additional activity should not have an adverse affect on the performance of his / her normal duties. What is 'reasonable' will be decided in discussion with the Bishop and would be seen to form part of the '10% Other' work mentioned in the individual's Role Description (see [Appendix F](#)).

Public duties includes work done for:

- a public authority, including membership of a court or tribunal
- a charity or registered friendly society
- a trade union representing ecclesiastical office holders.

## **22. Income arising other than from the exercise of this office**

If a member of the stipendiary clergy wishes to take up additional paid activities or employment, this will normally be acceptable unless such additional activity is felt to have an adverse affect on the performance of his / her normal duties. It is the individual's responsibility to request permission of the Bishop in writing before taking up additional paid activities or employment.

## **23. Housing**



A comparison of rights to the parsonage house under Freehold and Common Tenure is included at [Appendix O](#).

The parsonage house is usually owned by the benefice but this is subject to the rights and duties set out in the Repair of Benefice Buildings Measure 1972 and its code of practice.

Other clergy have a right to be provided with accommodation according to the terms set out in Regulations 12-14 of the Ecclesiastical Offices (Terms of Service) Regulations 2009, where the relevant housing provider owns the house. Where the house is owned by someone other than the relevant housing provider, the terms under which the house is occupied will be a matter for agreement as set out in the SOP.

Where a parsonage house is provided, the office holder is required to occupy it, for the better performance of the duties of that office.

Where spouses are both diocesan office holders / employees entitled to housing, only one house or housing allowance will be provided.

Office holders are required to vacate the accommodation provided within one month of leaving office. Should the office holder die in service, the period after which their family is required to vacate the accommodation is extended to three months. Any extension to these time limits are at the discretion of the Bishop.

Rights and responsibilities connected with housing provision are set out in the Repair of Benefice Buildings Measure 1972 and other legislation, which can be obtained at [www.commontenure.org](http://www.commontenure.org).

Practical issues concerning housing can be found in **The Parsonage Handbook** included at [The Parsonage house – Diocese of Southwell & Nottingham \(host.ninja\)](#)

### **People staying in a parsonage house**

The parsonage house is both a clergy person's home and a place "for the better performance of their duties". It is assumed that clergy would not routinely have people to stay on a regular basis. Therefore, it is important that clergy do think about the implications of having people to stay overnight who are not family or close friends. It is wise to assess any potential risks and contact their Archdeacon, especially where it involves a pastoral emergency, that might raise concerns about the safeguarding of children or vulnerable adults.

## **24. Annual Leave Entitlement**

A comparison of annual leave entitlement under Freehold and Common Tenure is included at [Appendix O](#).

The annual holiday entitlement is 41 days in each 'leave year', including allowance for Bank Holidays.

For Self Supporting Ministers and those under 'House for Duty' arrangements provisions for annual leave and rest period provisions will be covered by their individual Statement of Particulars.

Those with part-time or 'job share' appointments are entitled to annual leave on a pro-rata basis.

The `leave year' runs from 1 January to 31 December. During the first year leave accrues from the date of joining at the rate of 1/12 the annual rate per calendar month of service (calculated to the nearest whole day).

The days of annual leave may not be taken on:

- more than 6 Sundays a year
- any of the principal Feasts of the Church of England as set out Canon B6 (Christmas Day, Epiphany, the Annunciation of the Blessed Virgin Mary, Easter Day, Ascension Day, Pentecost, Trinity Sunday and All Saints' Day).
- Ash Wednesday
- Good Friday
- the Parish's Patronal Festival

without the prior permission of the Diocesan Bishop.

It is expected that clergy will take regular retreats (please see Section 15 Study Leave / Retreats).

Office holders should report their plans to take annual leave to their Area Dean. The office holder is responsible for ensuring that cover has been arranged during their annual leave.

Team Vicars, Assistant Clergy and Curates should agree their proposed arrangements to take leave with their Team Rector / Incumbent / Priest in Charge before making firm plans. Once leave arrangements have been agreed, they should not be changed (on either side) without reasonable notice.

## **25. Rest Period**

A comparison of rights to time off under Freehold and Common Tenure is included at [Appendix O](#).

