

Guidelines for Good Practice in the Employment of Theological Educators

A Report produced by the Theological Educators' Network

June 2018

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Preface

Theological Educators in the Church of England are most commonly associated with the theological colleges that train women and men for ordained ministry. However, theological education for licensed ministry is much broader than that context. Those whose role in the church is exclusively or primarily as a theological educator are employed in a range of college, course and Diocesan settings. They are variously engaged in training candidates for licensed lay ministry, title curates, longer-standing clergy, and the people of God at large, as well as ordinands.

The Theological Educators' Network (TEN) has become increasingly aware of the discrepancies that exist between the terms and conditions of employment for theological educators across a range of contexts. Clergy employed full-time or part-time by colleges and courses tend to have contracts based on the 'Lichfield Scale' which is published annually by the Ministry Division of the Archbishops' Council. Non-clergy in similar positions are generally employed on commensurate terms. However, for educators (whether clergy or not) employed by a Diocese, especially those having two or more part-time responsibilities, the picture is much more varied. Some are employed on terms matching Diocesan 'lay' posts which are essentially administrative; whilst others, if ordained, are employed on terms intended to be compatible with those of clergy holding a Common Tenure position. The differences can be quite stark.

Anecdotal evidence has been garnered of theological educators who find it difficult to move from one type of post to another because of the variance of terms and conditions between different contexts. Furthermore, some theological educators who are not in full-time course or college posts have been known to report a lack of adequate support for their ongoing academic development and resourcing. In some instances, there seems to be a mismatch between fundamental expectations about working patterns/conditions (on the part of educator and/or employer) and actual contractual stipulations.¹

Between October 2015 and February 2017, TEN undertook a data gathering exercise, seeking to establish as full a picture as possible of the variation of employment practices across England. The resultant data provided the means to identify the key issues that theological educators and their employers should be mindful of in entering contracts of employment.

This document sets out a summary of the data gathered and presents a discussion of those key issues. Its purpose is not to offer advice on the processes of recruitment and employment; it does not proffer or imply any legal advice nor does it have any legal status. Rather its primary purpose is *to highlight the key areas of potential ambiguity that theological educators and their employers should consider and clarify prior to committing to terms of employment*. It is a set of prompts for a constructive dialogue that aims to identify and resolve mis-matched expectations that might otherwise remain hidden.

As such, it seeks to reinforce the intention of the Lichfield scale which is to 'provide comparability between tutors and the Parochial Clergy, taking into account the different benefits which each are able to receive.'

It is hoped that in publishing this report, TEN will be providing a valuable resource to both theological educators and their employers. The group producing the report have sought not to mandate particular ways forward; the individual circumstances of each person and the constraints

¹ In the background here (in some instances) is the expectation written into the validation agreement between Durham University and Theological Education Institutions that deliver programmes validated through Common Awards, that academic staff have the means to do research and resource themselves for their teaching.

faced by employers are too complex to permit specific suggestions. Instead, the report offers a toolkit that can help to ensure that individual responses to such circumstances and constraints are not proposed without a clear understanding of their implications and of the alternatives that might be considered.

Many of those involved in the production of this report are regularly called upon to address ministers and candidates for ministry in the matters of self-care, particularly the need to be adequately resourced for the ministry in which they engage. This report will provide the means to theological educators to do just that, and in a manner of speaking, to practise what they teach.

In issuing this report, TEN hopes to foster a thriving community of theological educators who serve their employers as effectively as possible.

The three sections of the report deal with Working Hours and Facilities, Study Leave and Sabbatical Leave, and Housing Provision and Pension Provision. Such a short report does not require any overall summary or conclusion; rather the Key Issues are summarised as a set of questions at the end of each section. These questions are the key resource for both theological educators and their employers.

Working Hours and Facilities

Key Areas of Variation

Some theological educators in TEIs are provided with a study and/or allowed to work from home. Flexibility of working hours – apart from timetabled teaching and meetings – is quite common. Indeed in the case of non-residential TEIs, it can be extensively required in respect of irregular evening teaching and weekend residential. This arrangement respects the particular mix of academic and pastoral responsibilities that is common for those in theological educator posts.

Theological educators employed in other contexts, including some TEIs, are sometimes expected to work in open-plan offices and at fixed times.

