



Presbyterian Church
of Aotearoa New Zealand

Conditions of Service Manual
Supplementary Provision to the Book of Order

Issued by the General Assembly
On the 29th day of September 2006

Contents

1	The Context of the Conditions of Service Manual	3
1.1	Introduction	3
1.2	Legislative Context	3
1.3	Positions Included	4
1.4	Areas Addressed	4
1.5	The Employment Relations Act	4
1.6	The Presbyterian Church as a Learning Organisation	5
1.7	Procedure for Changing this Document	5
1.8	Additional Support Documentation	6
2	Ministers of Word and Sacrament	7
2.1	Introduction and Definition	7
2.2	Background	7
2.3	Establishment of Position	7
2.4	Recruitment and Selection	8
2.5	Terms of Call/Letters of Appointment	13
2.6	Terms and Conditions	15
2.7	Performance Management	24
2.8	Review of Ministry Positions	26
2.9	Ending a Ministry Relationship	27
2.10	Disciplinary Procedures	29
2.11	Code of Ethics	29
3	Pastoral Lay Positions	32
3.1	Introduction and Definition	32
3.2	Background Purpose	32
3.3	Establishment of Positions	32
3.4	Recruitment and Selection	32
3.5	Employment Agreements	36
3.6	Terms and Conditions	37
3.7	Performance Management	42
3.8	Restructuring and Redundancy	44
3.9	Termination	45
3.10	Code of Ethics	47
4	Assembly Appointments	50
4.1	Introduction	50
4.2	Assembly Appointments Establishment	50
4.3	Position Review	50
4.4	Recruitment and Selection	51
4.5	Employment Agreements	52
4.6	Terms and Conditions	52
4.7	Performance Review	52
4.8	Resignations	52
4.9	Redundancy and Restructuring	52
4.10	Termination	52

4.11	Code of Ethics	53
5	Administrative Positions	54
6	Occupational Health and Safety	55
6.1	Introduction	55
6.2	Safety Issues in Working with Young People	55
6.3	Implementation	55
6.4	Future Developments	55

1 The Context of the Conditions of Service Manual

1.1 Introduction

This manual is a supplementary provision issued by the General Assembly on 29th day of September 2006 under chapter 3 in the Book of Order adopted by the General Assembly on 29th day of September 2006, and must be complied with.

This supplementary provision is subject to the Book of Order and, in the event of any inconsistency between this provision and the Book of Order, the provisions of the Book of Order take precedence and prevail.

The manual is intended for congregations and presbyteries/Union District Councils (UDCs) who are:

- involved in a relationship with ministers of word and sacrament
- involved in the employment (paid or unpaid) of people in the Presbyterian Church of Aotearoa New Zealand
- ministers
- employees, including those who manage staff

1.2 Legislative Context

In the Presbyterian Church of Aotearoa New Zealand, conditions of service differ according to the ministry exercised or position filled and are governed both by regulations of the General Assembly as contained in the current Book of Order and, to the extent it applies to particular roles, by employment legislation.

The Acts, with associated amendments, which govern employment in New Zealand, are:

- Accident Insurance Act 1998 and Accident Insurance Act
- Employment Relations Act (2000) as amended
- Equal Pay Act 1972
- Fair Trading Act 1986
- Health and Safety in Employment Act 1992 as amended
- Holidays Act 2003
- Human Rights Act 1993
- Income Tax Act 2004
- Injury Prevention, Rehabilitation and Compensation Act 2001
- Minimum Wage Act 1983
- Parental Leave and Employment Protection Act 1987
- Privacy Act 1993
- Protected Disclosures Act 2000
- Smoke-free Environments Act 1990
- Volunteers Employment Protection Act 1973
- Wages Protection Act 1983

1.2.1 Legislation

Copies of legislation can be accessed through, www.legislation.govt.nz or through Bennett's Government Bookshop.

