

Guidance on Interim Posts made under Regulation 29 (7D) of the Ecclesiastical Offices (Terms of Service) Regulations 2009

This is guidance issued by the Archbishops' Council under regulation 29 (7D) of the Ecclesiastical Offices (Terms of Service) Regulations 2009 as amended by the Ecclesiastical Offices (Terms of Service) (Amendment) Regulations 201- Bishops are required by the Regulations to have regard to this guidance.

1. Introduction

- 1.1 A new category of fixed term post has been created under regulation 29, under which an appointment can be designated as an interim post, when there are good reasons for not making it permanent.
- 1.2 When making interim appointments, bishops are required to have regard to this guidance.
- 1.3 An interim appointment may be made for a maximum of three years, and may be renewed only once. Therefore, after a maximum of six years, it will be necessary to make a permanent appointment or else to make provision for the parish in some other way (e.g. by pastoral reorganisation).

2. General Principles

- 2.1 Bishops, when making interim appointments, should have particular regard for the following principles:
 - i. An interim post should primarily be a response to a particular pastoral need or mission opportunity.
 - ii. Before an interim appointment is made there must be a clear understanding and articulation of the particular benefits that will be conferred by making the appointment interim rather than open-ended.
 - iii. The parish should be consulted at an early stage. An interim appointment is only likely to work when the parish accepts that the purpose of the interim appointment is to help it make shifts in understanding, relationships and leadership that will enable it to move forward.
 - iv. An interim post is not a substitute for a proper appointments process. Making an interim appointment 'just to see if it works', or to avoid the time required by a proper appointments process, is not acceptable.
 - v. Interim ministry should be a response to the particular circumstances and needs of the parish, not the minister. Posts should not be fitted round the needs of a person.

3. When is an interim post appropriate?

3.1 It is not the intention of this guidance to be prescriptive about the particular circumstances in which an interim appointment should be made. Listed below is a non-exhaustive list of the potential circumstances that were identified by the Simplification Task Group and which emerged during the consultations undertaken with dioceses:

- To enable the parish to equip itself more effectively for mission;
- To determine what kind of minister is required in the longer term;
- When the past has been difficult;
- When there is an element of uncertainty about the future.

4. Which kinds of office are appropriate for designation as interim posts?

4.1 Interim posts will usually be parochial but may occasionally be archdeacons or cathedral posts.

4.2 The great majority of parochial interim appointments are likely to be as priest-in-charge, with the following exceptions:

4.3 *Assistant curates:* Training appointments already have their own fixed term category and should not be made on an interim basis, but it might be appropriate to appoint a curate on an interim basis in certain circumstances, for example when an incumbent or priest in charge is temporarily in need of regular assistance or the Diocese or the Church Commissioners are contributing to the costs of an assistant curate post, but only for a limited period¹.

4.4 *Incumbents:* In exceptional circumstances it may be necessary to respond to the needs of a parish on an interim basis as soon as possible. Should there be a need to make an appointment as soon as possible, this will probably be more effectively achieved by consulting the patron about suspending the presentation and making an appointment as priest in charge.

4.5 *Archdeacons:* It is already possible to reallocate duties between archdeaconries as necessary during vacancies and it may be possible to make use of retired archdeacons resident in the diocese. However, there may be exceptional circumstances in which it is appropriate to make an interim appointment as archdeacon, for example if all the archdeaconries in a diocese were vacant at the same time².

4.6 *Cathedrals:* The Cathedral's own Statutes generally make provision for arrangements when the office of dean is vacant. They also stipulate a maximum number of residentiary canonries. Any interim post would need to

¹ Where funding is not from the Church Commissioners, parish or Diocesan Board of Finance, it is possible to make a fixed limited term appointment but this would be done by designating the post as subject to sponsorship funding rather than interim. Where a parish is paying all of the costs of a curacy, the role should be designated as Locally Supported Ministry Post rather than made on an interim basis.

² Whilst it is possible to reorganise archdeaconries by means of a pastoral scheme, interim posts should not be used as a device to avoid the payment of compensation

comply with the statutes, and would require the consent of the Bishop, Dean and Chapter as well as the person being appointed.

4. Other regulation 29 appointments as alternatives to interim posts

- 4.1 In some situations it might be better to use one of the other categories of fixed or limited term post permitted by the regulations. Further information about these is available from the HR department of the NCIs on request.

6. The process of making interim appointments

- 6.1 Interim appointments need to be made with the same degree of care as permanent ones. In particular, it is necessary to:
- i. Assess why the appointment needs to be interim;
 - ii. Ensure that the parish understands the reasons why the appointment is being made on an interim basis;
 - iii. Assess what qualities are required in the office holder;
 - iv. Assess potential candidates against these criteria in order to find the best person;
 - v. Obtain the consent of the DMPC and the post holder in writing to the post being interim;
 - vi. Provide full support to clergy in these ministries, which are likely to be demanding, and ensure that the demands of their current posts do not prevent them from attending to their future ministerial development;
 - vii. Remember that there is no statutory right to compensation when the interim post comes to an end. Clergy in interim posts will need to start looking for a new post well before their interim post comes to an end, and bishops need to remind and encourage them to do this.

When is an interim post not appropriate?

- 7.1 Interim posts MUST not be made in the following circumstances:
- i. To penalise a parish for following a particular theological tradition;
 - ii. To save money or as catch-all means of avoiding making a permanent appointment;
 - iii. To provide a temporary appointment for clergy whose appointment has come to an end and who are having difficulty finding another office;
 - iv. Purely as a means of avoiding paying compensation for loss of office;
 - v. When there is still an incumbent or priest in charge in post, who has not resigned, even if he or she is not actually able to carry out the duties of their office²;
 - vi. Across the board. Interim appointments are unlikely to be justifiable or an appropriate response to the particular needs of a parish if every vacancy in an archdeaconry or diocese is filled on an interim basis;
 - vii. On a deanery-wide basis. Interim posts, like other posts, cannot be made on a deanery wide basis. If the post is not largely based in a particular parish or BMO, then it would have to be made under a general licence. If non-stipendiary, a ministry carried out under general licence in a particular parish can be brought to an end by ceasing to give consent to minister in that parish, although the general licence remains in force as it can only be terminated in accordance with the Terms of Service Measure and Regulations.
 - viii. When the post is employment rather than office. If a cleric on a general licence is in receipt of a stipend, he or she is likely as a matter of law to be an employee. Under the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002, someone can be employed on a fixed term basis, but a fixed-term contract is normally automatically converted by law into a contract of indefinite duration (that is a permanent contract) once the employee has completed four years' continuous employment under it or renewals of it.
 - ix. Stipendiary licensed lay workers. Non stipendiary licensed lay workers are not on common tenure and the bishop may revoke their licence for any reason that appears to him or her good and reasonable (see Canon E8). Stipendiary licensed lay workers would usually be employed by the parish³.

² An interim appointment as assistant curate or a different variety of fixed term appointment under regulation 29 (to cover authorised absence as distinct from a vacancy) (Reg 29(1) (a)) may be appropriate in these circumstances.

³ When on common tenure, there might, however, be good reasons for making an appointment interim, for example if on a time-limited mission funding grant from the Church Commissioners.