

**Diocesan guidelines for clergy serving under
the Ecclesiastical Offices (Terms of Service) Measure 2009
(‘Common Tenure’)**

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Please note that the material in this document, whilst it may include some information on matters that are legally binding on clergy, lay ministers and other lay officers and volunteers, should be generally understood as guidance and for information unless it explicitly states otherwise. In particular, it should not be construed as forming part of any employment contract.

**Diocesan guidelines for clergy serving under
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(‘Common Tenure’)
From our Bishop**

As Bishop, I am keen to ensure that those who exercise ministry within this diocese receive the best support possible in order to enable us all to exercise that ministry as effectively as we can. The guidelines enclosed in this document are designed to help those who hold office here under Common Tenure to understand both their entitlements and their responsibilities and is one important element in the care and support we offer to the clergy of the Diocese.

Nothing in these guidelines supersedes the charge laid on all clergy at their ordination, which can be found in the Ordinal. It is a fundamental assumption that priesthood has always been a call to holiness of life. Common Tenure does not re-invent ministry, nor simply assume that we mimic secular practice. But it does set out a clear framework for understanding what rights we have as office holders; and also what responsibilities we have to live up to.

These guidelines contain both new and existing information which has been brought together to form one document. It covers a range of matters, not all of which are linked to clergy terms of service. They will develop and change as new diocesan practices and policies are introduced and others amended, to ensure they express the Christian Gospel, reflect best practice and the changing circumstances in relation to clergy terms of service. The Bishop’s Staff welcome and encourage new ideas and suggestions about how things can be done better.

Please do take time to study the contents of these guidelines. It should be read alongside the new Guidelines for the Professional Conduct of the Clergy.

I pray that the contents will help to further our common life and make our ministries more effective in our service of Jesus Christ.



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Priests are called to be servants and shepherds among the people to whom they are sent. With their Bishop and fellow ministers, they are to proclaim the word of the Lord and to watch for the signs of God's new creation.

They are to be messengers, watchmen and stewards of the Lord; they are to teach and to admonish, to feed and provide for his family, to search for his children in the wilderness of this world's temptations, and to guide them through its confusions, that they may be saved through Christ for ever.

Formed by the word, they are to call their hearers to repentance and to declare in Christ's name the absolution and forgiveness of their sins.

With all God's people, they are to tell the story of God's love.

They are to baptize new disciples in the name of the Father, and of the Son, and of the Holy Spirit, and to walk with them in the way of Christ, nurturing them in the faith.

They are to unfold the Scriptures, to preach the word in season and out of season, and to declare the mighty acts of God.

They are to preside at the Lord's table and lead his people in worship, offering with them a spiritual sacrifice of praise and thanksgiving.

They are to bless the people in God's name.

They are to resist evil, support the weak, defend the poor, and intercede for all in need.

They are to minister to the sick and prepare the dying for their death.

Guided by the Spirit, they are to discern and foster the gifts of all God's people that the whole Church may be built up in unity and faith.

SECTION ONE – Common Tenure

1.1 Introduction

On 31 January 2011, significant changes occurred in the way in which clergy hold office in the Church of England following implementation of the Ecclesiastical Offices (Terms of Service) Measure 2009. All clergy appointed after that date hold office under Common Tenure.

Clergy who hold office under Common Tenure are entitled to a written Statement of Particulars setting out the obligations and rights of office holders conferred by the Measure and Regulations. The Statement of Particulars is supported by these guidelines, which provide more detailed information about local diocesan arrangements.

1.2 Statement of Particulars

The Statement of Particulars (SOP) is a factual statement of the basic terms and conditions of service that apply to the office holder of a particular office. The legal obligations referred to in the SOP are binding because they derive from legislation to which clergy office holders are subject (principally the Terms of Service Regulations and the Canons). It is not an employment contract.

The information that must be provided in the Statement of Particulars is set out in the Ecclesiastical Offices (Terms of Service) Regulations 2009. Further information can be found on the Common Tenure website: <https://www.churchofengland.org/more/clergy-resources/national-clergy-hr/clergy-terms-and-conditions-service>

1.3 Role Description

In line with best practice, the diocese has produced a template role description to be used and a guidance document on writing role descriptions. These should take you through each step of the process and contains a helpful starting point for thinking about the tasks and challenges that are specific to the individual role. These documents can be found on the diocesan website.

The role description is an essential document which describes the expectations of the officeholder and the work to be done. To be effective role descriptions need to be realistic, relevant, contextual and consensual. It is meant as a gift to ministry that will add value and might be helpful in a number of ways such as providing:

- A framework of reasonable expectations and priorities
- A basis for ongoing discussion about the role and priorities between the minister and for example churchwardens, the PCCs or appropriate colleagues. It is recommended that ministers liaise with their PCCs around any significant changes.
- A focus for further development and improvement of skills and abilities to enable the person to fulfil their ministry and therefore to be used in conjunction with Ministerial Development Review and updated as necessary.

Role descriptions will be revised when there is a vacancy. New appointees will also review their role descriptions after about 6 months in office. In addition to the role description there are a number of other sources which define the role of the office-holder. These include:

- The **ordinal** which describes the role of the office-holder in a number of different ways at ordination.
- **Canon Law** sets out church legislation which governs the way an office-holder should carry out their role.
- The **licence** from the bishop
- Legislation of a more general nature that affects the role of the office-holder.

Section 2 - Clergy Welfare and Wellbeing

The following policies have been put in place to help address and support pressures clergy may face including in their personal and family lives. It sets out how the diocese will offer support and advice to clergy, as well as offering a range of pastoral and practical support. This section includes information on:

- * Rest Periods and Annual Leave
- * Pastoral Care and Counselling for Clergy and their Families
- * Guidelines for supporting Clergy and their Families through sickness absence

2.1 Rest Periods and Annual Leave

2.1.1 Introduction

It is important that clergy make time for, and protect time, with their personal space and families. Deep within our faith there is a reverence for Sabbath rest. The responsibility for ensuring that leave and days off are taken lies with both the individual member of clergy and their parish. It is important that clergy do take the right time off, as not taking time off, over-working, and not respecting their own private and family time, sets a bad example to others, and puts their own health at risk.

2.1.2 Rest Periods

Clergy are entitled to an uninterrupted rest period of 24 hours in each period of 7 days. The weekly rest period may not be taken on the following:-

- A Sunday
- Any of the Principal Feasts of The Church of England as set out in The Canons and Common Worship
- Ash Wednesday
- Good Friday

Once a month clergy are entitled to an uninterrupted rest period of not less than 48 hours.

2.1.3 Time off during the week

Full time stipendiary clergy are expected to work a six-day week and ideally one full day should be taken off a week, and ideally two evenings. When planning a working week clergy should, where it is possible, work only two out of three 'sessions' in a day (am/pm/evening). Where, on several occasions during a week an individual has worked all three sessions they should consider taking the whole or part of a second day off during that week.

Clergy are of course flexible because of the nature of the role, but should excessive hours be being worked or planned, it is advisable that they discuss this with their Archdeacon and in ministerial reviews and spiritual directions so that they can be guided appropriately.

2.1.4 Time off for Public Duties

Office holders may spend time on public duties other than the duties of their office, subject to Regulation 24(2) of The Ecclesiastical Offices (Terms of Service) Regulations 2009. Public duties are defined in the Regulations as follows:-

- Any work done for a public authority, including membership of a *court or tribunal or for a charity within the meaning of The Charities Act 2006 or a Registered Friendly Society.
- Any work done in connection with the activities of an independent trade union representing office holders of a description which includes the person in question.

*Clergy are eligible for Jury Service and should be encouraged to claim their attendance allowance.

2.1.5 Annual leave entitlement

Office holders are entitled to 36 days or 6 weeks of annual leave (pro rata for part time clergy).

Annual leave may not be taken on the following**:-

- More than 6 Sundays a year
- Any of The Principal Feasts of The Church of England as set out in The Canons and Common Worship, Ash Wednesday or Good Friday **without the express permission of their Archdeacon**

Clergy are entitled (in addition) to the Bank Holidays or time off in lieu. Days may be taken in lieu of the Bank Holiday entitlement in respect of Christmas Day and Good Friday.

**Self-supporting clergy may have specific patterns of time commitment which might mean this is not feasible, in such cases annual leave should be agreed with the incumbent.

2.1.6 Special Leave

The Bishop may grant an additional period of special leave in particular circumstances.

2.1.7 Maternity, Paternity, Parental and Adoption Leave and time off work to care for dependents

Clergy are entitled, as appropriate, to Maternity, Paternity, Parental and Adoption Leave, under Regulation 23 and The Ecclesiastical Offices (Terms of Service) Directions 2010 (amended by the Ecclesiastical Office (Terms of Service) Amendment Directions 2015) and time off to receive ante-natal care as specified in Regulation 25.

