

Common tenure on two sides of A4

A new form of tenure for clergy office holders called common tenure took effect from 31 January 2011. Clergy and other office holders are still appointed as vicars, rectors, assistant curates, priests in charge and so on. Under these new arrangements, a post may only be limited to a fixed term in certain specified circumstances¹ and the great majority of office holders may remain in a particular post until they resign or retire.

Common tenure confers on office holders the following *rights*:

- an entitlement to be provided with a written statement of particulars setting out the terms of their appointment;
- an entitlement to an uninterrupted rest period of not less than 24 hours in any period of seven days;
- an entitlement to 36 days' annual leave (in a full-time post);
- an entitlement to maternity, paternity, parental and adoption leave in accordance with directions given by the Archbishops' Council as Central Stipends Authority;
- an entitlement to request time off, or adjustments to the duties of the office, to care for dependants in accordance with directions given by the Archbishops' Council as Central Stipends Authority;
- an entitlement to spend time on certain public duties other than the duties of the office, with the matter being determined by the bishop if there is any dispute;
- access to a *grievance procedure* (see www.common tenure.org for the procedure and supporting advice)
- a right of appeal to an employment tribunal if removed from office on grounds of capability (see www.common tenure.org for the procedure and supporting advice).

Incumbents on common tenure, like incumbents on freehold, have formal legal ownership of the parsonage house by virtue of holding the benefice as corporation sole. Other office holders have the following rights:

where they are provided with accommodation:

- the right to accommodation 'reasonably suitable for the purpose' ;
- the right to object to the disposal, improvement, demolition or reduction of their house of residence;
- the right to have the house of residence kept in good repair by a relevant housing provider (in most cases this will be the diocesan parsonages board);
- access to arbitration where there is a dispute about the performance of the respective obligations of the housing provider and the office holder which cannot be resolved by the grievance procedure;

¹ The main categories are as follows: posts designated as created to cover another office holder's absence from work; posts held by office holders over 70; posts designated as training posts, posts designated as subject to sponsorship funding; posts designated as probationary office; posts created by bishop's mission order under the Dioceses, Pastoral and Mission Measure; posts held in conjunction with another office or employment; posts where the office holder does not have a permanent right of residence in the UK and locally supported post where the full cost is met by the PCC. In addition, Regulation 30 provides that, where the mission and pastoral committee of the diocese has invited the views of interested parties on proposals for pastoral reorganisation, it will be possible, as an alternative to suspending presentation, to appoint an incumbent subject to pastoral reorganisation, in which case the post comes to an end if the pastoral scheme is made within 5 years, or becomes permanent if the scheme is not made.

where they are not already entitled to compensation, an entitlement to receive up to one year's compensation if displaced as a result of pastoral reorganisation.

Common tenure confers the following *obligations* on office holders

- to participate and co-operate in ministerial development review (MDR);
- to participate in arrangements approved by the diocesan bishop for continuing ministerial education (CME);
- to inform a person nominated by the bishop when unable to perform the duties of office through sickness;
- to undergo a medical examination where the bishop has reasonable grounds for concern about the office holder's physical or mental health.

Where an office holder's performance gives cause for concern, a capability procedure (see www.commontenure.org for the procedure and supporting advice) may be instigated. In the last resort, where performance is not satisfactory and fails to improve, this may lead to removal from office.

The law affecting patronage and the appointments procedure remains unchanged. The Clergy Discipline Measure 2003 and the Canons continue to apply to all clergy whether on common tenure or not.

The Terms of Service legislation requires diocesan bishops:

- to make and keep under review a MDR scheme containing arrangements for a person nominated by the bishop to conduct a review with each office holder in the diocese at least once every two years;
- to have regard to guidance issued by the Archbishops' Council when carrying out MDR (see www.commontenure.org for guidance on this);
- to ensure that a written record of the outcome of MDR is kept and to have it signed by the office holder and the reviewer;
- to use reasonable endeavours to ensure that office holders in the diocese are afforded opportunities to participate in CME that is appropriate for their ministerial development;
- to make appropriate arrangements to ensure that office holders in training posts are provided with suitable training and are afforded time off work as is necessary to complete it;
- to nominate an officer of the diocese with responsibility for providing statements of particulars and receiving reports of sickness absence
- to have regard to the Archbishops' Council's codes of practice concerning the capability and grievance procedures. (see www.commontenure.org for the procedures and supporting advice.

All new appointments after 31 Jan 2011 are on common tenure.

Assistant curates, priests in charge, team vicars and residentiary canons on fixed term appointments transferred automatically onto common tenure on 31 January 2011.

Clergy with the freehold (including incumbents, team rectors, deans, archdeacons, and residentiary canons not on fixed term appointments) were asked if they wished to transfer onto common tenure. They remain on their existing terms, unless and until they agree to move onto common tenure (which they may do at any time) or leave their current post.

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