

Requesting time off or adjustments to the duties of office to care for a dependant

Special leave granted by the bishop

1. There are times when clergy may wish to take a period of time off, or have their duties adjusted (with a corresponding reduction in stipend), in order to look after a dependant. It is important that these requests are considered properly, taking into account the needs of the clergy and their dependants, as well as the needs and resources of the parish and diocese.
2. This advice explains how clergy office holders may exercise their legal right under Regulation 23 of the Terms of Service Regulations 2009 to request time off, or for adjustments to be made to their duties of office, to care for a dependant. A request for time off, or for adjustments to their duties of office, can only be made under this provision if it is in order to care for a dependant.
3. Office holders may find it beneficial to have informal or exploratory conversations about what might be possible before making a formal request in accordance with the procedures set out in the Advice. However, no decisions can be taken before a formal application is made and clergy should not be discouraged from submitting a formal request if, in an informal conversation, they were led to believe that their request was likely to be rejected without receiving proper consideration.
4. It is important for all clergy and dioceses to be aware that this Advice applies to all clergy office holders with dependants. The definition of dependant is wide and includes children, disabled or sick spouses and elderly relatives.
5. A template form is included below, which reflects the requirements in the Conditions set out in the Advice for making a formal application under Regulation 23. Dioceses may wish to adapt this form, reflecting these requirements, for use by their clergy office holders to assist them, should they wish to make a written request for time off, or for adjustments to their duties of office, under Reg 23.
6. In cases of emergency, office holders may wish to apply to their bishop for **special leave**, in accordance with the Advice below.
7. The changes since this advice was last updated are as follows.
 - It reflects the changes arising from the recent Miscellaneous Provisions Measure which came into effect on 1 March 2019 and transferred the legal mechanism for conferring the right to request time off or adjustments to the Terms of Service Regulations.
 - It adds a template form for making an application.
 - The policy has been separated from that provided for clergy who become parents, partly in order to make it easier to locate, and partly to make it clear that the guidance is not only for clergy with young children but applies just as much to clergy with other dependants including spouses and elderly relatives. RACSC is consulting on recommendations for supporting clergy and ordinands who become parents. These will be placed on the website, once they have been agreed.
 - Some clarification is provided about the basis on which Special Leave is given by the Bishop.

THE RIGHT OF CLERGY OFFICE HOLDERS TO REQUEST TIME OFF WORK OR ADJUSTMENTS TO THE DUTIES OF THE OFFICE TO CARE FOR A DEPENDANT

THE POWER OF BISHOPS TO GRANT SPECIAL LEAVE

This Advice is issued by the Archbishops' Council for information and to assist in the development of good practice and does not constitute formal guidance under the Ecclesiastical Offices (Terms of Service) Measure 2009. It replaces advice issued in 2015. However the Archbishops' Council has exercised its powers under Reg 23(4) to impose conditions as to the manner in which any request under Reg 23 must be made, which are set out in paragraph 7 of this Advice.

April 2019

Right to request time off work or for adjustments to be made to the duties of the office to care for a dependant

1. This Advice relates to the legal right conferred on office holders by Regulation 23 of the Ecclesiastical Offices (Terms of Service) Regulations 2009 (the “**2009 Regulations**”) to either:
 - request time off work; or
 - request adjustments to be made to their duties of office;to enable them to care for a dependant.
2. Flexible working, as it is understood in the employment context, is not available to office holders. When the right to request flexible working was extended to all employees, RACSC took the view that it was not appropriate to extend it to office holders, as they already have a high degree of flexibility over how they carry out their duties, and (unlike employees) do not have defined hours of work.
3. However, clergy office holders still need to bear in mind the need to arrange appropriate cover if they are taking time off. For example, if they wish to take half term as leave, they should check with the area dean that one of their colleagues is available to provide cover during this period. Similarly, an incumbent or priest in charge still has a responsibility to ensure that someone is available to take weddings on Saturdays, if they will not be available for any reason, including family commitments.
4. An office holder is entitled to make a request under the 2009 Regulations for time off work, or for adjustments to be made to their duties of office, in order to care for a dependant but not for any other purpose. The definition of “*dependant*” for these purposes is wide and includes a spouse or civil partner, a child, a parent, a person living in the same household as the office holder (other than as a tenant, employee, lodger or boarder), or anyone who reasonably relies on the office holder for assistance or provision of care in the event of illness or injury.
5. An office holder can make an application under Regulation 23 in a fairly wide range of situations. The examples below, which are non-exhaustive and for illustrative purposes only, demonstrate some of the situations in which an office holder may wish to request time off, or an adjustment to their duties of office, under Regulation 23:
 - A request for time off for several weeks to care for a relative or dependant recovering from a planned operation, to settle an elderly parent into a nursing home or to settle a child into a new school.

- A request for a short-term, temporary, adjustment to the duties of office to enable an office holder to phase their return from maternity or adoption leave, over a period of some months.
- A request for a permanent adjustment to the duties of office to enable an office holder to care for an elderly parent, a disabled spouse or for a young child.

However, office holders are reminded that the right conferred on them by Regulation 23 is a right to request time off, or an adjustment to one's duties. It is not a right to be granted time off, or to have one's duties adjusted.