Clergy are entitled to request time off, or adjustments to the duties of their office, to care for dependents in accordance with The Ecclesiastical Offices (Terms of Service) Directions 2010.

Full details of these policies can be found in section three. Further information can be found by following the link to <https://www.churchofengland.org/more/clergy-resources/national-clergy-hr/clergy-terms-and-conditions-service> which is part of the Church of England website.

2.2 Pastoral Care and Counselling for Clergy and their Families

Clergy are provided with a separate leaflet introducing the Diocesan Care and Counselling Service, which makes professional counselling available free of charge to clergy and their

families on an entirely confidential basis. Full contact details are available on the website using the link below:

<http://www.bathandwells.org.uk/supporting-ministry/hr-employment/counselling-wellbeing/>

2.3 Guidelines for supporting Clergy and their Families through sickness absence

2.3.1 Introduction

The guidelines set out in this document focus on how senior clergy and support centrally within the diocese will be offered, and co-ordinated. What remains key are the support networks, and the pastoral and practical care that local clergy, senior colleagues, and local communities are able to provide.

2.3.2 Principles

This policy is based on the following diocesan principles:

- Respect for individual dignity and privacy – to ensure that no sensitive information of any kind will be shared with anyone without an individual’s prior consent or knowledge. In particular with medical information, in accordance with medical guidelines, this will only be shared with the individuals’ express informed consent.
- Quality pastoral and practical care – to ensure contact is maintained throughout the stages of illness and/or longer term treatment and that as appropriate there is the offer and/or link with local networks of colleagues, for the best professional, pastoral, and practical care.
- Seeking medical reports and professional advice – to ensure that any medical reports obtained when needed, will offer practical advice, suggestions and recommendations phrased both in terms of fitness for duty, and short, medium and longer term adjustments which will enable the individual to return to full capacity as safely as possible.
- Ensuring appropriate financial support – to ensure that stipends are maintained within the appropriate diocesan and Church Commissioner policies, and that in cases of hardship we will work to try and secure grants and other benefits from appropriate bodies on an individual’s behalf.
- Being flexible and focusing on the individual – to work with an individual to help them structure their schedule and workload in such a way that will give them the maximum flexibility to balance managing their medical treatment with maintaining effectiveness and efficiency in their office. The diocese may take independent medical advice to ensure we are giving the most appropriate support.
- Providing information and support – to work with individuals to seek out information that may help with their circumstances, and where appropriate and wanted, to put people in touch with others known to us who may have knowledge of/been through similar circumstances and can offer support.

- Providing assistance with cover arrangements - often an individual is left to make their own arrangements at a time when they are feeling most vulnerable/ill. We will work with individuals to lighten this load and to help make cover arrangements for them where this is helpful.

2.3.3 Clergy Sickness

The obligations and rights for clergy, if they are unable to perform their duties because of sickness are set out in Regulations 27 and 28 of The Ecclesiastical Offices (Terms of Service) Regulations 2009

If you are stipendiary, you are required:

- to inform your incumbent (if applicable) or the Area Dean if you are unable to perform the duties of your office because of illness for any period of one day or more;
- to provide a medical certificate for absence of more than 7 days to the Diocesan Finance Department.

Whether you are stipendiary or not, you are required to use all reasonable efforts to make arrangements for the duties of your office to be performed by another person during any absence because of illness – which may, where appropriate, consist of notifying a responsible person or authority of the absence. The purpose of this reporting requirement is primarily pastoral and practical to ensure that the office holder concerned and the parish are properly supported if the office holder is ill for any substantial period of time.

Clergy who do not qualify for Statutory Sick Pay under government regulations or who have exhausted their period of entitlement may be able to claim Employment and Support Allowance; further information can be found at the following link: [Employment and Support Allowance](#)

Following an absence of more than seven days all clergy (including self-supporting and House for Duty) should make contact with both the Area Dean and Archdeacon to inform them of the nature of absence and the likely duration. The Area Dean will provide on-going pastoral support and keep the Archdeacon updated on the situation in confidence. Up to the 5th week of absence, churchwardens are encouraged to organise readers and clergy with PTO to take services to ensure their incumbent is relieved of duties at this time. The member of clergy and the Area Dean should agree frequency of contact to keep updated regarding absence and for the purpose of keeping in touch.

2.3.4 Long Term Sickness

Following the 5th week the Archdeacon (and/or Area Dean) will arrange provision of other clergy and readers (who may be paid for by the diocese) to take services or to liaise with churchwardens who are prepared to do this, to ensure that the Incumbent concerned is completely relieved of duties at this time.

Following the 5th week of absence the Archdeacon will arrange to visit the member of clergy at home. The Archdeacon may ask the Area Dean to undertake this role. A written summary of the discussion should be agreed and retained. The purpose of this visit should be:

- To understand the nature of the illness and likely duration, understanding the confidential nature of medical information
- To provide pastoral care
- To agree any support that may be required, which may include access to a counselling service, retreat, spiritual direction or support from other clergy depending on the nature of the absence. Support for the family will also be considered.
- To agree if there is any support that can be provided in order to assist the individual in returning to their duties.
- To agree how the absence is to be publicly described (e.g. in communications to other clergy, colleagues, churchwardens and with the wider public of the parish and church community) maintaining confidentiality regarding personal sensitive information.
- To make decisions regarding the involvement of an independent occupational health provider to provide information to support the individual will be considered at the appropriate stage or the ability to approach the individual's GP for a full medical report.
- To agree frequency and means of contact and communication between the individual and the Archdeacon

The Archdeacon should keep in regular touch with the churchwarden to clarify what help is available locally, whilst respecting confidentiality of the individual absent.

When approaching 28 weeks of sickness leave the Archdeacon will arrange to meet with the member of clergy, this does not preclude the Archdeacon from meeting with the individual before this date. A written summary of the discussion should be agreed and retained. The purpose of the meeting should be to:

- Establish the likely prognosis
- Consider whether any progress has been made and whether a return to work is feasible now or in the near future.
- Make a referral to an independent occupational health provider; this may be a review appointment where they have already been involved.
- Clarify with the individual what the possible options are
- Consider whether ill-health retirement needs to be considered
- Consider any other support that may be required for the individual and their family.

Where the period of absence continues beyond this point, further review meetings will be arranged. The frequency of these meetings will be decided based on the individual circumstances. The Archdeacon will refer to the Diocesan HR Adviser for guidance.

The diocesan policy in relation to payment during long-term absence is as follows:

- 26 weeks at full stipend and then a reduction of 50% for 26 weeks
- Where there is a reduction to half stipend, the diocese will endeavour to support clergy where financial hardship is a risk.
- The diocese will continue to make pension contributions for officeholders, and housing (where applicable) will continue to be provided.

Where ill health retirement occurs, careful thought should be given to the 'after care' for a particular individual. This may involve arrangements for the transfer of pastoral care where the individual moves to another diocese, involvement from the Area Retirement Officer or access to the Diocesan Pastoral Counselling service.

2.3.5 Returning to Duties

Where an individual is able to return to their duties after a period of long-term absence, they should have a meeting with the Area Dean or Archdeacon as appropriate. The individual should make contact with the Area Dean or Archdeacon prior to the date in which they are due to return in order for these arrangements to be made. The purpose of this meeting should be to:

- Ensure the individual feels fit to undertake their duties
- Provide assistance where a phased return might be needed and consider how this might be accommodated.
- Consider whether any reasonable adjustments are required (see section 2.3.6 on disability)
- Understand whether any other support is required
- Consider who the individual might need to meet with as part of their return in order to 'catch-up' on what has happened whilst they have been absent, e.g. Readers, Churchwardens etc.

Where a phased return is required this should be discussed between the individual and the Archdeacon. Guidance may be sought from the Diocesan HR Adviser, the individual's doctor or an independent occupational health provider. A phased return may include a range of temporary changes such as reduced working hours or days or reduced responsibilities.

2.3.6 Disability

Where an individual has a disability as defined under the Equality Act 2010 the Archdeacon will provide assistance to the individual (and where appropriate parish leadership and churchwardens) with understanding appropriate reasonable adjustments that could be made to enable the individual to carry out their duties effectively. This could include ensuring the parish(es) have the appropriate knowledge and training required, to ensure that local reasonable adjustments are in place. Centrally, the Archdeacon will make the appropriate links with departments (e.g. Property, Ministry, etc.); to ensure the individual is supported, their needs are addressed appropriately; and have access to appropriate professional advice and support. In circumstances where specific equipment is required, e.g. specialist software, adaptations to property etc., the Archdeacon will provide advice on funding and resourcing.

