

Common Tenure

What then is this proposed new way of being a clergyperson – Common Tenure? If introduced, Common Tenure would, in a sense, do what it says on the tin. It offers a way of being in ministry that could be held in common by almost all clergy with tenure as an office-holder, rather than by an employer-employee relationship.

What the proposals in the Ecclesiastical Offices (Terms of Service) Measure (EO(ToS)M) recommend is the introduction of a new way of being in ministry – Common Tenure – in which all licensed clergy, all newly appointed beneficed clergy and those serving freehold clergy who wish to opt-in, would be on the same terms of service. This would include parish, cathedral clergy, archdeacons, bishops and archbishops. They would serve normally until the retiring age, but subject to removal on grounds of discipline, redundancy or after a new form of ‘capability procedure’ that would be invoked where a post holder is failing to reach minimum standards.

This way of being in ministry would provide a balance of rights and responsibilities. Clergy would have:

1. tenure of office,
2. a clear statement of the particulars of the office they hold,
3. rights for time off and
4. the right to receive a stipend (which is currently a voluntary payment by the diocese)
5. the right to appeal to an independent Employment Tribunal if they feel they have been dismissed unfairly.

In terms of responsibilities, clergy would be required to engage in Ministerial Development Review.

The only clergy who would have a fixed or limited term appointment under Common Tenure would be those in training posts as curates and those in posts of a limited duration because of specific project funding. In cases where pastoral re-organization is anticipated, clergy will be able to be appointed as rector or vicar for a limited term rather than as priest in charge, so, if this were introduced the number of suspended presentations should be significantly reduced. In these circumstances the outgoing priest will also receive some financial compensation on leaving office if he or she does not immediately take up another post.

So a key aim is that the way of being in ministry for a deacon, priest or bishop would largely be held in common.

The second word on the tin is ‘tenure’. Much time was given to the question whether clergy should become employees. It was concluded that this was not appropriate. There are several complicated legal issues concerning whether the relationship of a clergyperson to her or his superior can be expressed in employer-employee terms. But the main reason it was felt that this was inappropriate was the

employer's entitlement - and also opportunity - to control the work of an employee (if necessary on a day to day basis). This, it was felt, would be alien to the relationship between a bishop and his clergy. And so, largely for this reason, the idea of making clergy employees was rejected, and it was recommended that the office-holder status of clergy should be retained through the medium of common tenure.

Arising from that was the recommendation that the Church must put in place proper mechanisms designed to ensure good practice and to foster deeper relationships of trust and partnership, including the provision of professional human resources advice and appropriate training for bishops and archdeacons. Ministerial Development Review will be vital in the working out of this process.

The final area to be dealt with is the Capability procedure.

It is generally felt by clergy and laity alike that for the small minority of clergy who experience difficulties in the exercise of their ministry there should be a procedure for the Church to offer support and, where necessary, ultimately to consider whether these clergy are capable of holding office.

The great majority of those serving the Church do so to a high standard. However, there are some cases where problems that are not disciplinary in nature arise where clergy are falling below an accepted minimum standard.

These clergy are a small minority and some of them could be assisted and supported to fulfill their role better and gain more satisfaction in the ministry to which they have been called. The principal concern of the capability procedure is to help people to improve and to help people to deal with problems of poor performance before they become too serious to be remedied

It will be important to understand what a capability procedure is not. It is not a means to clone the clergy of the Church of England into all operating in the same way or having the same skill-set. We need to recognize that God calls a variety of people into ministry and that, even in similar contexts, priests will undertake authentic and valuable ministry in different ways according to their gifts and the specific needs of the context.

Neither is this a parish viability procedure where a priest operating in a particularly inhospitable context would be disadvantaged against their colleagues planting and growing in more fertile soil. The Bishop and his colleagues will recognize that the clergy's ministry of prophetic leadership might make them unpopular with some for a time and vulnerable to action by disgruntled clergy or lay people.