There is an entitlement to an uninterrupted rest period of 24 hours in each period of 7 days and to one uninterrupted rest period of 48 hours per calendar month. However, the weekly rest period may not be taken on:

- any of the principal Feasts of the Church of England as set out Canon B6 (Christmas Day, Epiphany, the Annunciation of the Blessed Virgin Mary, Easter Day, Ascension Day, Pentecost, Trinity Sunday and All Saints' Day).
- Ash Wednesday
- Good Friday
- the Parish's Patronal Festival
- or begin before the last service on a Sunday

## **26. Special Leave**

The Diocesan Bishop may grant an additional period of special leave in particular circumstances. Applications should be made direct to the Bishop.

## 27. Office Holders and Parental Rights

Under the Ecclesiastical Offices (Terms of Service) Directions 2010, office holders are entitled to maternity, paternity, parental and adoption **leave** for the same periods and subject to the same conditions as apply in the case of an employee under the Employment Rights Act 1996, or any regulations made under that Act that have effect at the time when the Directions came into force on 1 January 2011, or subsequent employment legislation. This also includes additional paternity leave. Further details are contained in Sections 27 – 32 of this Handbook.

Office holders already have a right to statutory maternity, paternity and adoption **pay** because of their National Insurance Contributions.

- a) Holding of office is distinct from employment in a number of ways that affect consideration of office holders' entitlements in connection with maternity, paternity, parental and adoption leave.

Office holders remain in office while they are on leave – which means they retain the rights and responsibilities that go with the office, for example the right to remain in any accommodation provided for the better performance of their duties and the obligation to ensure that the duties of the office are carried out on their behalf.

This also means that, unlike an employee, an office holder does not have the right to be found an equivalent post when she returns from maternity leave. She has not left her office whilst on maternity leave and therefore returns to work in her existing post as of right unless she resigns or is removed from it.

Clause 2 (2) of the Directions confers a requirement on office holders 'in consultation with a responsible person or authority' to 'use all reasonable endeavours to make arrangements for the duties of the office to be performed by another person or persons during the period of leave'. This may simply involve a discussion with the archdeacon about how best to ensure that cover is provided whilst the office holder is on leave. Regulation 29 allows for someone to be appointed to a post designated as created in order to cover for an office holder's authorised absence from work. This may be held for a fixed term or under terms which provide for the appointment to be terminated on the occurrence of a specified event, such as the return of the original office holder from maternity leave

- b) Training posts

The length of a training post may be extended to take account of maternity or adoption leave or additional paternity leave.

- c) Keeping In Touch Days

It is possible to work for a total of 10 days during maternity leave without losing the entitlement to SMP for the week in which the work is undertaken. The days may be for work, training or any other activity that has the purpose of keeping in touch with the workplace. The days do not need to be taken consecutively. They may not be taken within two weeks of childbirth.

## 28. Pregnancy and Maternity Rights

There is a statutory entitlement to maternity, paternity, parental and adoption leave, and leave to receive ante-natal care, under the Ecclesiastical Offices (Terms of Service) Directions 2010. This is set at the level of the minimum entitlement for employees, currently as follows:

## **Ante-Natal Care**

Reasonable time off work for pregnant office holders to attend ante-natal care at appointments made on the advice of a registered medical practitioner, registered midwife or registered health worker. If requested, a certificate of pregnancy and an appointment card must be provided.

## **Statutory Maternity Pay (SMP)**

On stopping work and meeting all of the following conditions an office holder is entitled to receive SMP. She must:

- have been the office holder for at least 26 weeks ending with the 15th week before the Expected Week of Childbirth (EWC).
- have average weekly earnings of not less than the figure set by the Government for the payment of National Insurance contributions
- still be pregnant at the 11th week before the EWC or have given birth by that time
- give at least 28 days' notice that she intends to stop work
- provide medical evidence of the EWC.

For the first six weeks SMP is payable at the earnings related rate (equivalent to 90% of earnings) and for the remaining 33 weeks at the statutory rate as set by the Government.

## **Maternity Leave**

If an office holder stops work no earlier than the 11<sup>th</sup> week before the EWC, and meets the following conditions, she is entitled to 52 weeks' maternity leave. To comply she must notify the diocese (in writing if requested) by the 15th week before the EWC unless that is not reasonably practicable, of the following:

- that she is pregnant (preferably by submitting a MAT B1 form);
- the EWC;
- the date on which she intends her ordinary maternity leave to start; and
- if requested, provide medical evidence of the EWC.

The diocese will confirm in writing the date upon which the 52 week maternity leave period will end.

The office holder must not work during the 2 weeks immediately after the birth; this is known as the "compulsory maternity leave period" and is considered part of the ordinary maternity leave period.

If an office holder gives birth before the intended maternity leave start date, the maternity leave will start automatically on the day after the birth of the child.