Section 3 - Supporting Clergy at home

- * Maternity Leave
- * Adoption Leave
- * Paternity Leave
- * Shared Parental Leave
- * Parental Leave
- * Compassionate/Dependants Leave

Please note: There is comprehensive advice about all these aspects of leave and pay on the Church of England website at:

<https://www.churchofengland.org/more/clergy-resources/clergy-payroll/parental-leave>

The relevant forms can also be accessed through the Church of England's national website via Clergy Payroll Services, the website address is: <http://www.churchofengland.org.uk/>

3.1 Maternity Leave

3.1.1 Introduction

Clergy should inform their appropriate senior member of clergy as soon as possible of their pregnancy in order to receive information/advice regarding their entitlement to maternity leave and pay and in order for appropriate health and safety assessments or other advice to be undertaken. However, it is recognised that some clergy may not wish to announce their pregnancy during the early stages.

3.1.2 Ante-natal care

Clergy have the right to paid time-off for ante-natal care regardless of the length of service or the number of hours that they work.

3.1.3 Maternity leave entitlements

Maternity leave may last up to 52 weeks and is made up of two parts:

- OML – Ordinary Maternity Leave (26 weeks)
- AML - Additional and unpaid Maternity leave (26 weeks)

3.1.4 Claiming entitlements

Once the individual has decided when they wish to commence maternity leave, they will want to make local arrangements for cover where this is appropriate, and they should discuss how this will work in practice with their local senior colleague *and* the Archdeacon (or, as throughout this policy, the appropriate member of Bishop's Staff).

They must return their MATB1 form from their midwife and the following details to the Archdeacon. These are forwarded to the Church Commissioners via the Finance Department at the Old Deanery for stipend payment purposes.

- Their full name and place of work
- The expected date of childbirth
- The date they are intending to commence maternity leave (which cannot start before the beginning of the 11th week before the expected week of childbirth (EWC)

Individuals have the right to change the date they wish to commence their maternity leave and much will be down to local arrangements and the individuals own wishes - however, they should give a reasonable period of notice.

3.1.5 Maternity Pay

Office holders with at least 26 weeks continuous service with the Diocese of Bath & Wells by the end of the 15th week before the expected week of childbirth will qualify for Statutory Maternity Pay (SMP). In addition they must meet the following criteria:

- Have given notice confirming the commencement date of their maternity leave to the Archdeacon and the diocesan office
- Have an average stipend which is above the lower earnings limit for National Insurance contributions
- Are pregnant at the 11th week before their baby is due or have had their baby by that time.

Statutory maternity pay is paid at 90% of average earnings for the first 6 weeks, and the lower of 90% of average weekly earnings or SMP for the remaining 33 weeks. Anything offered in excess of these provisions is considered as Occupational Maternity Pay (OMP).

If a member of clergy has less than 26 weeks in their office they may not be entitled to SMP. The individual will need to seek advice from the Department of Work and Pensions to identify whether they qualify for maternity allowance. The Finance Department, will issue an SMP1 form to confirm that that no stipend payment will be made from the diocese.

In the Diocese of Bath & Wells, office holders will qualify for occupational maternity pay if they meet the following conditions:

- Have one year's continuous service at the beginning of the 14th week before the expected week of childbirth
- Be in paid service at the time maternity leave begins
- Have given notice confirming the commencement of their maternity leave to the Archdeacon and the diocesan office
- Give an undertaking of the intention to return to the duties of their office after the birth

Occupational maternity pay is set at full stipend for 39 weeks (inclusive of SMP) from the commencement of maternity leave. Following this, office holders are entitled to 13 weeks unpaid leave.

Maternity pay is subject to income tax and national insurance contributions in the same way as normal earnings. The Clergy Pension Scheme ensures that individual's contributions are paid during paid maternity leave absence. If an individual on her return to work wishes to pay contributions for the unpaid part of their maternity leave, they must contact the Diocesan Head of Finance & Operations.

3.1.6 Starting maternity leave and stipendiary payments

Maternity leave/pay can start on any day of the week but not before the beginning of the 11th week before the expected week of childbirth. However, if an individual gives birth before the start of their maternity leave, then their maternity leave/pay will start the day after the birth. An individual may not work for two weeks immediately after the birth of a baby by law. Women whose babies are stillborn, or who miscarry after the 24th week of pregnancy, will qualify for the full scheme terms.

3.1.7 Pregnancy related-illness before maternity leave commences

If an individual is absent from work, due to a pregnancy related illness, at the beginning of the 4th week before the expected week of childbirth, this absence will trigger the start of her maternity leave. In this case, her maternity leave will commence on the day after the first day of absence after the beginning of the 4th week before the expected week of childbirth. Individuals should let the Finance Department know if their baby arrives before they were due to commence maternity leave.

3.1.8 Working during maternity leave (Keeping in Touch days)

Keeping in Touch (KIT) days allow an individual to work up to 10 days during maternity leave without losing the right to maternity pay or bringing the leave to an end.

It is likely that clergy will want to stay in touch with their parish(es) and key people but it is advisable that they are very clear to everyone that they are only available for limited times so they are able to manage their leave appropriately. The appropriate Archdeacon can be consulted if there are any problems. However, there is no obligation for the individual to attend their normal role during this time nor is there the obligation for parishes or senior staff to expect, or offer, such opportunities.

KIT days are not an extension to ordinary or additional maternity pay period i.e. they cannot be used at the end of maternity leave to extend the period.

3.1.9 Returning to work after maternity leave

Under current regulations, senior staff will assume that the maternity leave will end at the dates which were agreed and the individual will return to the duties of their office. If an individual wishes to return before their official return date they should discuss this with their Archdeacon in order for arrangements to be made and advice given. Where an individual wishes to return to their office but on a different basis this should be discussed with the Archdeacon.

Where it has been agreed that an individual may return to their office on a different basis, i.e. part-time, the details and implications should be thoroughly explored and agreed with the Archdeacon. For example it may be that the child(ren) has health problems and a period of part time working may help share the load of family responsibilities. When it has been agreed that an individual can take parental leave immediately following the expiry of maternity leave, local arrangements can be discussed with the Archdeacon.

Officeholders remain in office while they are on leave; which means they retain the rights and responsibilities that go with the office. If an individual decides not to return after the

maternity leave period, they must inform their appropriate Archdeacon and the Bishop giving their decision to resign from their office and the appropriate notice period.

3.1.10 Maternity leave and annual leave

The period of absence on maternity leave will be counted as “service” for the purposes of annual leave. Individuals are advised to take their annual leave in the current year before the commencement of their maternity leave. Where it is not possible to take the annual leave entitlement before the commencement of the maternity leave period, for example where the baby arrives early, then this leave can be taken after the maternity leave period.

3.1.11 Health & Safety

A pregnant individual is given specific health and safety protection under the European Union “Pregnant Workers Directive” and the Management of Health & Safety at Work Regulations 1999 and the Working Time Regulations 1998. Whilst clergy are officeholders not employees, the diocese recognises sound advice and good practice, and strongly advises individuals to be mindful of these and to take responsibility for familiarising themselves with their content.

The Archdeacon will offer advice and assistance on assessing the risks to which an individual may be exposed in the course of their office through discussion at the start of the pregnancy and adjustments will be agreed where appropriate, bearing in mind the risks to new and expectant mothers and their unborn child. Individuals are reminded that they also have a responsibility to identify any areas of work practices, which might adversely affect their work health and safety and to raise any concerns with their Archdeacon to try to identify a suitable course of action.

Where a risk cannot be avoided, a discussion will take place about what measures can be taken to recognise the risks. Following the appropriate risk assessment, in exceptional cases and where suitable alternative work cannot be found, it may be necessary to consider alternatives.

3.1.12 Outstanding loans

Where an individual has an outstanding loan e.g. for a car, prior to the maternity leave commencing there are three options. Firstly to freeze payments until they are back at work, the second is to continue paying loans as before, the third is to continue, but reduce payments until maternity leave has ended. The Archdeacon can help with advice on this.

3.2 Adoption Leave

Clergy should inform their appropriate senior member of clergy as soon as possible in order to receive information/advice regarding their entitlement to adoption leave and pay. However, it is recognised that some clergy may not wish to let people know about their plans until things are clearer. As this can be a very anxious and stressful time the diocese would want to do all it can in terms of practical and pastoral support.

3.2.1 Time off for introductions

Clergy have the right to paid time-off for specific introduction meetings with appropriate social workers/children. Clergy adopting should let their Area Dean/Archdeacon know

when they are planning to take introduction time off and provide any evidence that may be required.

3.2.2 Adoption Leave Entitlements

Leave arrangements can begin once a member of clergy can demonstrate that they have been matched with a child through an authorised adoption agency. Once an individual has decided the date on which they wish to commence their Ordinary Adoption leave, they must give notice, in writing to the Archdeacon and the diocesan office.