1.3 Positions Included

Positions covered are:

- Ministers of word and sacrament: National Ordained Ministers (NOMs), Local Ordained Ministers (LOMs), Local Ministry Teams (LMTs) and Amorangi Ministers
- Pastoral lay positions e.g. pastoral workers, youth workers, family workers
- Assembly appointments

Information about employment relating to administrative positions – e.g. church secretaries, treasurers, Presbytery/UDC administrative staff, grounds staff, etc – is on the website.

1.4 Areas Addressed

This manual covers, according to the type of position:

- Establishment of position
- Recruitment and Selection
- Employment agreements/Terms of Call/Letters of appointment
- Terms and Conditions
- Leave
- Pay/remuneration
- Superannuation provision
- Training
- Performance Conversations
- Dispute resolution
- Re-structuring and redundancy
- Termination
- Code of Ethics
- Occupational Health and Safety

1.5 The Employment Relations Act

This Act governs employment relationships in New Zealand. Its emphasis is on building productive relationships between employer and employee, and on negotiating 'in good faith'. Qualities such as trust and openness are emphasised and good process and clarity of expectations underlie its provisions. This is consistent with our values as a Christian church.

1.6 The Presbyterian Church as a Learning Organisation

The intention of the Presbyterian Church is to operate as a learning organization in its systems and processes. This is then a significant factor in how we manage our conditions of service. Two significant points to bear in mind are:

(i) Assumptions are open to question and examination.

For example:

- what makes a good minister?
- why are we appointing a youth/pastoral/worship worker?

Differing underlying assumptions about these questions could lead to a struggle in appointing the right person for the place and time. Examining the underlying assumptions can be a great help in deciding what sort of position to establish and what sort of person to appoint.

(ii) Systems may be working to ensure their own downfall.

Sometimes this can lead to laying blame where it does not belong, and may even lead to making an appointment which is doomed to fail, in attempting to fix an issue which is really systemic in nature. A climate of openness to questions and examination of process can help prevent this before an unproductive path is followed.

This type of questioning and inquiry can feel unfamiliar in our church life, as we have a tendency not only to avoid conflict, but to avoid any situation which might lead to a conflict. This type of questioning, opening out discussion and dialogue can lead to the expression of different opinions. Courage, love and honesty are qualities that will enable conflict to be explored and new understandings to emerge.

A list of books that reflects the Presbyterian Church's stance on leadership and mission and some thoughts on the church as a learning organization can be found through this link:

<http://www.presbyterian.org.nz/resources/mrt/resources/leaders.html>

1.7 Procedure for Changing this Document

1.7.1 Introduction

This document is intended to provide both sufficient clarity and sufficient flexibility to enable effective and sensible decisions to be made in the terms and conditions of service in the Presbyterian Church.

The conditions that would necessitate changes to this manual are:

- changes to legislation or its interpretation,
- changes to the Book of Order of the Presbyterian Church of Aotearoa New Zealand, or
- recognition that material within this manual does not satisfactorily meet changing needs in a changing environment.

Responsiveness to necessary change is a characteristic of a learning organization.

1.7.2 Proposals for change

Individuals or groups may suggest changes to this manual by:

- raising the matter with the Leadership sub-committee and/or the Assembly Executive Secretary
- raising the matter with the Council of Assembly
- drawing the matter to the attention of the General Assembly through the relevant process set out in the Book of Order, if the above initiatives do not lead to the change sought after due consideration

1.7.3 Decisions about change

Changes that relate to regulations in the Book of Order require reference to the General Assembly for decision and where appropriate may require use of the Barrier Act process. Changes that relate only to the operational guidelines contained in this Conditions of Service Manual may be determined by the Council of Assembly.

1.7.4 Implementation of change

Changes to this manual will be notified to Presbyteries/UDCs and church councils. This document will be available on the web site and any approved changes will be notified on the website and included in the document as soon as possible.