If the office holder wishes to return to work before the end of the 52 week period of maternity leave she must give at least 8 weeks' notice of her intended date of return.

If she decides to return to work early and this is during or at the end of ordinary maternity leave, she is entitled to return to the post she was in before the absence. If she returns to work during or at the end of additional maternity leave, she may be able to return to her original post (or another post which is suitable and appropriate).

## **Diocesan Maternity Pay**

Subject to the eligibility below, clergywomen and licensed lay workers who express an intention to return to work and who have completed at least one year's service at the beginning of the 14<sup>th</sup> week before the Expected Week of Childbirth (EWC), will receive 39 weeks' paid maternity leave on full stipend. The payment of Diocesan Maternity Pay includes any entitlement to SMP.

To qualify for Diocesan Maternity Pay all the conditions required for entitlement to SMP must be satisfied and it is necessary to:

- a) have one year's continuous service at the beginning of the 14<sup>th</sup> week before the EWC;
- b) be in paid service at the time maternity leave begins;
- c) stop work at the earliest after the start of the 11<sup>th</sup> week before the EWC;
- d) give notice to the diocesan office in writing of the intention to take maternity leave before the end of the 15<sup>th</sup> week before the EWC. The Commissioners' Clergy Payments Department should then confirm the date in writing, including the date when the clergywoman or licensed lay worker is expected to return to work. The clergywoman / licensed lay worker can change her mind about the dates but should give 8 weeks notice of any changes, which should again be confirmed by the Commissioners' Clergy Payments Department in writing;
- e) give an undertaking of the intention to return to work after the birth;
- f) be pregnant at the 11<sup>th</sup> week before the EWC, or have had the baby.

## **29. Statutory Paternity Leave (SPL) and Statutory Paternity Pay (SPP)**

### **a) Statutory Entitlement**

Office holders are entitled to choose to take either one week or two consecutive weeks' paternity leave (not odd days), subject to the following conditions:

- The office holder must have been the office holder for at least 26 weeks continuously by the end of the 15<sup>th</sup> week before the expected week of childbirth (EWC).
- He must be, or expected to be, responsible for the upbringing of the child.
- He must be the child's biological father or married to or the partner of the child's mother.
- The leave must be taken for the purpose of caring for the child or supporting the mother.
- The leave, can start on any day of the week on or following the child's birth but, must be completed within a period of 56 days beginning with either the child's birth or the first day of the EWC, whichever is the later. The diocese will allow up to two weeks to be taken in one period if that is more convenient.

## **b) Notice and Evidence Requirements**

Notice must be given of the intention to take paternity leave in or before the 15th week before the EWC.

Note: If, after providing this notice, the office holder has a change of mind as to the commencement date or the amount of leave to be taken, further notice of at least 28 days must be provided (or, in cases where this is not reasonably practicable, as soon as is reasonably practicable).

A self-certificate must be provided stating the EWC, the date upon which paternity leave is anticipated to begin and whether one or two weeks leave is to be taken.

As part of the above certificate a declaration must be signed that the conditions of entitlement to statutory paternity leave and statutory paternity pay are fulfilled.

## **c) Ordinary Statutory Paternity Pay (OSPP)**

If an office holder is entitled to SPL he will also qualify for OSPP provided that his normal weekly earnings are not below the lower earnings limit applying to NI contributions, and, he gives at least 28 days' written notice of the date liability to pay OSPP is expected to begin.

OSPP will be at the rate determined by the Department of Social Security or 90% of weekly earnings (calculated at an average of the eight weeks preceding the Qualifying Week), whichever is the lower.

## **d) Diocesan Ordinary Paternity Leave at full pay**

The Diocese will give 2 weeks paternity leave on full stipend, subject to the same conditions and eligibility criteria as apply to Statutory Paternity Pay and Leave set out above. This payment will include any entitlement to Ordinary Statutory Paternity Pay.

## **30. Additional Paternity Leave and Additional Statutory Paternity Pay**

The Additional Paternity Leave Regulations 2010 give fathers (and adoptive partners) the right to up to six months' paternity leave which can be taken once the mother (or other adopter) has returned to work. Some of this leave may be paid if taken during the maternity or adoption pay period.

Clergy office holders on common tenure have the right to APL and ASPP if their spouses or civil partners

- are due to give birth on or after 3 April 2011 (or they receive notification on or after this date that they have been matched with a child for adoption) and
- return to work.

Different conditions attach to leave and pay.