They must confirm the following details discussed for their clergy personnel file.

- Their full name and place of work
- The expected date of the child being matched

An individual has the right to change the date they wish to commence their adoption leave. However, they must give a reasonable period of notice and talk with their Archdeacon about cover arrangements.

Ordinary Adoption Leave may commence from a predetermined date up to 14 days before the expected date of placement (within the UK for UK related adoptions). Where an overseas adoption is taking place leave may begin from the date of the child's entry into the UK or from a predetermined date up to 28 days after that.

3.2.3 Claiming Benefits

Statutory Adoption Pay is paid by the Church Commissioners via the normal stipend arrangements and is paid for 39 weeks in total. After the 39 weeks the individual is entitled to a further 13 weeks unpaid leave which makes the leave up to the 52 weeks available through maternity leave provision. Either partner may receive Statutory Adoption Pay, but not both. The other partner may be entitled to receive Shared Parental Leave and Pay.

Office holders with more than one year's service will be entitled to occupational adoption pay which is set at full stipend for 39 weeks (inclusive of SAP) from the commencement of maternity leave. Following this, office holders are entitled to 13 weeks unpaid leave.

3.2.4 Working during Adoption Leave (Keeping in Touch days)

Keeping in Touch (KIT) days allow an individual to work up to 10 days during leave without losing the right to pay or bringing the leave to an end. Both clergy and parish/diocese (as appropriate) must agree to KIT days being worked; however there is no obligation for the individual to attend work during this time. Whether a whole day has been worked or only part, one whole KIT day will be deducted from the 10 days entitlement. A KIT day will not take place during the first two weeks following the placement of a child. KIT days are not an extension to ordinary or additional adoption leave or pay period i.e. they cannot be used at the end of leave to extend the period.

3.2.5 Annual leave

The period of absence on adoption leave will be counted as "service" for the purposes of annual leave. An individual should take their annual leave in the current year before the commencement of their adoption leave. Where is not possible to take the annual leave entitlement before the commencement of the adoption leave period, for example where

there are placement difficulties then this leave can be taken after the adoption leave period.

3.3 Paternity Leave

Clergy should inform their appropriate member of Senior Staff as soon as possible of their wife's pregnancy. Initial thoughts regarding potential paternity leave can be discussed, in the first instance with the Archdeacon.

3.3.1 Qualifying criteria

An individual who is the father of the child (adopted, foster or birth) or married to the child's mother, is entitled to paternity leave if he has the responsibility of the child's upbringing. The individual must have been continuous service for at least 26 weeks by the 15th week before the expected week of childbirth. There is a right to paternity leave even if the child has died or was stillborn after 24 weeks of pregnancy.

3.3.2 Paternity leave arrangements

The individual is entitled to take up to two consecutive weeks paid leave on full stipend (local arrangements may require flexibility), but the leave must be taken within 56 days of a child's birth.

Local cover and other arrangements may need to be made for an individual to take paternity leave, so the appropriate Archdeacon should be notified of an intention to take Paternity Leave in writing, detailing the expected week of delivery, the length of leave the leave to be taken and the start date. This date can always be varied depending on the individual circumstances. The diocesan office should be notified of the dates of paternity leave taken.

3.4 Shared Parental Leave

Shared Parental Leave enables eligible parents of babies due, or children placed for adoption, to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. Mothers and adopting parents who meet the conditions for entitlement to Shared Parental Leave remain entitled to 52 weeks of maternity leave. After taking two weeks' compulsory leave, they are entitled to reduce their entitlement to maternity/adoption leave either by returning to work before their full entitlement of Statutory Maternity/Adoption Leave has been taken, or by giving notice to curtail their leave at a specified future date. They may then share the balance of any remaining leave, and pay, with the other parent.

Clergy who exercise an entitlement to Shared Parental Leave and who meet the eligibility requirements of the Statutory Shared Parental Pay (General) Regulations 2014 are entitled to Statutory Shared Parental Pay. An entitlement for Occupational Shared Parental Pay exists for those with more than one year's service at the beginning of the 11th week before the expected date of birth/placement. The amount of occupational pay available will be determined by the remaining amount of weeks of maternity/adoption pay that would have been available.

Further information regarding the eligibility and notification requirements may be found by contacting the diocesan HR Adviser. Office holders wishing to take shared parental leave should give notice to the Archdeacon and the diocesan office, eight weeks before they wish their leave and/or pay to start. The forms from the Church of England website should be completed.

3.5 Parental Leave

Parents are, entitled in law to a period(s) of time to assist in the arrangements for their children's welfare. This type of parental leave is unpaid (whether for father/mother/other carer).

3.5.1 Qualifying criteria

Clergy who have been in office for at least one year and who have or expect to have parental responsibility for a child are entitled to parental leave. Parents are entitled to take up to 18 weeks of unpaid leave in respect of children under 18 years.

3.5.2 Parental leave arrangements

Parents cannot take in excess of 4 weeks parental leave in respect of an individual child during a particular year. Parents must take leave in blocks of one working week (i.e. not single days). Notice for requesting leave must be at least 21 days notice other than in exceptional circumstances. As parental leave falls outside the normal leave arrangements, the local senior colleague and Archdeacon should be advised of parental leave to be taken and be assured of cover arrangements. The diocesan office must also be notified.

3.6 Compassionate/Dependants Leave

All clergy are entitled to short period(s) of paid leave (usually no more than a few days) to assist in dealing with emergency situations or to make alternative arrangements in instances such as:

- providing assistance when a dependant is injured, falls ill or gives birth
- to make care arrangements for a dependant who is ill or falls ill
- in the consequence of the death of a dependant
- due to the unexpected disruption or termination of current care arrangements

3.7 Dependants

A Dependant is clearly defined in law as: a person whose support and maintenance is contingent upon the aid of, or being sustained by, another person, such as a child supported by his or her parents.

- Child
- Spouse
- Parent
- Grandparent
- In secular arrangements – a Co-habitee or civil partner

- A dependant may also be anyone who reasonably relies on the individual for assistance in cases of illness and/or injury

3.7.1 Dependants leave arrangements

Individuals must let their senior colleague/Archdeacon know as soon as possible of their need to be absent from work and an idea of how long they will need to make suitable arrangements for cover so that appropriate pastoral and/or practical support can be offered and/or arranged.

The amount of time off which is 'reasonable' will depend on each set of circumstances. Time off for dependants is unpaid.

Where prolonged absence is required individuals should talk to their local senior colleague, and/or Archdeacon, as it may be appropriate for an agreed period of special leave, compassionate leave, unpaid leave, or temporary change in working days/arrangements. The diocesan office should also be notified.

Section 4 – Clergy Development

4.1 Introduction

The Terms of Service/Common Tenure arrangements confer on clergy a range of rights and responsibilities, including undertaking regular reviews and participating in a programme of professional ministerial development.

A variety of Continuing Ministerial Development opportunities are offered which aim to focus not just on learning and training but to take seriously the flourishing of the whole person in their ministerial context.

Relevant provision will depend on each individual, their experiences, and their own needs which will vary over the years. The diocese will support clergy in their continuing formation, within the budget allocated. All programmes of learning and development are co-ordinated by the Training Team Leader (Ministry for Mission department).

4.2 Ministerial Reviews

The Diocesan Bishop is required to make, and keep under review, a scheme for Ministerial Development Review, and all clergy are required to co-operate and actively participate in any process for review undertaken within the Diocese.

The Bishop's Office will ensure that a two yearly Ministerial Review is arranged. Clergy meet with a member of Bishop's Staff every two years (alternating between their Archdeacon and another Bishop's Staff member).

Ministerial reviews are designed to reflect on an individual's ministry within its broader context and to focus on the present and the future. The process will help set objectives for the next couple of years. As part of the process two named people, chosen by the clergy person, will be asked to give their feedback and this can be very helpful when reflecting on style, perception, and the ministerial context.

Ministerial reviews should assist clergy by giving the opportunity to reflect clearly on present practice and key issues, identifying strengths, challenges and needs, and planning for the future.

4.3 Continuing Ministerial Development

It is the Bishop's policy, in line with Common Tenure, that all Clergy should participate in on-going CMD. Full time ministers are expected to set aside at least 5 days for CMD each year (including 2 from the Diocesan annual provision of courses) and to keep their own records of what they have attended.

Individuals can highlight formation, training or development needs through their Ministerial Development Reviews and on an on-going basis.

The grant for an individual's CMD account, known as 'Individual Allocation' is set at £180 per annum over a 2 year period. The cost of CMD days run by the diocese is taken from individual allocations. Participation in other appropriate training is reimbursed to clergy, from their allocation, upon production of information about the courses they wish to attend. The Training Team Leader can assist individuals in finding relevant development opportunities.