The definition of working hours can vary widely. The traditional understanding of a six day week for clergy – itself somewhat ambiguous without a clearer articulation of hours – can create discrepancies between:

- clergy in a theological educator role and a lay person in a similar role;
- clergy in a Diocesan theological educator role and other Diocesan staff in other types of role.

For full-time theological educators, the provision of books is a vital resource; the provision of a book allowance in the Lichfield scale reflects this. For theological educators in non-TEI posts, the provision of books or book allowances is very variable.

Summary of Data Gathered

No formal data has been sought from employers regarding working hours and office facilities.

Generally the cost of books can be claimed back via expenses but at least two dioceses then insist these are left behind on leaving employment. None of the dioceses consulted provides a book allowance for staff in theological educator posts. Some consider the provision of a diocesan library meets this need. This distances such posts from Lichfield Scale benchmarks and regards their academic development as job-related and functional rather than a fundamental aspect of ongoing personal development.

Anecdotal Evidence and Case Study

Several staff in Diocesan-based theological educator roles report being expected to work in Diocesan offices which are not suitable for personal study and teaching preparation. Whilst in practice home working alleviates this, tension can remain if contractually this is not permitted.

Similarly, the specification of fixed working hours does not always reflect the realities of providing teaching and tutorial sessions outside those hours.

Summary of Key Issues to Consider

- Is the provision of office space (and/or flexibility for working location) suitable for personal study?
- Does the specification of working hours reflect the realities of the post's responsibilities (such as the demands of working pastorally with individuals and groups on an ongoing basis and at points of transition and crisis)?
- What provision is there for the academic resourcing of the educator's ongoing personal development and activity as an expert in their field?

Study Leave and Sabbatical Leave

Key Areas of Variation

It is common for full-time theological educators who are employed in TEIs to be entitled to study leave and/or sabbatical leave. This is usually provided for the academic development of the educator in order that they might develop their teaching, keep up-to-date in their field, and better contribute to the education and training of their own institution and to the wider church. Note that this does not merely concern the necessary preparation for particular teaching tasks but is about allowing space to maintain breadth and intellectual curiosity and to create new and potentially unexpected ideas.

Theological educators employed in other contexts may not have any such provision.

Summary of Data Gathered

HR officers, or those fulfilling a HR officer function, were approached with a questionnaire in all twelve dioceses in the Northern Province. Responses were received from ten out of the twelve dioceses. The questionnaire asked two main questions:

Please could you indicate the arrangements which are in place in your diocese for those who are in theological education posts to take study leave and / or sabbatical leave in order to resource them in their ministry?

Please could you explain the basis on which the arrangements indicated above were adopted in your diocese? (Common Tenure, Employment, Configuration of Posts, Senior Staff, DBF, HR, etc)

Almost all of those who are in theological education posts in the Northern Province are employed by their respective Diocesan Board of Finance and have no entitlement to study leave or sabbatical leave. In one diocese employees are encouraged to identify Continuing Professional Development needs through the annual appraisal system and time and a bursary award are made available in consultation with the Director of Ministry. In another diocese study leave may be agreed on written application to the HR committee which considers applications on a case by case basis. In yet another diocese senior employees are entitled to three months' study leave after ten years' service. And in yet another diocese, where provision is under review, sabbatical leave is available to clergy who took up their posts before the introduction of Common Tenure and who are in dual roles which include clerical responsibility in a parish or cathedral setting.

One diocese in the Northern Province sums up its position as follows: 'The arrangements were adopted in line with standard staff policies that are applicable to all employees of ... DBF, whether they are ordained or lay. The staff policies were originally drafted by the Human Resources Team but have been approved by the Staffing Sub-committee and subsequently ratified by the Finance Committee (Directors and Trustees of the Board of Finance)'.

The same questionnaire was sent to the HR officers, or those fulfilling a HR officer function in the dioceses of the Southern Province. Only one diocesan HR department sent back a response. Following this, IME Part 2 officers in the Southern dioceses were contacted individually and asked about sabbaticals, study leave and retreats. There were 12 responses, with some volunteering additional information.

