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SHOULD I TRANSFER TO COMMON TENURE?

By David Phillips

Various clergy do not presently have freehold of office. This includes all those appointed as Priest-in-Charge where a benefice is suspended, all Team Vicars, all Curates and many holding half-time parish posts in conjunction with Diocesan or other appointments.

Freehold clergy are the incumbents of benefices that have not been suspended including Diocesan Bishops, Rectors, Vicars and Team Rectors.

If you are a clergyman having freehold of office then you will be asked by your Bishop, or his designated representative, whether you wish to transfer to Common Tenure. At first sight this might appear a non-question because of the security offered by Freehold and the uncertainty surrounding Common Tenure. However, there are potential benefits from transferring and it is worth considering these alongside the potential pitfalls.

Benefits of Common Tenure

One of the appeals of the new legislation is that it will provide and bring together the terms and conditions of clergy on Common Tenure. The actual terms will be specific to each post as agreed by the office holder, Bishop's representative and parish. Setting out and agreeing clear terms will help in certain situations. For example it is to be agreed that clergy should take a day off, some may not feel the need for this but most do and find themselves under pressure not to take one which can lead to stress or illness. If there is a need to be flexible on occasion then it is to be expected that mature Christians will be able to agree. On the other hand there are sometimes stories of clergy who are lazy and bring the ministry into disrepute, having clear terms should make it easier to determine if such accusations are true and if so to do something about it. Likewise the expectations placed on some clergy are entirely unrealistic and having to agree terms should show where this is the case.

A second area of benefit is the clear structure of review and development. This ought to be part of a responsible approach to ministry. No doubt many are capable of doing this informally as freeholders, but having a formal structure can help. Forming a realistic view of our own strengths and weaknesses and devising a strategy to make the most of the former and develop the latter is a good thing.

Thirdly, Common Tenure will provide a mechanism for accountability, which must be a good thing. Again, we might hope that this exists at present but in some situations it does not. The nature of clergy freehold means that if a clergyman chooses not to be accountable then there is little that can be done about it unless things get really bad. Some clergy will opt for Common Tenure because they can see that voluntarily accepting a degree of accountability will benefit them and their ministry, as well as those to whom they minister.

In all these it will be seen that the clergy who are perhaps most in need of the things listed above are the least likely to opt voluntarily for change. There are clergy who are seen as lazy, uncooperative or ineffective in basic skills of ministry. The Measure will help to address these things in the future but those with freehold at present are the least likely to give it up.

However, others with freehold who are serving admirably are also reluctant to consider switching to Common Tenure and it is important to consider why.

Pitfalls

The most obvious problem is that nobody quite knows what it will all mean in practice. I have been a member of the Implementation Panel for two years and I can see the benefits but I am not sure of how it will really work in practice. I am afraid that many Dioceses will be unprepared and that to implement the package properly is going to stretch others too far meaning that short-cuts will be taken. In addition, we have ample experience of how some Bishops and Archdeacons treat legislation as guidelines to facilitate their grand schemes rather than rules that must be followed. We have witnessed a growing shift in the ecclesiology of many in the Church away from the concept of a national church to a bishop-centric model which is in danger of taking us back to some of the abuses of medievalism. Some wanted this legislation in order to move in that direction though they were largely thwarted at an early stage. However, it may be that they will now try to manipulate what is provided to do more than is intended. If the legislation is misused then it is going to take some time for appeals and clarifications to emerge. Again it has to be remembered that there will be pressure to do things properly because if the process is manipulated and that leads to a disastrous appointment someone may be liable for any costs and compensation a tribunal determines. However, the fear and uncertainty about what it will be like in practice is likely to make some freeholders deem it better to wait.

Others will take the view that this legislation, though not as radical as it could have been, has shifted the ecclesiology of the Church of England. The autonomy and independence of freehold clergy within the limits of law was a fundamental feature of the Church that has fostered its diversity and rootedness in local communities. This argument has some merit and those who hold it are likely to resist the change for as long as they are able.

Clarifications

At various stages in the long process by which legislation was devised other proposals have fallen by the wayside. Occasionally people speak about the new measure as if these things have been retained which is unhelpful.

- Clergy will not become employees (except for those few like the present author who are in fact). Common Tenure means that clergy remain office holders.
- The freehold of property has not been modified. Proposals to detach freehold from church and churchyard were abandoned early and many parochial clergy will continue to hold the freehold of the parsonage.
- Patronage has not been altered and the primary legislation governing appointments is unaffected. That said the old legislation really governs certain key points and makes no requirement on what happens in between. The new legislation will fill in some of the detail. Much of the detail is not about what must be done but what ought to be done and because of the consequences of getting things wrong people will be wise to follow the recommended practice unless there is good reason to deviate from it.

Conclusion

It is easy to imagine that at least to start with most clergy with freehold will not opt for Common Tenure and many may never do so unless or until they move. Given the workload the new legislation will create, some Dioceses may be grateful if there is not a flood straight away. However, others will see that there are benefits and may therefore decide to forgo the security of freehold. I suspect that this is more likely to happen in certain dioceses where there is greater trust than in others.

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