4.4 Transition moments

There will be training needs for specific moments of change in ministry. Bath & Wells combines with the dioceses of Bristol, Oxford, Guildford, Portsmouth, Salisbury and Winchester in the Southern Regional Institute to provide residential consultations for clergy at times of transition in ministry. Consultations are offered in the following areas:

- taking up a post of first responsibility
- moving to a new post
- becoming a Training Incumbent
- becoming an Area Dean
- preparing for retirement

4.5 Retreats

All stipendiary clergy are expected to make an annual retreat, typically the inside of a week, and other clergy and ministers are encouraged to do the same. There is no diocesan funding for retreats but parishes are asked to treat ministerial retreats as an expense of office.

4.6 Extended Ministerial Development Leave (Sabbaticals)

Times of Extended Ministerial Development Leave (EMDL) are offered at the discretion of the Bishop and should be seen as a conscious development of ministry, not simply an interlude away from it. EMDL is for a period of up to 3 months, providing space for self and God, refreshment, personal and professional development, study and reflection. Anyone interested in applying for EMDL should, in the first instance, contact the Training Team Leader (Ministry for Mission department).

4.7 Degrees and Further Degrees

Limited funding is available for those wishing to undertake either a first or further degree. Further information is available from the Training Team Leader.

4.8 Support in Ministry

The Ministry for Mission department is able to help in providing support for clergy through linking clergy with spiritual directors, mentors, and work consultants and giving details about Work Based Learning Groups and other support groups offered by the Diocese. For details see the diocesan website.

Section 5 - Housing

5.1 Introduction

Clergy's rights and responsibilities in connection with their housing are set out in The Repair of Benefice Buildings Measure 1972 and other legislation which can be located at <https://www.churchofengland.org/more/clergy-resources/national-clergy-hr/clergy-terms-and-conditions-service>

The aim of the Finance Group (Parsonages Board) is to support the Clergy and their families with accommodation appropriate to their needs and, as far as possible, to relieve them of domestic concerns in order that they may concentrate upon their Pastoral responsibilities.

The Finance Group undertakes to:-

- **Provide** suitable houses by building, purchase or improvement
- **Sell** unsuitable houses or those which are surplus to requirements as a re-organisation result of Pastoral
- **Repair** the existing housing stock in accordance with statutory requirements

The Housing Guide is available online at:

<http://www.bathandwells.org.uk/supporting-parishes/bricks-mortar/clergy-housing/>

The guidelines apply solely, to all Beneficed Houses and Team Vicarages. Due to the nature of property owned/purchased for Curates, some variations to the guidelines may be required. Any clarification required should be sought from our Diocesan Surveyor.

For those who live in accommodation provided by, but not owned by, the diocese please refer to the copy of the Tenancy Agreement, a copy of which would have been sent at the commencement of the tenancy.

Clergy are reminded that sub-letting of clergy housing is not allowed except in very exceptional circumstances and only with the Board's prior consent.

Members of The Property Dept. at The Old Deanery are always available to assist with any queries or concerns individuals may have with regard to their housing.

5.2 Lodgers or Tenants in a Clergy Occupied House

5.2.1 Introduction

This policy only applies where rental is being charged and it therefore does not apply where a friend or relative of a priest is staying for a period at the clergy house.

At present, any rental income obtained by a minister from having a lodger or tenant in a clergy house should be disclosed on the annual return and the minister's stipend should be offset accordingly. There is a significant distinction in law between a lodger and a tenant, the table below sets out the main distinctions:

Lodger	Tenant
Will not have exclusive possession in that he will share possession on most of the property with the minister and the minister will have access to rooms such as a bedroom for cleaning purposes. They will not be able to put a lock on the door and keep the minister out.	Will have exclusive possession for a term, has the legal right to refuse entry to their room
Often (although not essential) a minister will supply services such as cleaning and sometimes provision of bedding or towels or meals.	No services will be provided
The lodger could be moved to a different room in the property	
The covenants for repair imposed on a landlord in the Landlord and Tenant Act 1985 do not apply.	Landlord responsible for keeping in repair the structure and exterior of the dwelling as well as various installations in the premises
Does not have the benefit of rent control provisions	Benefit of rent control provisions that apply to an assured tenant under a periodic tenancy under the Housing Act 1988.
Does not have security of tenure.	Security of tenure for a fixed period
Will pay rent which will include payment for the provision of utilities and other services and council tax	Will pay rent which will not include the payment for the provision of utilities/other services/council tax

It is the strong preference of the Diocese of Bath and Wells that clergy do not take in a lodger or a tenant due to potential legal issues and additional costs that may arise. However, it is understood that it may be seen as socially beneficial for single clergy occupants to provide company or more generally as a means of providing some financial assistance towards the cost of services or providing a local social use where a minister has spare accommodation.

5.2.2 Legal Issues

Without a proper agreement in place and a clear understanding of responsibilities, potential difficulties can arise for clergy who have taken a tenant or lodger. In particular, there is a risk that a tenant or lodger refuses to vacate premises when asked to do so. This could cause inconvenience to the priest or, should the priest have vacated the property, cause inconvenience, costs and loss of income to the Board in regaining vacant possession of the property.

In all cases, the creation of an arrangement that falls within the category of 'multiple occupation' is to be avoided because the implications are likely to prove very expensive as

they may result in a requirement to undertake major alterations; such works are likely to be detrimental to the house as a family home and could cost you hundreds or even thousands of pounds.

The automatic legal rights of clergy vary depending on their legal status:

Incumbents with the Freehold living in a Parsonage House: have the right to allow a tenant or a lodger to share part of the parsonage.

Office holders under the Clergy Terms of Service: an office holder who occupies accommodation provided under the Clergy Terms of Service Measure has various duties under Regulation 14 of the Clergy Terms and Service Regulations including:

(e) "Not to use the property except as a private residence for the office holder and his or her household and for such other purposes as may be agreed by the relevant housing provider, which agreement shall not be unreasonably withheld."

5.2.3 Process:

Where you wish to take a lodger/tenant you must:

- Seek permission from your Archdeacon (in the case of an incumbents with the Freehold living in a Parsonage House you should notify your Archdeacon and the Property Department of your intention)
- Where permission is granted you should then contact the Property Department to ensure an appropriate legal agreement is drawn up

5.2.4 Lodgers

Each case of a request for a lodger will be considered on its merits. Where permission is granted the following conditions will apply:

- an appropriate standard legal agreement, being entered into making it clear that the lodger does not have exclusive possession of any part of the property and that the agreement terminates and the lodger must vacate not later than the date of vacation of the priest;
- the priest providing services such as cleaning to ensure that the person does not have exclusive possession, or equivalent approved;
- the priest must provide in advance a clear budget in terms of income (payment) and expenditure (contributions towards food, heating and lighting where applicable) which must be agreed and will set out the net lodging payment;
- the net lodging payment being split 50:50 between the Board and the priest or an equivalent reduction in the stipend;
- any new or increased costs being the responsibility of priest such as the imposition of a higher charge in Council Tax or Water Charges which may be either invoiced or an equivalent reduction in the stipend;
- there being no overall financial increase in costs on the Board to the arrangement.

In each case it is recommended that the priest consults the Head of Finance & Operations to establish if there are any potential implications for stipend or tax liability.

5.2.5 Tenants

The diocese is unlikely to agree to tenancies being entered into because of the potential complications that could arise. Any request for this arrangement must be sent to the Diocesan Surveyor setting out the circumstances for the request. Agreement will only be forthcoming in exceptional circumstances. Should this be the case, then the considerations raised above are likely to apply, but in addition, other criteria are also likely to be relevant including liabilities and responsibilities in relation to statutory compliance issues.

Section 6 - Grants and Expenses

The Central Stipends Authority (CSA) recommends that those taking up a full-time office as assistant curate, deacon or licensed lay worker for the first time, and those taking up an appointment as an incumbent or minister of incumbent status for the first time, should receive a First Appointment Grant of at least 10% of the National Minimum Stipend (NMS).

This grant is only given to those who are taking up a curacy post for the first time and will not be given to those taking up their first incumbency status post.

This grant should be spent on such items wholly, exclusively and necessarily in the performance of clergy duties e.g. robes and books for conduct of service.

The first appointment grant is regarded as “income arising from the office” irrespective of when the grant is paid and when the costs are incurred. They are therefore taxable except for amounts paid out from the grant for the following types of item:

- Expenditure on an item which is exempt from tax e.g. carpets & curtains
- Expenditure on capital items which qualify for Annual Investment Allowance
- Expenditure on an item which qualifies for tax relief because it is “wholly, exclusively and necessarily in the performance of the duties” of the office e.g. robes and books for conduct of services

All other items are taxable and should be declared in box 10 on the Ministers of Religion page of the tax return. If the full amount of the grant is not spent within twelve months of awarding, arrangements should be made to return the balance to the diocesan office.