As with the Northern Province, respondents in the Southern Province dioceses who have theological education posts are often employed by the Diocesan Board of Finance, but the picture varies more than in the Northern Province. In some dioceses, theological educators who are Board of Finance employees are not permitted to take sabbaticals or study leave or annual retreats. In other dioceses,

theological educators with a part-time parish role can take study leave, pro rata, and full study leave, but only if they are residentiary canons. In one diocese, ordained theological educators employed by the DBF are permitted to take sabbaticals, but lay colleagues doing a similar job are not. Similarly, in one diocese, clergy involved in theological education are entitled to sabbatical leave of three months every seven years after the first ten years of ministry. Currently, however, there is no equivalent provision for lay staff employed by the Board of Finance, which includes some members of the same department. In contrast, in one diocese, 8-12 weeks extended study leave is given for anyone who fits the criteria.

In yet a different pattern, in one Southern Province diocese, whilst formal sabbaticals, extended study leave, and retreats are not permitted for theological educators, if their job description specifically includes theological education, unofficially, they can negotiate up to one day per month study time with their line manager. Retreats have to be taken as part of annual leave. In another diocese, ordained theological educators end up taking retreats in time off in lieu.

In another group of dioceses, all theological educators are allowed study leave and annual retreats, the same as licensed clergy, but in at least one of those dioceses, with the heavy workloads that the theological educator staff experience, study leave is 'not really possible'. Indeed, this is a more general issue, in that diocesan theological educators rarely have colleagues who can take over their work when they are on extended study leave.

Lastly, in a further diocese, reading weeks are encouraged and a sabbatical is permitted every 7 years after the officer has been in post for at least 5 years. This diocese also allows an annual retreat in work time.

Anecdotal Evidence and Case Study

In one diocese in the Northern Province, the treatment of theological educators as contracted employees means that they are treated in exactly the same way as administrative staff, whether in support roles or managerial roles, whose roles are very different and carry very different kinds of responsibilities. This creates huge tension between the presumption of visibility in the diocesan offices, 9am – 5pm Monday to Friday, and the weight of evening and weekend work which is part of the role of theological educators. It also means that theological educators' need to study in order to resource themselves in their work has to be met largely in their own time, particularly with respect to ongoing and wider theological reading or study for higher degrees.

In another diocese in the Northern Province, and, again, in at least one of the Southern Province dioceses, theological educators are experiencing stress, burn out and physical ill health which is at the very least exacerbated by the general terms and conditions of their service and the lack of access to regular study leave or extended sabbatical leave. It is hard to see how such work is sustainable if theological educators are not permitted to take advantage of resourcing that enables resilience.

A review of Continuing Ministerial Development was presented to the House of Bishops in December 2014, a paragraph of which bears quoting at length here in relation to the roles and needs of Continuing Ministerial Development officers, and the pressures which they experience, and in relation to the roles and needs of theological educators more generally:

'We have a **network of diocesan officers**, who are generally highly qualified and present in most dioceses (NB a few dioceses have experienced long vacancy periods). Over the last five years their **roles have become more complex and demanding**, reflecting shifts in priorities towards compliance, parish development and growth. These shifts are reflected in a plethora of evolving role titles. These

officers work **the longest hours of all stipendiary clergy** and frequently CMD is only part of a very full-time role. Their capacity to absorb new or enhanced responsibilities for provision, e.g. safeguarding training, is weak. Most officers address this by collaborating effectively in regions, whether formally or informally constituted. This collaboration enables training to be delivered to credible cohort sizes, the sharing of staffing, experience and expertise, i.e. creating scale. It is powerfully experienced as **a life giving and joyful means of working**. However, this collaboration is not universal, fragile, and needs to be supported, especially in regions where both Bishops and Officers are transitioning into new posts. **The quality of relationships with Bishops and the presence (or absence) of their voices from strategic conversations on models of ministry remains a concern.**²

We believe it is common in the wider HE sector for academic posts to have Study Leave written in to the post's terms of employment, such study leave being for research and personal development, not for teaching preparation.

Summary of Key Issues to Consider

- Do the terms of employment for a theological educator post differ from other types of post, respecting the need to engage on an ongoing basis with thinking, research and development in theology, ministry and mission? Do they allow space for intellectual curiosity and new ideas?
- What specific provision is there for a theological educator to have regular access to study leave, and periodic access to extended study leave or sabbaticals, in order to resource themselves to teach, equip and enable others?
- If study leave is not available, how are theological educators expected to maintain their expertise?
- To what extent is it expected that a theological educator should participate in ministry and mission and to inform their participation and development theologically, especially in a time of changing patterns of ministry and needs of mission? How is this facilitated in the shape of the post?