### **a) Additional paternity leave (APL)**

- may be taken even if the mother has no maternity leave remaining when she returns to work;
- is for a maximum of 26 weeks;
- may not start until 20 or more weeks after the child's birth or placement for adoption;
- must have ended by the end of the 52nd week after the child's birth or placement for adoption;
- is subject to the requirement at paragraph 2(2) of the Ecclesiastical Offices (Terms of Service) Directions 2010 for the office holder to use all reasonable endeavours to make arrangements for the duties of the office to be performed by another person or person during the periods of leave.

### **b) Additional statutory paternity pay (ASPP) may be paid**

- in addition to ordinary statutory paternity pay (OSPP);
- only if the mother has returned to work without exhausting her entitlement to statutory maternity pay (SMP) or adoption pay(SAP), or maternity allowance(MA);
- only if there are at least two weeks of SMP, SAP or MA remaining;
- only for periods of at least one week during which no work (other than a Keeping in Touch Day) is done;
- at the level of SMP, SAP or MA

Additional Paternity Leave will be paid at full pay if the office holder has at least one year's continuous service by the end of the qualifying week..

### **c) Procedure**

Those wishing to take additional pay or leave need to comply with additional notification requirements as set out below.

- Eight weeks before office holders wish their APL or ASPP to start, they must provide the Diocesan Office with:
  - (a) a leave notice in writing specifying
    - the expected week of birth and/or placement for adoption
    - the date of birth or placement for adoption
    - the start and end date of their APP
    - the arrangements they have made to provide cover for the duties of their office to be carried out
    - the date on which they want any ASPP to start;
  - (b) a declaration signed by the parent taking the leave stating that
    - the purpose of leave is to care for the child



- the parent is
- either the father
- or married to or the partner or civil partner of the mother but is not the child's father
- the parent has or expects to have the main responsibility for the upbringing of the child apart from any responsibility of the mother;

(c) a declaration from the mother or other adoptive parent stating:

- their name and address
- their date of intended return to work
- their National Insurance Number
- that the parent taking the leave is:
  - either the father
  - or married to or the partner or civil partner of the mother or other adoptive parent but is not the child's father
    - has or expects to have the main responsibility for the upbringing of the child apart from any responsibility of the mother
    - is, to the mother's knowledge, the only person exercising the entitlement to additional paternity leave in respect of the child
- that the mother or other adoptive parent consents to the DBF/Payroll services processing the information in the declaration.

## **31. Adoption Leave and Adoption Pay**

There is a statutory entitlement to adoption leave and adoption pay when adopting a child, providing certain qualifying conditions are met.

However, the Diocese will give clergy and licensed lay workers who intend to return to work up to 39 weeks adoption leave on full stipend, followed by a further period of unpaid additional adoption leave, subject to the conditions and eligibility criteria.

An office holder who is planning to adopt should discuss this with the relevant Archdeacon.

Where both adoptive parents are either office holders or employees, then they must choose which of them is to benefit from Adoption Leave, or agree how it is to be shared.

## **32. Parental Leave**

### **a) The Entitlement**

If an office holder has a baby or adopts a child and has completed one year's continuous qualifying service by the time he / she wishes to take the leave the office holder is entitled to Parental Leave. Qualifying service is full or part-time stipendiary service.

The objective of Parental Leave is to enable office holders with parental responsibility time off to spend time with and to look after a child or to make arrangements for the child's welfare.

Parental Leave, which is unpaid, is for a maximum of 18 weeks for each child and can be taken by both mothers and fathers. Leave taken with a office or employment counts towards the maximum entitlement.

## **b) When leave may be taken**

Leave must normally be taken in blocks of one week or more, up to a maximum of four weeks in a year for each child. However, parents of disabled children can take leave in blocks or multiples of one day.

An office holder can choose to take Parental Leave at any time up until the child's 5<sup>th</sup> birthday, or in adoption cases within 5 years of the child being placed with the family for adoption (or until the child's 18<sup>th</sup> birthday if that comes first). In the case of a child with a recognised disability, parental leave may be taken up until the child's 18<sup>th</sup> birthday.

## **c) Making Application for Leave**

21 days notice must be given of a request for Parental Leave. Such an application should be addressed to the Bishop.

If Parental Leave is required immediately after the birth or adoption of the child, then 21 days notice must be given before the beginning of the expected week of childbirth. In the case of adoption, 21 days notice of the expected week of placement must be given, wherever possible.