6.1 Resettlement Grant and Removal Expenses

The resettlement grant is intended to specifically cover the cost of domestic goods intended to replace items used at the old residence which are not suitable for use in the new residence i.e. the resettlement grant must be spent on items solely for the new residence.

If there is an item of which the tax treatment is unclear, please do not hesitate to contact the Stipends Officer at the diocesan office as this may have tax implications.

Please note there is a time limit. To qualify for payment under the resettlement grant, the expenses must be incurred within twelve months of the grant being awarded. If the entire resettlement grant is not spent, please make arrangements to return the balance to the diocese.

It is very important that a record of how both the first appointment grant and resettlement grant is spent together with receipts. HMRC may want to see the receipts at any point over the next three years and we must have them to hand. A random audit by the diocese is undertaken on 10% of removals every year and we may want to see grant receipts.

The grants are refundable in the unlikely event of the clergyperson not taking up the office.

The diocese will normally pay the household removal expenses incurred in moving from one office to another. There are strict rules about how this can be claimed, and therefore the Finance Department at the Old Deanery should be spoken to before making arrangements.

6.2 Clergy Expenses

PCC's should be committed to reimbursing clergy expenses in full. As a matter of good practice, clergy should retain all invoices and receipts relating to their expenses. The properly reimbursable parochial expenses of clergy include postage, stationery, telephone, administrative assistance, robe maintenance, hospitality, provision of a locum, travelling and subsistence. In addition, clergy are encouraged to take an annual retreat (in the middle of a week) which is a clergy expense to be met by the parish.

There is a very full guide available online at:-

<https://www.churchofengland.org/more/clergy-resources/national-clergy-hr/clergy-pay-and-expenses>

Clergy should consider making this available to churchwardens as well as reading it themselves.

The reimbursement of parochial expenses does not normally attract any liability for national insurance, however, where a PCC provides a taxable benefit in kind; it is liable for Class 1A National Insurance. The PCC should inform HMRC who will send the necessary form at the end of the tax year for completion and return.

For retired clergy and ordained self-supporting clergy giving assistance in the case of a vacancy, all expenses should be reimbursed by the PCC. In the case of a vacancy and if the officiant has Permission to Officiate (PTO) from the Diocesan Bishop, a yellow claim form can be completed and sent to the Diocesan Office for reimbursement from the PCC. If the officiant does not have a PTO, they can reclaim their travel expenses only. This is explained in the Bishops' Guidelines which are passed to the PCC at the beginning of the vacancy.

If clergy serve on certain diocesan committees, expenses claims normally need to reach the diocesan office no later than ten working days after the end of the month/quarter. If bank details are provided, a BACS payment will be made; otherwise a cheque will be issued.

Section 7 - Moving On and Retirement Procedures

7.1 Introduction

On appointment to another office (whether in this diocese or elsewhere), or when taking retirement from ministry, clergy need formally to notify the Bishop of Bath and Wells. Three months' notice is required.

Before writing formally, it is often helpful to have informal discussions with the Archdeacon about exact dates of retirement or leaving, and about when announcements should be made to parishioners. There are national church guidelines about stipend payments and the timings of a resignation and moving dates at section 7.2.

Retiring clergy need also to contact the Pensions Board themselves at an early stage to discuss their retirement arrangements. The Board's annual *'Your Pensions Questions answered'* booklet gives helpful details about this.

The formal letter to the Bishop will trigger some processes. These will include:

- A Deed of Resignation for the priest to sign and have witnessed.
- A letter from the Bishops' Senior Chaplain with some practical reminders about the house (in conjunction with the Property Department) and about parish matters that will need handing over to the churchwardens
- The Archdeacon will also want to meet the outgoing priest to say 'thank you', and to discuss any parish matters that s/he ought to be aware of.

7.2 Guidelines on clergy vacating a parochial office

The following guidelines have been adopted by dioceses in the South Western region and are commended as an example of good practice. Their regional adoption has brought the added benefit that clergy moving between dioceses in the region have experienced consistency of approach and this has proved helpful to all parties.

Moving house and changing jobs is a demanding process. These guidelines ensure that there is the opportunity for farewells, moving, resettlement, rest and retreat before taking up a new office while at the same time honouring obligations to both the new and old parish and/or diocese.

- The stipend is paid up to and including the date from which the resignation takes effect. If starting a new office, it is usual to be licensed the day after the date on which the resignation takes effect to ensure no loss of stipend or other benefits.
- The entitlement to occupy the current house ends when the licence for that role ends
- By negotiation with the Archdeacon and Area Dean, clergy leaving an office may normally take any existing annual leave for a maximum of three weeks leading to the date of resignation.

- The maximum allowed period for relocation and resettlement (apart from holiday) shall normally be no more than twenty one days following on the last Sunday in the parish. This is to enable clergy to have their office up and running for work as well as to organise their house.
- Clergy are encouraged to take a retreat within the first six months of the start of a new appointment.
- The DBF will only bear the cost of visiting ministers' fees during a vacancy (which begins the day after the date the resignation takes effect) and not during a period of leave immediately prior to the vacancy.
- The Archdeacon (or Area Dean in the absence of the Archdeacon) is the key person to authorise and advise clergy on these matters. If neither the Archdeacon nor the Area Dean is available consultation must be made with the Bishop's office at the time the Deed of Resignation is submitted.
- Clergy are expected to take the full allocation of days off and annual leave each year. (See Guidelines for Parish Clergy). Annual leave may not be 'carried over' into the following year, except with the express permission of the Archdeacon in consultation with churchwardens.
- Clergy are not permitted to calculate 'lost days' of either holiday or days off and add them on to their allocation of annual leave either prior to resignation or retirement.

Section 8 – Safeguarding

Safeguarding refers to the range of plans and activities that are put in place to protect children and adults who may be vulnerable to abuse and neglect from being exploited or harmed.

The Diocese has adopted a “Safeguarding Children, Young People and Vulnerable Adults Policy”, which can be accessed via the website:

<http://www.bathandwells.org.uk/diocese/safeguarding/>

The Diocese is committed to:

- The care, nurture of, and respectful pastoral ministry with all children, young people and all adults within our church community.
- The safeguarding and protection of all children, young people and adults when they are vulnerable.
- The establishing of safe, caring communities which provide an environment where there is a culture of ‘informed vigilance’ as to the dangers of abuse.
- We will follow safe recruitment procedure to carefully select and train all those with any responsibility within the church for children, young people and vulnerable adults, including the use of criminal records disclosures.
- We will respond to every complaint made which suggests that a child, young person or vulnerable adult may have been harmed, co-operating with the Police and local authority in any investigation.
- We will seek to work with anyone who has suffered abuse, developing with him or her an appropriate ministry of informed pastoral care.
- We will care for and supervise any member of our church community known to have offended against a child, young person or vulnerable adult.
- We will seek to challenge any abuse of power, especially by anyone in a position of trust.
- We will seek to offer pastoral care and support, including supervision and referral to the proper authorities, to any member of our church community known to have offended against a child, young person or vulnerable adult.

In all these principles we will follow legislation, guidance and recognised good practice.

Oversight of Safeguarding is provided by the Diocesan Safeguarding Group, chaired by Ted Allen.

If you have any Safeguarding concerns please contact the Safeguarding Team at The Old Deanery.

Glenys Armstrong
Diocesan Safeguarding Adviser
glenys.armstrong@bathwells.anglican.org

Helen Humphreys
Assistant Safeguarding Adviser
helen.humphreys@bathwells.anglican.org

If you have a concern regarding the way in which the Safeguarding Team have taken forward an issue please make contact with the Bishop's Chaplain.

Section 9 – Conduct

9.1 Good Practice in Pastoral Ministry

The primary aims of the guidelines are:

- To ensure the welfare and the protection of individuals and groups with whom the clergy work;
- To ensure the welfare and the protection of the clergy and their families;
- To encourage the clergy to aspire to the highest possible standard of conduct;
- To provide safe and effective boundaries for clerical ministry;
- To encourage personal and corporate ministerial development.

Further details can be found in the Guidelines for Good Practice in Pastoral Ministry which can be found on the diocesan website.