² Archbishops' Council, Ministry Division, Continuing Ministerial Development Panel, (2014). *Continuing Ministerial Development Review*.

Housing Provision and Pension Provision

Key Areas of Variation

Theological educators who are ordained have traditionally been provided with a clergy stipend plus housing. A common alternative has been a clergy stipend plus a housing allowance. However, those employed by Dioceses are increasingly often paid a salary which is intended to cover housing costs.

In addition, changes by HMRC to how housing provision is assessed for tax purposes has meant that the provision of housing for diocesan staff and non-residential TEI staff (but not residential college staff) is now a taxable benefit.

Clergy posts generally provide pension rights through the Church of England Clergy Pension Scheme. Non-clergy people in theological educator posts are generally provided with pension rights through the Church of England Church Workers Pension Scheme.

There are differences between the benefits of the two schemes, and there are exceptions to the norm, whereby some clergy are employed in posts that do not include Clergy Pension scheme membership.

Summary of Data Gathered

None of the dioceses consulted provides a house for new theological educator appointments, although a few staff existing have a house provided as they previously on stipend plus house.

A stipend plus housing allowance is paid by some dioceses and non-residential TEIs. However, the more common arrangement is simply a salary on the relevant Diocesan scale (i.e. not the Lichfield scale for TEI staff) such that the staff need to provide their own accommodation as would any staff member. Once the cost of housing (mortgage, Council Tax, insurance) is deducted from this, it is sometimes less than a stipend.

Some dioceses provide housing and scale up the Lichfield scale salary to allow for the resultant tax liability; thus the staff member's take home pay is the same as an incumbent-level stipend.

No formal data has been sought from employers in relation to pension provision.

Anecdotal Evidence and Case Study

A theological educator employed by a diocese reported that being paid on a diocesan salary scale resulted in a salary somewhat less than a stipend plus housing allowance. This meant that moving into the diocesan post was financially personally costly.

There can be anomalies, such as if an ordained diocesan staff member is married to another clergy person who has housing provided. It is difficult in such circumstances whether housing allowance should be paid or not. This is exacerbated if housing is not explicitly identified as part of a remuneration package, but is covered by a salary.

Summary of Key Issues to Consider

- Does the theological educator post have housing provided, or a housing allowance, or a salary?
- If housing is provided, will this be deemed a taxable benefit?
- How commensurate is the stipend plus taxable housing allowance, or salary, with typical clergy posts (stipend plus housing)?
- Does the post include membership of the Clergy Pension Scheme or the Church Workers Pension Scheme? Have the differences between these two been taken into account?

Appendix: Current Lichfield Scale



MINISTRY DIVISION
of the Archbishops' Council

FINANCE PANEL

1st April 2018 - 31st March 2019

Guidance on Academic Staff Remuneration and Benefits

For Theological Colleges and Courses

Recognised by the House of Bishops

Circulation: Principals of Theological Colleges & Courses
Bursars/Administrators of Theological Colleges and Courses

Issued by: The Head of Resources
Ministry Division
Church House
Westminster
London
SW1P 3AZ

March 2018

1st April 2018 - 31st March 2019

ACADEMIC STAFF REMUNERATION AND BENEFITS

(THE "LICHFIELD SCALE")

The Governing Bodies of Colleges and Courses are reminded that that it is their responsibility to set the terms and conditions for their own staff. The Governing Bodies are also responsible for deciding the number of staff to be employed. This document is intended to be a guide to the Governing Bodies in making their decisions.

The Scale sets out the level of remuneration and benefits for the **academic staff** of Theological Colleges and Courses recommended by the Finance Panel of the Ministry Division of the Archbishops' Council and which are included in the calculation of the tuition fee levels.

The intention of the Scale is to provide comparability between tutors and the Parochial Clergy, taking into account the different benefits which each are able to receive. The remuneration for Principals was previously based on that for Residentiary Canons. However, following the changes to the differential for Residentiary Canons agreed by the Archbishops' Council and Church Commissioners the Panel decided that the level of Principals' stipends should remain at the equivalent of 1.3 of the National Minimum Stipend. From 2011 these stipend increases have been in line with increases in the tutors' stipend.

It is hoped that the Governing Bodies of the Colleges and Courses will provide, for their academic staff, houses of incumbent status, but not making provision for a study if this is separately provided.

The new rates recommended from 1st April 2018 are set out below.