1.8 Additional Support Documentation

1.8.1 Guidelines published by the Assembly Office

Additional guidance on the material in this manual is provided in the following sets of guidelines published by the Assembly Office:

- Presbytery Clerk Resource Manual
- Parish Handbook
- Leave Guidelines
- Treasurer's Manual
- Housing guidelines
- Safety and Protection policy for children, young people and families

2 Ministers of Word and Sacrament

2.1 Introduction and Definition

“Minister of word and sacrament” means a person recognised by the Church as called by God to proclaim the Gospel of Christ, celebrate the sacraments and exercise the talents she or he has received for ministry in the Church and who has been ordained by Presbytery/UDC to this office.

The Church believes that in taking up a position, ministers are responding to a call from God, affirmed by the Church. The Church believes ministers exercise their ministry according to convictions and motivations generated by God. The relationship between Presbyteries/UDCs and ministers is not contractual nor one of employment and employment legislation does not apply to these positions. All involved are bound by the Book of Order.

Four strands of ministry of word and sacrament are recognised within the Presbyterian Church of Aotearoa New Zealand:

- **National Ordained Ministry (NOM)** – means a model of ministry under which a person is ordained by a presbytery to the ministry of word and sacrament and is eligible for call or appointment throughout the Church.
- **Local Ordained Ministry (LOM)** – means a model of ministry under which a person is ordained by a presbytery to the ministry of word and sacrament in a particular context for a particular period of time and is not normally eligible for call to appointment to any other position within the Church.
- **Local Ministry Team (LMT)** – means a model of ministry, authorised by presbytery for a specified period of time, by which ministry roles are shared among members of the team. Within the team a person or persons may be recognised by Presbytery/UDC for training, ordination and induction to the ministry of word and sacrament.
- **Amorangi ministry** – self-supporting ministry in Te Aka Puaho, as outlined in the Book of Order.

2.2 Background

The conditions of service contained in this section are to be read together with all relevant regulations in the Book of Order.

The principles that underlie these regulations and guidelines are clarity of expectations, maturity of relationship and the abiding presence of the grace of God.

2.3 Establishment of Position

A position for a minister of word and sacrament would normally arise from the resignation or retirement of the current minister; a change in the ministry needs of the workplace or congregation in which ministry is being exercised (e.g. growth/decline in numbers/income); planting a new /congregation/initiative.

Decisions about the establishment or disestablishment of such a position and its terms will always be made in consultation with and with the approval of the

Presbytery/UDC in which the ministry is situated, unless the position is one of employment with the General Assembly or other body.

When filling a vacancy for a minister of word and sacrament in a congregation please refer to Chapter 7 of the Book of Order and to the guidelines in the Parish Handbook in addition to the information in this manual. The guidelines are available from the Assembly Office or through the Church's website.

As part of the process of establishing a position, congregations need to prepare a budget for the position(s).

2.4 Recruitment and Selection

2.4.1 Introduction

The recruitment process begins with the ministry settlement board's work in developing a parish profile and determining the model and type of ministry that will best support the worship, life and mission of a congregation. From this point on, each milestone in the recruitment process - identifying likely applicants, short-listing, interview and call/appointment - should support the ministry direction discerned by the board. The intention of these guidelines is to assist the ministry settlement board in maintaining consistency of discernment and direction at each point in the process.

2.4.2 Terminology

2.4.2.1 'Calling' a minister

The word 'calling a minister' is traditionally used to describe the process through which a minister is placed in a ministry. More recently, and particularly in co-operative ventures, the word 'appointment' is used to describe the same process. In the Book of Order the term 'ministry settlement' is used to describe the outcome. The same processes, provisions and regulations apply whether the process is designated a 'call' or an 'appointment'.

A call process involves the ministry settlement board identifying the person it believes God is inviting it to approach as the person most suited to the position. In this way the Board initiates the contact.

An application process involves people sensing God may be calling them to a particular position, often as described in an advertisement, and so the applicant initiates contact with the board.

Whatever process is used, the disciplines of discernment and prayer are fundamental.