9.2 Following up Concerns and Complaints

Under existing ecclesiastical regulations the Clergy Discipline Measure (CDM) sets out very clear processes through which the most serious disciplinary issues will be followed up. The procedures for a formal CDM issue are set out in the Code of Practice which is agreed by both the Archbishop's Council and the General Synod. A copy of which is available at: <http://www.churchofengland.org/about-us/structure/churchlawlegis/clergydiscipline.aspx>

From time to time 'complaints' or issues of concern about individual members of clergy are brought to the attention of the Bishop or to members of his Bishop's Staff. These issues may not result in, or warrant, any sort of formal CDM-based process; but it is important that each is followed up appropriately through due process, and that all parties are afforded the opportunity to share or report their concerns.

The diocese will ensure that time is set aside to gain a clearer picture of all the issues raised, that individuals have opportunities to put their views, that where it is possible reconciliation is achieved, and that decisions about any further actions are made only when there is clarity of objective information/evidence.

9.3 Bullying and Harassment

'The Church is required by God to foster relationships of the utmost integrity, truthfulness and trustworthiness. Abuse, harassment and bullying will not be tolerated within the Church of England. All complaints of abuse, harassment and bullying are to be taken seriously and thoroughly investigated.' House of Bishops 2001.

This policy and guidelines are based on the advice set out in the Dignity at Work booklet published by Church House Publishing – on behalf of the Ministry Division of the Archbishop's Council.

Many people in our society are victimized, harassed and bullied as a result of their race, colour, ethnic or national origin, religious belief, political opinion or affiliation, sex, marital status, sexual orientation, gender reassignment, age or disability.

Personal harassment and bullying takes many forms ranging from tasteless jokes and abusive remarks to pestering for sexual favours, intrusive and threatening behaviour and actual physical abuse. Whatever form it takes, personal harassment and bullying are always taken seriously and are totally unacceptable.

Personal harassment and bullying can exist in our churches and local communities, and this can seriously affect relationships and working lives by interfering with job performance; or by creating stressful, intimidating and unpleasant environments. It is offensive in itself and profoundly unacceptable in communities that profess the belief that we are all made in the image of God and all called to share the life of Christ.

The legal position on issues relating to bullying and harassment is covered through a number of pieces of legislation.

The diocese will take seriously – and investigate - any complaint made regarding bullying and harassment. Individuals should be aware that possible outcomes include: informal opportunities to seek reconciliation; the Grievance Procedure for Reader Ministry; and the Clergy Discipline Measure. Also, it should be noted that for Readers or Licensed Lay Workers the Bishop may revoke a license under Canon E6 or E7.

Where an allegation concerns a member of the public, the diocese will do all that it can to work with them and the individual member of clergy to seek reconciliation.

9.3.1 Policy

All forms of personal harassment and bullying are deplored and the Senior Staff and the Diocesan Board of Finance (DBF) will seek to ensure that the working environments within their sphere of control are sympathetic to all our clergy and centrally employed staff.

This procedure reinforces to all clergy the types of behaviour that are unacceptable, and to provide those who are the victims of personal harassment and bullying with a means of redress through appropriate process.

9.3.2 Examples of personal harassment and bullying

Personal harassment and bullying take many forms, including mail, E-mail, telephone conversations etc., and individuals may not always realise that their behaviour constitutes harassment or bullying. Personal harassment is unwanted behaviour by one individual towards another and examples of harassment include:

- insensitive jokes and pranks
- lewd or abusive comments about appearance
- deliberate exclusion from conversations
- displaying abusive or offensive writing or material
- unwelcome touching and/or attention
- abusive, threatening or insulting words or behaviour

Bullying is a form of psychological harassment. It is intimidation which serves to undermine self-esteem, confidence, competence, effectiveness and integrity. Examples of bullying include:

- continual, undeserved criticism
- arbitrary and inconsistent demands
- imposition of unreasonable deadlines
- shouting, swearing and offensive language
- displaying overbearing or intrusive behaviour

These examples are not exhaustive and disciplinary action at the appropriate level will be taken.

9.3.3 An Informal Complaint

Complaints of personal harassment, and particularly of sexual harassment, and bullying can sometimes be of a sensitive or intimate nature and clergy may find it difficult to challenge.

In these circumstances an individual is encouraged to raise such issues with a colleague of their choice. (This person may be for example an Area Dean, a senior or other local colleague, or where appropriate an Archdeacon). If a formal complaint is made this may also be investigated by another Archdeacon or an independent member of Senior Staff or appropriate others.

If an individual is the victim of minor harassment or bullying they can (on their own or with the assistance of a confidential helper) make it clear to the harasser on an informal verbal basis that their behaviour is unwelcome and they are being asked to stop.

Through due and fair processes, the diocese will always seek to work with individuals informally in the first instance to try and achieve an informal resolution, and encourage people to meet, share feelings, and give opportunities for apologies to be given and reconciliation achieved. If this is not possible - a written request to the harasser may be appropriate and their colleague can also assist with this. Where an informal approach is not possible or appropriate, a formal approach may be required.

9.3.4 A Formal Complaint

Where the informal approach fails or the harassment or bullying is more serious, the individual should bring the matter to the attention of their Archdeacon as soon as possible either verbally, or followed up by a formal written complaint.

If possible, it is a good idea to keep notes or a diary of the harassment or bullying so that the written complaint can include:-

- the name of the alleged harasser or bully
- the nature of the alleged harassment or bullying
- the dates and times when the alleged harassment or bullying occurred
- the names of any witnesses
- any action already taken by you to stop the alleged harassment or bullying

On receipt of a formal complaint the Archdeacon will arrange to meet with the individual to discern the most appropriate series of next steps. At this stage anyone dealing with a grievance raised by any person holding office must have regard to the Code of Practice as set out under Section 8 of the Ecclesiastical Offices (Terms of Service) Measure 2009 and Regulation 32(1) of the Ecclesiastical Offices (Terms of Service) Regulations 2009.

The Archdeacon may deal with the complaint, or nominate, after consultation with the Diocesan HR Adviser, another appropriate senior person to deal with the complaint. The investigator will then plan an investigation and the individual making the complaint will be invited to attend an initial meeting at a reasonable time and location to discuss the matter and plan a schedule for carrying out a thorough investigation.

Both the complainant and the alleged perpetrator have the right at all times, during the complaint/investigation process, to be accompanied by a union representative or other clergy colleague. Both parties must take all reasonable steps to attend the arranged meetings. Those involved in the investigation will be expected to act in confidence and any breach of confidence may be a disciplinary matter.

On conclusion of the investigation, a report of the findings and of the investigator's decision will be sent in writing to the complainant and to the alleged perpetrator. If either is dissatisfied with the report they should raise this with the investigator in writing within 5 working days of receiving the report.

9.3.5 Possible Outcomes

If the report concludes that the allegation is well founded, the perpetrator may be liable to disciplinary action in accordance with the scope and remit of the Clergy Discipline Measure (CDM).

If an individual brings a complaint of harassment/bullying they will not be victimised for having brought the complaint. However, if the report concludes that the complaint is both untrue and has been brought with malicious intent; disciplinary action may be taken against them within the scope and remit of the Clergy Discipline Measure (CDM).

9.3.6 Handling Bullying and Harassment Complaints when the Perpetrator is Lay (not an Employee of the Parish/Diocese)

When a clergy person wishes to make a complaint about a lay person, they should, in the first instance, try and seek resolution within the parish. This may be done with the help from their Churchwarden, or where the perpetrator is a Churchwarden, their PCC. Should resolution be unsuccessful then the clergy person should contact their Area Dean. If the clergy person is the Area Dean, then the neighbouring Area Dean should be contacted.

The Area Dean will meet with the clergy person and perpetrator first separately and then together to seek resolution to the inappropriate behaviour. Where possible future expected behaviours should be agreed. Should resolution be unsuccessful then the clergy person should contact the Archdeacon.

9.4 Prevention of Bullying and Harassment – Guidelines for Parishes

Guidelines have been written to assist Parishes with the prevention of bullying and harassment. All PCCs have been asked to adopt a statement of intent which embraces the following principles:

- A commitment to promoting dignity and respect for all.
- Zero tolerance of bullying and harassment
- That nobody should be made to feel unwelcome or alone

By adopting the statement of intent this signifies a commitment to the prevention of, and zero tolerance, for bullying and harassment by agreeing to:

- Behave in ways which support a non-hostile environment
- Be supportive of others
- Challenge inappropriate behaviour and speak up for others
- Take action where there is evidence or observation that someone is being bullied or harassed.

A full copy of the guidelines and proposed statement of intent can be found on the Diocese of Bath & Wells website.