## **d) Postponement of Leave**

Except in the circumstances set out in the paragraph immediately above any leave requested may be postponed by the diocese for up to six months from the date requested where it is considered that the absence would be unduly disruptive. Examples of such situations are:

- Seasonal peak work requirements
- Where the absence of a key office holder at a particular time would unduly harm the ministry of the deanery.

If, because of postponement, the period of Parental Leave falls after the child's 5<sup>th</sup> birthday then the office holder would be entitled to take leave after that date.

## **e) Evidence of Entitlement**

The diocese reserves the right to request sight of evidence that the office holder requesting leave is the parent of a child or has parental responsibility for the child. Examples of what might be suitable evidence are:

- Information contained on the child's birth certificate
- Papers confirming a child's adoption or the date of placement in adoption cases

In the case of a disabled child, suitable evidence would be the award of disability living allowance for the child.

## **f) Right to return to the same or similar post**

At the end of any Parental Leave of up to four weeks duration, the office holder is guaranteed the right to return to the same post as before.

If the leave is for a longer period than four weeks, there is an entitlement to return to the same post, or if that is not reasonably practical, to a similar post.

If Parental Leave follows additional Maternity Leave and it would not have been reasonably practical for the woman to return to her previous post, and it is still not reasonably practical at the end of Parental Leave, she is entitled to return to a similar post.

## **33. Adjustments to working arrangements and time off to care for dependants**

Holders of parochial offices already have a high degree of flexibility over how they carry out their duties, which is not always the case with employees, who will generally have defined hours of work. Office holders may not always need therefore to request flexible working to care for a dependant, in the way that an employee might. However, office holders still need to bear in mind the need to arrange appropriate cover if they are taking time off. For example, if they wish to take half term as leave, they should check with the Area Dean that one of their colleagues is available to provide cover during this period. Similarly an Incumbent or Priest in Charge still has a responsibility to ensure that someone is available to take weddings on Saturdays, despite any family commitments.

Where office holders need to vary their duties in order to care for a dependant (for example reducing a post from full time to part time with a commensurate reduction in stipend), they should use the procedure below.

- a) The request may only be made in order to help care for a dependant not for any other purpose. "Dependant", as defined in paragraph 3(6) of the Directions, embraces a spouse or civil partner; a child; a parent; a person living in the same household as the office holder (other than a tenant, employee, lodger or boarder) or anyone who reasonably relies on the office holder for assistance or provision of care in the event of illness or injury. The provision therefore covers a wide range of possible arrangements, from a few days' time off in an emergency to a longer term adjustment of duties to accommodate, for example, the need to care for an elderly parent or a disabled child.
- b) The Directions confer the right to make a request – and have the request properly considered. The request may be refused if there is no other reasonable way of meeting the pastoral needs of the parish and the requirements of the office.
- c) The Archbishops' Council has agreed that the procedure for making a formal request should be as follows, and that the office holder should
  - make the request in writing
  - set out the date of the request
  - make no more than one request during a twelve month period
  - state that the request is being made under the Ecclesiastical Offices Terms of Service) Directions 2010

- set out the reasons for needing an adjustment to the duties of the office
  - set out the change requested
  - state whether they have made any previous requests in their current post
  - identify the effect the proposed change will have on the provision of ministry to the parish
  - suggest how such an effect could be mitigated (the office holder may wish to consult colleagues about this first so that he or she is in a position to indicate that the proposed solution might have their support in principle)
  - give a proposed start date
  - indicate whether the proposed adjustment is intended to be permanent, or, if not, for how long it might be expected to last.
- d) The bishop, on receiving the request, is required by paragraph 3(5) to consult the PCC(s). The bishop may also wish to consult any of the office holder's colleagues who are likely to be affected by the request.
- e) Once the bishop has received a reply from the PCC(s), the office holder's request should be considered promptly.
- f) If the bishop agrees to the request, the office holder and the PCC(s) should be informed in writing of the bishop's agreement.
- g) If the bishop is not in a position to agree immediately, the bishop should arrange to meet the office holder as soon as possible to discuss the request. The office holder may bring a colleague or trade union representative to the meeting.
- h) In good time after the meeting (normally within 14 days), the bishop should inform the office holder of the decision. If he does not accept the request, he must give the reason in writing and give reasonable time (normally 14 days) for the office holder to appeal. The appeal should be held and the office holder informed of the result within reasonable time (in both cases, normally 14 days).
- i) A revised statement of particulars should be issued to reflect any changes made, unless they are very temporary and short term. The office holder will need to be informed that this will be a permanent change to the duties of the office, and there is no automatic right to have the duties adjusted back to the original terms at a later point, unless this has been agreed in advance.
- j) The bishop should not refuse the request simply because the PCC does not support it or the proposed solutions. Potential grounds for refusing a request include:
- the extra cost incurred to accommodate the request
  - inability to reorganise duties among existing clergy
  - inability to recruit additional clergy to do the work
  - potential effect on the office holder's performance of his or her duties.
- k) The bishop may delegate consideration of such requests to the Bishop of Sherwood or the Archdeacon.