2.4.3 Regulations

2.4.3.1 Call or appointment of Ministers of Word and Sacrament

2.4.3.1(a) National Ordained Ministers

National Ordained ministers in good standing are available to be called to Presbyterian parishes, to Co-operative Ventures in which the Presbyterian Church is one of the partners or to other ministry positions within the Church. Ministers and licentiates of other Churches may be received onto the ministerial roll through the national process outlined in the Book of Order's supplementary provisions. The Presbyterian Church has a reciprocal arrangement with the Methodist Church of New Zealand by which ministers of each Church are available to be called or appointed to the other.

2.4.3.1(b) Local Ordained Ministers

A Local Ordained Minister in good standing is appointed to a particular position and is not automatically eligible for another appointment or call to another congregation or ministry.

2.4.3.1(c) Local Ministry Teams

Local Ministry Teams are appointed to the congregations they serve. The team, either as a whole or individual members of it, is not automatically available for call to another congregation.

2.4.3.1(d) Appointments in Co-operative Ventures

Congregations and Presbyteries/UDCs appointing a minister(s) in a co-operative venture should refer to the 'Guide to Procedures in Co-operative Ventures (Section I regulations 212, 213) [Uniting Congregations of Aotearoa New Zealand](#)

2.4.3.1(e) Canvassing prohibited

Canvassing of any kind is forbidden in connection with the filling of a vacancy; and it is unlawful for a minister or licentiate, personally or through others, to use any undue methods or make any private arrangement with any member or members of a congregation to procure a call.

2.4.3.2 Checks required

2.4.3.2(a) 'In good standing'

Before making an approach to a prospective appointee, ministry settlement boards shall obtain from the Assembly Office advice that the person is 'in good standing'. Refer to the Book of Order and the Parish Handbook especially if a parish is seeking to appoint a minister from another Church or denomination.

2.4.3.2(b) Police Check

Nominators shall obtain a police check regarding a prospective appointee. This involves obtaining from the Assembly Office the prescribed forms. A prospective appointee must consent to a police check being obtained. As a guide, convictions for minor traffic offences will not usually impede the progress of a call or appointment. The ministry settlement board must consider all convictions and the prospective appointee must be given the opportunity to comment.

2.4.3.3 Appointment

2.4.3.3(a) Advising applicants

At each stage of the appointment process candidates should be advised of decisions relating to them e.g. that their application has been received, that they have not been successful, that they have been short-listed, and that they have been successful.

2.4.3.3(b) Decision not to call/appoint

It is important to keep in mind that if no strong candidate emerges or if other difficulties arise it may be better not to appoint at that stage and to re-open the discernment process to clarify the model of ministry, the criteria for selection, statement of ministry expectations, etc.

2.4.4 Implementation

2.4.4.1 Introduction

The information in the sections which follow is intended to assist ministry settlement boards in developing a process for calling the person whose skills and attributes best match the ministry needs of the congregation/ministry context at this stage of its journey.

2.4.4.2 Statement of Ministry Expectations

2.4.4.2(a) Purpose

The purpose of a statement of ministry expectations is to clarify the expectations congregations and ministers have of one another. As new models of ministry emerge it becomes increasingly important that these expectations are clear.

2.4.4.2(b) Preparation of Statement of Ministry Expectations

It is recommended that ministry settlement boards develop a statement of ministry expectations for the minister/s sought prior to seeking expressions of interest. The statement articulates the specific emphases, scope and direction of the ministry of word and sacrament in the congregation at this stage of its journey. This statement may be amended in conversation with the minister called to the position.

2.4.4.3 Selection Criteria

2.4.4.3(a) Purpose of selection criteria

The selection criteria assist a ministry settlement board and discernment process to focus on the particular skills and qualities it is seeking in ministry in this time and place.

2.4.4.3(b) Preparation of selection criteria

The statement of ministry expectations will enable the board to be clear about the particular qualities it is seeking in a prospective minister. It is helpful if these criteria are clear to everyone before making an approach or seeking expressions through advertising.