Section 10 - Performance and Capability

10.1 Introduction

The Capability Procedure is set out in a Code of Practice and supporting guidance which is issued by the Archbishops' Council. Details of which can be found at: <https://www.churchofengland.org/more/clergy-resources/national-clergy-hr/clergy-terms-and-conditions-service>

Capability procedures within the church require that clergy have at least the equivalent protection applicable for secular employees where processes require:

- a written statement of grounds/issues
- a meeting with the right of representation, followed by a decision
- right of appeal

As a last resort it is possible to dismiss a member of clergy within the Capability Procedure. Any office holder under Common Tenure who is removed from office under the Capability Procedure has the right to make a claim in an employment tribunal on ground of unfair dismissal. (This right does not extend to office holders who are over the statutory retirement age for clergy of 70).

A tribunal which finds a dismissal was unfair has the power to award compensation, or, if practicable, can make an order for the office holder to be reinstated in his or her office.

10.2 Explaining Capability

The Code of Practice makes it clear that the procedures have been developed in ways which put the emphasis first on a minister in the hope that he or she will be able to recover and restore their ministry with clear guidance, timelines, and support in place; and only when recovery has proved impossible, to remove that minister from office.

The provision of ministry within the diocese is the responsibility of the Diocesan Bishop and the proper use of a capability process falls within this scope. The Bishop may, appoint a suitably competent person to act on his behalf in these matters, particularly in the early stages, and this will be made clear to the individual at the outset.

Capability is about **what you do and how you do it** and how this is demonstrated over a sustained period of time (so it is not possible to dismiss someone as an outcome of a single meeting). In assessing what is an accepted minimum Bishop's Staff will take into account the requirements of the Ordinal, Codes of Professional Conduct, appropriate ecclesiastical offices/measures, and the specific requirements which may be detailed in an individual's Roles and Responsibilities (if this was in place at the point of recruitment).

Where an individual does not have a Roles and Responsibilities document, this will be made clear at the informal stage and at the outset of any potential formal process, in order for them to be absolutely clear about the standards required.

It is unlikely that a capability process would come out of the blue. Conversations about issues of capability may well have taken place albeit in informal ways, and discussions may also have taken place about ways in which to improve. Also, Ministerial Development Reviews may have picked up on issues. Either way, the Church's Capability Procedure allows for discussion to take place and recovery/improvement to happen informally before anything more formal has to be put in place.

It is important not to confuse Capability with Disciplinary processes.

Principally capability processes are designed to help and support people to deal with poor performance before things become more serious and ensuring that there is clarity about what is expected.

Disciplinary processes deal with issues of professional misconduct. The diocese is committed to resolving issues informally wherever this is possible when following up a complaint or issue in the first instance before any formal Clergy Discipline Measure (CDM) complaint is made (if this is deemed appropriate).

Where a complaint is potentially of such seriousness or where an initial complaint of such seriousness is received at the outset then a CDM complaint will be brought following the Church of England's required process. For details about how the CDM process works, see:- www.churchofengland.org/aboutus/structure/churchlawlegis/clergydiscipline.aspx

In determining ways forward in a process, an individual may require additional training, support, coaching or counselling, and the diocese will put in place what is reasonable in each set of circumstances in order to help the individual realise their full potential.

A capability issue may reflect a mismatch between the requirements of the role and the person doing it – in a specific situation. A capability process in one set of circumstances will not prejudge the individual in terms of them being more than capable of doing a job in another situation.

Worked through carefully, a capability process will ensure that an individual is clear:-

- About the nature of the process, its stages, and who is involved
- What the issues are and where it has been determined that they may have fallen short
- What their Roles and Responsibilities document and their broader professional codes of practice requires of them
- What is required in order for them to improve
- What resources the diocese will make available to them
- What the timescales and expectations are
- How decisions are made
- Their rights throughout including representation, and appeals
- About the expectation on them to actively participate in the process

Examples where a capability process may be introduced include:

- Where there are issues of pastoral relationships breaking down
- Where there are personality or style issues – e.g. an abrasive personality, or a style which persistently ignores the voices and concerns of churchwardens or local senior clergy such as a Team Rector or Area Dean

Issues may seem quite trivial or incidents seem small in themselves to an individual, but a capability process reflects a culmination or persistent pattern of behaviour and the person designated to take up the process by the Bishop will set out the range of issues clearly at the start of any process.

10.3 The role of Human Resources (HR) in the diocese

The role of the HR Adviser is to support diocese. Where there are issues of concern the HR Adviser will advise on process, rights and responsibilities to each party involved so there is clarity at each stage.

Where appropriate the HR Adviser will attend meetings, make notes and share minutes; and assist the individuals involved and the processes, ensuring that support mechanisms are in place and that there is clarity at each stage.

10.4 The role of Ministerial Reviews and Continuing Ministerial Development

A Ministerial Review, undertaken by appropriate members of The Bishop's Staff, takes place every two years. Reviews are a regular opportunity to discuss with an individual, issues of well-being and development but also to adjust and clarify the expectations of a role. As such it would be appropriate in a capability process to review the issues discussed at a previous review.

Through the Continuing Ministerial Development programme individuals are able to highlight formation, training and/or development needs, on an on-going basis and where reasonable and appropriate within a capability process, support for clergy.

10.5 Principles of practice

It is not possible to be good at everything! A process will always take account of an individual's many and varied gifts and qualities. Where an issue is a one-off or uncharacteristic, there may be no capability issue, but a member of Bishop's Staff may talk through with the individual what occurred in order to ensure that any practical or pastoral support is made available.

The principles underpinning the capability process include:

- The primary purpose is to find a way of helping the office holder to improve unsatisfactory performance
- That proceedings will be carried out in accord with the requirements of natural justice

- The right to be informed in advance, and in writing, of the nature of the performance issue, the procedure to be followed, and the possible actions that may be taken
- The involvement of a panel, not an individual, at every formal stage
- The requirement to take human resources advice
- The right to be supported by a colleague or trade union representative
- The right to respond to all points made
- The right of appeal
- That appropriate pastoral support and care is provided

10.6 Overview of the Procedure

The procedure will normally consist of the following stages but can be discontinued at any point if the required improvements are not made:

- Informal warning
- Formal procedure stage one – formal written warning
- Formal procedure stage two – final written warning
- Formal procedure stage three – removal from current office

In exceptional cases stage one of the formal procedure may be bypassed but should this be the case, the requirements of natural justice will always prevail and appropriate pastoral support and care will always be provided.

Section 11 - Grievances

11.1 Introduction

The Archbishop's Council has set out a Code of Practice and supportive advice for dealing with grievances. The grievance procedure is available to all office holders under common tenure and is intended to provide a means of addressing grievances relating to the exercise of the office held. Anyone dealing with a grievance raised by any person holding office under Common Tenure must have regard to the Code of Practice, details of which can be found at: <https://www.churchofengland.org/more/clergy-resources/national-clergy-hr/clergy-terms-and-conditions-service>

The underlying principles of the procedure are as follows:

- All grievances will be taken seriously and responded to fairly and quickly
- Grievances will be dealt with informally wherever possible
- Proceedings should be kept confidential
- The focus will be on issues not personalities
- Account will be taken of the legitimate interests of all concerned
- Office holders will have the right of representation by a colleague or trade union representative to any meeting
- Grievances may be pursued without fear or sanction
- Mediation and reconciliation are key themes in the process.

The key stages of the procedure are as follows:

11.2 Informal

It is hoped that issues will be resolved informally where possible and individuals are encouraged to pursue this avenue in the first instance. An office holder should discuss their grievance with the person responsible for the matters which have given rise to concerns. If this is not appropriate or is unsuccessful the office holder should raise the matter with the Area Dean, the person responsible for their Ministerial Review or another suitable person to explore other ways of seeking informal resolutions and agreeing any remedial action. A written record should be retained.

11.3 Formal Procedure

If an informal approach proves incapable of resolving the grievance, or it has not been resolved within the agreed deadline, then the formal procedure may be invoked by the office holder. The Human Resources Adviser will be involved at every formal stage of the procedure to provide advice to the diocese. Written records will be kept and retained of all stages of the formal process.

Stage 1

The office holder should set out their grievance in writing, including details of what steps have been taken to try and resolve the matter and what remedy they might find acceptable and send the statement to the Archdeacon (unless the Archdeacon is already concerned, in which case the matter should be referred to the Diocesan Bishop)

Stage 2

The Archdeacon or Bishop will either investigate themselves or may appoint someone to investigate. The investigation will include obtaining a statement from any person against whom the grievance has been raised ('the respondent'). The investigator will then invite the office holder to attend a meeting to discuss the grievance. Once the investigation has been concluded, the office holder will receive a letter with a decision about steps that have or will be taken to resolve the matter where the grievance has been substantiated.

Stage 3

If the office holder remains dissatisfied or the matter remains unresolved then they may move to the appeal stage by informing the archdeacon in writing providing their reasons. The office holder will be invited to a meeting with a senior member of the clergy or group to discuss their grievance. The decision of the appeal body will be given in writing and is final.