Process for requesting time off, or an adjustment to duties

6. If an office holder considers that they need to request time off or have certain adjustments made to their duties of office, to enable them to care for a dependant, they should submit their request in accordance with the procedure set out in this Advice. This request must be made in writing. A template form for making the request is provided as an Annex.
7. The following Conditions have been set by the Archbishops' Council, pursuant to Regulation 23(4), as to the manner in which a formal request is to be made by an office holder under Regulation 23(3). In order to submit a request, an office holder must:
 - set out the date of the request;
 - make no more than one request during a twelve-month period;
 - state that the request is being made under the 2009 Regulations;
 - state the nature of the office holder's relationship with the dependant and confirm that the person is dependent on the office holder;
 - set out the reasons for needing time off, or for an adjustment to be made to their duties of the office;
 - set out the length of time off sought (where known), or the changes to the duties being requested;
 - state whether they have made any previous requests in their current post;
 - identify any likely impact that the requested time off, or the proposed changes to duties, will have on the provision of ministry to the parish;
 - suggest how any likely implications or difficulties identified could be mitigated (the office holder may wish to consult colleagues and churchwardens about this first so that he or she is in a position to indicate that the proposed solution might have their support in principle);
 - give a proposed start date; and
 - indicate whether the proposed adjustment to duties is intended to be permanent or, if not, for how long it might be expected to last.
8. The bishop, on receiving the request, must consult the PCC(s) of each parish belonging to the benefice concerned, in accordance with Regulation 23(5). The bishop may also wish to consult any of the office holder's colleagues who are likely to be affected by the request.
9. Once the bishop has received replies from the PCC(s) (and the office holder's colleagues, where applicable) the office holder's request should be considered promptly.
10. If the bishop grants the request, the office holder and the PCC(s) should be informed in writing of the bishop's decision. When granting the request, the bishop may, pursuant to Regulation 23(6)(b), impose reasonable conditions on the grant of the

request, including any appropriate variations of the stipend that would otherwise be payable by the office holder.

11. If the bishop is not in a position to grant the request, the bishop should arrange to meet the office holder as soon as possible to discuss the request. The office holder may bring a colleague or trade union representative to the meeting.
12. In good time after the meeting (normally within 14 days), the bishop should inform the office holder of the decision. If the bishop rejects the request, the bishop must provide the office holder with the reason for the rejection in writing and give reasonable time (normally 14 days) for the office holder to appeal. Any appeal should be held, and the office holder informed of the result, within reasonable time (in both cases, normally 14 days).
13. If a request for an adjustment to an office holder's duties is approved, a revised statement of particulars should be issued to reflect any changes made (unless they are of a very temporary and short-term nature). Where there is no agreement that the adjustment to the office holder's duties will be of a temporary nature, the office holder should be informed that the granting of their request is a permanent change to the duties of their office and that there is no automatic right to have the duties adjusted back to the original terms at a later point, unless this has been agreed in advance.
14. The bishop should not refuse a request only because the PCC does not support the request or the proposed solutions. However, it may be refused if there is no other reasonable way of meeting the pastoral needs of the parish and the requirements of the office. Appropriate grounds for refusing a request include (but are not limited to):
 - cost
 - inability to reorganise duties among existing clergy
 - inability to recruit additional clergy
 - potential effect on the office holder's performance of her or his duties.
15. The bishop may delegate the consideration of these requests to the suffragan or area bishop or to the archdeacon.
16. If a diocesan bishop needs to adjust the duties of her or his office to care for a dependant, he or she may use the power under s.13 of the Dioceses, Pastoral and Mission Measure 2007 to delegate their functions to a suffragan bishop by Instrument. This would require the approval of the diocesan synod. Where the bishop considers that the matter is urgent, and it is not practicable to obtain the approval of the diocesan synod, the approval of the bishop's council and standing committee of the diocesan synod should be sought.

Training posts

17. The length of a training post may be extended to take account of any significant length of time off work, or any reduction in the duties of the office, agreed pursuant to Regulation 23.

Special Leave

18. Office holders do not have a legal right to request Special Leave. However, office holders may apply to their bishop for Special Leave, which the bishop may choose to grant at his or her discretion, in accordance with any diocesan policy. It is common for Special Leave to be granted on compassionate grounds, often in situations where the lengthy process for applying for time-off under Regulation 23 is not feasible.

19. Regulation 22(5) of the 2009 Regulations refers to a “*period of special leave granted by the bishop ... including any such leave granted for the purposes of removal or re-settlement*”, as being granted in addition to an office holder’s entitlement to annual leave. Therefore, any period of Special Leave granted by the bishop does not reduce an office holder’s annual leave entitlement for that year. In addition, an office holder remains entitled to receive their full stipend during any period of Special Leave.
20. Any queries about this Advice should be directed to hr.clergy@churchofengland.org

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**Example Template Form for office holders to request
Time off or an Adjustment to their Duties of Office
under Regulation 23 of the Ecclesiastical Offices (Terms of Service) Regulations
2009**

Date of Request	
Name of Office Holder	
Office Held	
Please confirm if your Office is Full Time or Part Time (if Part Time please provide details).	
Have you requested time off or an adjustment to your duties of office during the last twelve months? If so, please provide details of the application made and the outcome.	
Have you requested time off or an adjustment to your duties of office since you have held your current post? If so, please provide details of the application made and the outcome.	
Please explain the nature of your relationship with the dependant and confirm that the person is dependent on you.	
Please explain why you need time off, or for the requested adjustments to be made to your duties of office	
Please provide details of either: <ul style="list-style-type: none"> - how much time off are you requesting; or - the changes you are seeking to your duties of office. 	
Please identify the likely impact that your request for time off, or your proposed changes to your duties of office, will have on the provision of ministry in the parish.	

<p>Please provide suggestions as to how any likely implications or difficulties identified could be mitigated.</p> <p>(If you have consulted colleagues or churchwardens, please indicate whether your proposed solution(s) have their support in principle).</p>	
<p>When would you wish to start your Time Off, or for any adjustment to your duties of office to commence?</p>	
<p>Please confirm whether you intend the proposed adjustment to your duties of office to be permanent. If not, for how long would you wish them to last?</p>	
<p>Please provide any other information in support of your application which is not already included in your answers above.</p>	