**ACADEMIC STAFF REMUNERATION AND BENEFITS SCALE
("THE LICHFIELD SCALE": 1st APRIL 2018 – 31st MARCH 2019)**

PRINCIPALS

1. Principals to be paid £30,942 an increase of 2.0% over 2017/18.

**ADDITIONAL RESPONSIBILITY ALLOWANCES INCLUDED IN THE
CALCULATION OF TUITION FEES PAID FROM CFMT**

2. In line with the Lichfield Scales of previous years the tuition fees paid from CFMT provide for responsibility allowances to be paid to academic staff. Each College/Course with between one and five members of staff in addition to the Principal may use up to £5,236 (i.e. 20% of the Revised Scale for Tutors) in total to reward those members of staff with enhanced responsibilities. This sum may be distributed at the discretion of the Governing Body, but the tuition fees assume that not more than half of it (£2,618) will be awarded to any one individual. For every additional 2 members of staff a further £1,309 (i.e. 5% of the Revised Scale) has been included in the tuition fees, but the limit still applies that no individual may receive a responsibility allowance larger than £2,618. (Staffing levels included in the tuition fees calculation relate only to the number of ordinands at each institution. Allowances based on staff numbers above these levels are included for guidance.)

Sums available for distribution as responsibility allowances

No. of staff in addition to the Principal:	Sums available: (£)
1-6	5,236
7 or 8	6,545
9 or 10	7,854
11 or 12	9,163
13 or 14	10,472

3. Where a member of staff deputises for a Principal for a period of at least half a term, payment may be made at the Principal's rate for the period in question.

TUTORS

4. The recommended stipend/salary for Tutors is £26,180. This is an increase of 2.0% over 2017/18.

OTHER POSSIBLE BENEFITS

- 5.1 Accommodation: This should be provided free of rent and Council Tax.

(Note: When a cash housing allowance is paid in place of free accommodation this should be consistent with the practice in the local diocese. It will be taxable and subject to PAYE deductions in the same way as salary. Institutions should be aware that such payments are subject to discrimination legislation, especially in regard to any housing provided to a spouse.)

- 5.2 Free Meals: provided during term-time. (Where this is not practicable, an appropriate payment may be made in lieu, but this would be taxable).

- 5.3 Re-Settlement Grant: The CSA recommended removal grant which may be paid to staff on moving to take up appointment at a College/Course is £2,436. (This is additional to the actual cost of removal i.e. "the van").

- 5.4 Cars: Academic staff of Colleges and Courses may be paid a standard annual allowances as a contribution towards the **cost of maintaining a car** which is used for business purposes or claim a mileage allowance. (These payments will be taxable if they provide a benefit that does not fall within the HMRC allowance limits.)

- 5.5 Membership of any appropriate Professional Organisation or Learned Society: the cost of membership of a professional organisation may be reimbursed and also the cost of attendance at an appropriate annual conference.

- 5.6 Books: the cost of appropriate theological books may be reimbursed up to a maximum cost of £738 in any one year.

Note: The actual expenses reimbursed under (5.5) and (5.6) above, should be reported on Forms P11D and claimed by staff as an expense. If this claim in respect of books is not accepted by the Inland Revenue, a claim for the expenditure to be treated as subject to capital allowances should be made.

- 5.7 In-Service Training:- this may be provided at the discretion of the Governing Body.

- 5.8 Additional Allowances (e.g entertainment) are a matter for the discretion of the Governing Body concerned.

NATIONAL INSURANCE

6. National Insurance contribution at the Class I rate should be provided for by means of the statutory contributions from the member of staff and from the College/Course.

PENSIONS FOR STAFF WHO ARE ANGLICAN CLERGY

7. Since 1 January 1998 Colleges and Courses have been responsible for contributions towards the pensions of Anglican Clergy. The calculation of pension contribution is based on the previous year's CSA National Minimum Stipend (NMS) to which a multiple is applied.

The following annual contribution rates will apply from 1st April 2018.

From 1 April 2018	£9,496	(based on 39.9% of the 17/18 NMS of £23,800)
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An allowance of this amount is included for staff members in the tuition fees calculations and is intended to cover both ordained and lay staff.

Governing Bodies should consider on a regular basis the pension provision provided for lay members of staff and are reminded that, under auto enrolment, there is now a legal requirement for all employers to provide a pension that meets minimum standards by 2018.

I Barnettson
March 2018