## **34. Absence for Sickness**

### **a) Sickness Notification and Certification**

Office holders should notify their Area Deans and Archdeacon if they are unable to perform their duties because they are unwell.

In order to ensure proper administration and accounting of Statutory Sick Pay, Stipendiary Office holders are required to report sickness absence to the Executive PA to the Archdeacons (Jo Padmore) as soon as it occurs. For absences of more than seven consecutive days, a 'Fit Note' should be obtained from the office holder's GP and forwarded to Jo Padmore at Jubilee House.

Office holders are also required to make reasonable arrangements for sickness cover.

Where an office holder is entitled to Statutory Sick Pay, he / she is entitled to receive in full any stipend payable in respect of their office under Regulation 27 of the Ecclesiastical Offices (Terms of Service) Regulations 2009. After the six months Statutory Sick Pay period, any stipend will also cease. However, in exceptional circumstances, the Diocesan Bishop has discretion to authorise continued payment of stipend.

The Diocesan Bishop may direct under Regulation 28 of the Ecclesiastical Offices (Terms of Service) Regulations 2009, if he has reasonable grounds for concern, that the office holder undergoes a medical examination.

After lengthy sick leave, surgery or a serious or ongoing diagnosis, an occupational health referral may be considered as part of a return to work strategy.

Referrals may be made for confidential counselling in certain cases of ongoing stress. Such referrals are made by the relevant Archdeacon, to whom any enquiries should be addressed.

At times of crisis or difficulty, clergy and their spouses are entitled to up to 8 free sessions of counselling through the East Midlands Counselling Service and can self-refer. Contact Amanda Thomas on 07711 059435 or Relate on 0115 9584278 for relationship counselling (all relationships, not just marriage). If more than 8 sessions are required, this should be referred to the Archdeacon.

## **35. Dignity at Work**

### **STATEMENT OF THE POLICY**

The Diocese is committed to creating a harmonious working environment, which is free from harassment and bullying and in which everyone is treated with respect and dignity.

It is committed to ensuring that individuals do not feel apprehensive because of their religious belief (including theology or church tradition), political opinion, gender, marital status, sexual orientation, race, age, or disability, or through any inappropriate behaviour towards them.

Harassment and bullying are regarded as unacceptable behaviour.

## **Definition of Harassment**

Harassment, in general terms, is unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religious belief (including theology or churchmanship), nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The important thing is that the actions or comments are viewed as demeaning or unacceptable to the recipient.

Harassment may take many forms. It can range from extreme forms such as violence to less obvious actions such as persistently ignoring someone at work. The following, though not an exhaustive list, may constitute harassment:

- physical contact ranging from touching to serious assault
- verbal and written harassment through jokes, offensive language, gossip and slander, letters, emails, etc.
- isolation or non-cooperation at work, exclusion from social activities
- intrusion by pestering, spying, following etc.

## **Definition of Workplace Bullying**

Workplace bullying is defined as repeated inappropriate, offensive behaviour, which is often an abuse of power or position. It can be direct or indirect, either verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work. It should be noted that it is the impact of the behaviour which is relevant to the decision of whether it constitutes bullying and not the motive or intent behind it.

The following list of behaviours is not exhaustive but gives an indication of the sorts of actions that constitute bullying or harassment.

### **Examples of Bullying Behaviour**

- Removing areas of responsibility without discussion or notice.
- Isolating someone or deliberately ignoring or excluding them from activities.
- Consistently attacking someone's professional or personal standing.
- Making someone appear incompetent.
- Persistently picking on someone in front of others.
- Deliberate sabotage of work or actions.
- Deliberately withholding information or providing incorrect information.
- Overloading with work / reducing deadlines without paying attention to any protest.
- Displays of offensive material.
- Use of e-mails to reprimand, insult or otherwise inform someone of their apparent failing, either to the individual or to third parties.
- Repeatedly shouting or swearing in public or in private.
- Spreading malicious rumours to third parties.
- Public humiliation by constant innuendo, belittling or 'putting down'.
- Personal insults and name-calling.
- Aggressive gestures, verbal threats and intimidation.
- Making false accusations.

- Aggressive bodily posture or physical contact.
- Talking / shouting directly into someone's face.
- Direct physical intimidation, violence or assault.
- Inappropriate text messages.
- Inappropriate use of social media targeting an individual

It is important to distinguish between bullying and behaviour that is reasonable in a particular context. For example, there may be occasions where shortcomings in performance are being addressed in a reasonable manner, but this is interpreted as bullying simply because the recipient is unused to being challenged or asked to account for their actions.

## **Procedure for dealing with Alleged Harassment or Bullying**

An office holder who believes that he / she has been the subject of harassment or bullying, should, in the first instance, ask the person responsible to stop the behaviour, as it is unacceptable to him / her. Person to person reproof at an early stage will often be sufficient to stop the behaviour which is causing the offence, without involving third parties.

Where both the perpetrator and the target is a clergy person or a licensed lay minister, complaints of bullying or harassment may, with the target's consent, be brought under the Grievance Procedure for Licensed Ministers. It has been developed by the church to deal with grievances of various kinds between ministers. When the perpetrator is a clergy person, it may be more appropriate for the target, or an archdeacon with the target's consent, to make a complaint under the Clergy Discipline Measure 2003.

When the perpetrator is a layperson, and the target is either ordained or lay, complaints of bullying or harassment may, with the target's consent, be dealt with in one of a number of ways according to the circumstances.

## **False accusation**

False accusations are a serious matter. The behaviour of anyone who is found to have made an unfounded, deliberately malicious complaint or accusation will be regarded with the utmost seriousness and where possible formal action taken. In the case of a clergy person this may be a complaint under the Clergy Discipline Measure 2003. A member of either the clergy or the laity could be subject to an action for defamation if they have made false accusations against someone else.

## **36. Grievance Procedure - under Section 8 of the Ecclesiastical Offices (Terms of Service) Measure 2009**

A comparison of the rights to make use of a Grievance Procedure under Freehold and Common Tenure is included at [Appendix O](#).

If you have a grievance, you may seek redress under the Grievance Procedure, which is in accordance with the Code of Practice issued under Section 8 of the Ecclesiastical Offices (Terms of Service) Measure 2009 (see [Appendix L](#)).

However, you are encouraged to take the matter up informally in the first instance, and, if appropriate, consider mediation. This will not affect an office holders right to require formal consideration of the grievance under the procedure.

## **37. Disciplinary Procedure**

All clergy office holders (freeholders included) are subject to the Clergy Discipline Measure 2003 and (for offences relating to doctrine, ritual and ceremony) the Ecclesiastical Jurisdiction Measure 1963. The disciplinary rules and procedures applicable are contained in these measures.

## **38. Capability Procedure**

A comparison of the application of a Capability Procedure under Freehold and Common Tenure is included at [Appendix O](#).

Office holders on common tenure may be subject to a Capability Procedure. The Code of Practice under Regulation 31 of the Ecclesiastical Offices (Terms of Service) Regulations 2009 is set out at [Appendix M](#).

## **39. Right to be accompanied**

In any meetings concerning a formal Grievance, or Capability / Disciplinary Procedures, the office holder may be accompanied, upon making a reasonable request, by a lay or ordained colleague or trade union representative.

HR advisers and registrars may be present at such meetings to advise the bishop or DBF, although they can also explain how policies and procedures work.

## **40. Respondent in any Employment Tribunal proceedings**

A comparison of right to appeal to an Employment Tribunal under Freehold and Common Tenure is included at [Appendix O](#)



It is hoped that any dispute or grievance will be resolved internally before an office holder considers making an application to an Employment Tribunal. However, the respondent in any such proceedings will be the Diocesan Board of Finance, except in the case of a person holding office in a cathedral, where it will be the chapter of the cathedral.

## **41. Health and Safety**

Office holders are responsible for their own health and safety and for safe working practices. In considering this and undertaking appropriate risk assessments, they may wish to refer to the Diocesan Board of Finance's own Health and Safety policy, (which can be found on the diocesan website) and to refer to their own PCC's Health and Safety policy.

The Guidelines for the Professional Conduct of the Clergy (see [Guidelines2 \(churchofengland.org\)](https://www.churchofengland.org/guidelines2)) acknowledges that there is risk in all pastoral work. The Guidelines go on to advise that: 'The place of the meeting, the arrangement of furniture and lighting, and the dress of the minister are important considerations in pastoral care. The appropriateness of visiting and being visited alone, especially at night, needs to be assessed with care.'

In some special cases, where Clergy are particularly vulnerable in the housing which has been provided by the Diocese, help may be available from the Diocesan Surveyor eg CCTV.

When Clergy make visits, it is wise to ensure that someone knows where they are and when they are likely to return.

Training is provided for Clergy concerning their personal security and details can be obtained from the Department for Development.

## **42. Clergy Counselling Service**

At times of crisis or difficulty, clergy and their spouses are entitled to 8 free sessions of counselling and can self-refer. Contact Amanda Thomas on 07711059435 or Relate on 0115 958 4278 for relationship counselling (all relationships not just marriage). If more than 8 sessions are required this should be referred to the Archdeacon.

## **43. Email and Social Networking Sites**

Clergy should regulate their own use of email, 'twitter' and social networking internet sites so as not to have a detrimental effect on their parish, the diocese, or individuals with whom they have contact due to the nature of their office.

Please see Appendix P for Social Media Guidance.

## **44. Safeguarding Policy**

All clergy office holders (including those with freehold) are subject to the satisfactory completion of a confidential Disclosure and Barring Service (DBS) check. DBS checks have to be renewed every three years and licence holders must co-operate fully with such clearance checks. All clergy are expected to be aware of and follow the Safeguarding procedures in their benefice and the Diocese, and attend Safeguarding training.

All clergy having any licence to minister in the diocese, including Permission to Officiate, are required to refresh their Safeguarding training at least every three years. A record is now being kept of attendees at Diocesan Safeguarding training sessions and this will be kept under review by the Archdeacons.

## **45. Termination of Appointment**

A comparison of the circumstances for removal from office under Freehold and Common Tenure is included at [Appendix O](#).

Under Section 3 of the Ecclesiastical Offices (Terms of Service) Measure 2009, offices held under common tenure may only be terminated as a result of:

- Resignation - 3 months' notice is required before resigning office, but this is variable by agreement with the Diocesan Bishop.
- A Capability Procedure.
- Disciplinary proceedings under the Clergy Disciplinary Measure or the Ecclesiastical Jurisdiction Measure.
- Reaching retirement age
- The post coming to an end because of a pastoral scheme (compensation for loss of office as a result of pastoral reorganisation as calculated by reference to Schedule 4 of the Pastoral Measure is limited to a maximum of one year).
- Where the office holder is a priest in charge, when the vacancy ends
- The appointment is for a fixed term under Regulation 29 of the Ecclesiastical Offices (Terms of Service) Regulations 2009.
- Death

## **46. Retirement and Pensions**

Pre-retirement courses and mid-career courses are available and can be arranged through the Department for Development.

Stipendiary service is pensionable with the terms of the Church of England Funded Pensions Scheme. Details of pension entitlement can be found in Appendix H 'Stipends, Pensions and Expenses Guidelines'.

There is no contracting-out certificate in force stating that the office is contracted-out employment for the purposes of Chapter 1 of Part III of the Pensions Schemes Act 1993.

If any member of the Clergy feels they may need to retire on the grounds of ill health, they should talk to the relevant Archdeacon in the first instance.

## **47. Disclosure of Information, Personal Records & Data Protection**

The underlying principle of Data Protection is respect for information about individuals. Protection extends from the collection of the data until its ultimate deletion and Data can be either electronic or in hard copy.

Concern is needed about three discrete but connected areas:

- Fair and lawful processing of data – how data should be handled.
- Subject access requests – what individuals can discover about the information held about them
- Notification requirements – what has to be advised to the Data Protection Commissioner

The key principle is that the data kept must be adequate, relevant and not excessive for the purpose. It must be kept for no longer than is necessary for the purpose and must be kept up to date. Explicit consent is required for data held on a web site and for data to be supplied to third parties.

An office holder has the right to request copies of all manual data and certain computerised data held about him / her, for example in his / her personnel file. Any such request should be specific about the items requested and be made in writing to the bishop. The diocese is entitled to make a charge for providing this information.

## **48. Alterations and Additions**

The provisions of this Handbook may be altered as occasion requires or as legislation / regulations demand. Such changes as are mandatory on the diocese will be deemed to take effect as at the effective date of the legislation/ regulations. However, the terms of any other proposed alteration or addition will be discussed as appropriate and notified to all office holders.