2.4.4.3(c) Prioritising selection criteria

It is useful for the ministry settlement board to have a conversation prioritising the selection criteria. That way, when the agreed order is departed from, it is clear why that has been done.

2.4.4.4 Selection process

When a ministry settlement board decides to settle a ministry position, it should be clear whether it is going to 'call' a minister or advertise for expressions of interest. People being approached and/or applicants should be told at the outset which process is being used.

2.4.4.5 Advertising

2.4.4.5(a) Purpose of advertising

At present most positions for ministers of word and sacrament are filled with a combination of calling and seeking expressions of interest through advertising. It is worth taking time to ensure that the statement of ministry expectations and the advertisement provide a consistent picture of the context and hopes of the congregation.

2.4.4.5(b) Preparation of advertising

Advertisements need to be written using language and ideas that are likely to appeal to the type of person the board is seeking while also providing accurate and relevant information.

2.4.4.6 Short-listing

Short-listing is the process by which a smaller group of people who could be called or people have applied is selected from a wider pool. A short-list could then be considered for an approach.

2.4.4.6(a) Short-listing when using a 'call' process

The selection criteria could assist a board to identify ministers who might be available for a call. 'Gut feelings' about the 'right person' can be checked against the selection criteria and an intentional decision made either to use or abandon the criteria that have been developed.

2.4.4.6(b) Short-listing when using a process of advertising or calling for expressions of interest.

The selection criteria can be used to select a smaller pool from those who apply/express interest. It can be helpful to use these criteria when reading applications or ministers' information forms. Applicants should be invited to respond in areas directly relating to the selection criteria. It is also helpful if ministry settlement boards develop an understanding of how they will know if the criteria are met.

2.4.4.7 Interview

2.4.4.7(a) Introduction

This section offers some background information on making the most of the interview process. There are two possible processes for interviewing short listed candidates – simultaneous or sequential. If the call process is used approaches are generally sequential on the basis that the board is specifically identifying the best person available to be called to the position. Applicants must be advised which process is being used.

2.4.4.7(b) Simultaneous interviewing

In many organisations a shortlist of candidates is developed and all those on the shortlist are interviewed within as short a time frame as possible. A decision is then made either to appoint or not to appoint from the field of short listed applicants.

(i) Strengths

This model is time-efficient, there is a degree of consistency in approach, comparisons can be made and the process is well-known.

(ii) Limitations

This model can make it hard to give each candidate thorough consideration; there can be pressure to appoint from within the short-listed field.

2.4.4.7(c) Sequential interviewing

In the Presbyterian Church we have until fairly recently tended to select a preferred candidate and go through the process until the candidate is either called or not. If the candidate is not called the process starts again.

(i) Strengths

This model is more like the "head-hunting" approach many organisations use and

enables the Board to get a good picture of one candidate; it allows time for many aspects of the call to be explored, and the approach to candidates is often more persuasive by communicating, with more conviction, the suitability of the prospective appointee.

(ii) Limitations

This model can be time consuming and pressure can become intense if no suitable candidate emerges after a few approaches have been made.

2.4.4.7(d) Behavioural event interviewing

The short-listing process will have given a ministry settlement board confidence that candidates, at least on paper, have the qualities that they seek in minister/s of word and sacrament in the congregation. The interview then is designed to clarify how candidates have actually demonstrated the qualities and attributes that the ministry settlement board is seeking. In order to achieve this, the interview should offer the candidate the chance to demonstrate those skills and attributes (e.g. meeting the board, church council and congregation, preaching a sermon.) The panel can also ask questions about situations in which the applicant has had the opportunity to demonstrate the skills that are being looked for. In these situations it works well if members of the Board are looking for particular skills and attributes which they have identified, rather than assuming that everyone 'knows' what makes a 'good' minister. This technique is called behavioral interviewing.

2.4.5 Further information

The guidelines in this section refer to normal best practice. From time to time situations arise which fall outside the norm. Appointing bodies should seek advice before proceeding where they are uncertain. The Employment Advisor will provide a first point of advice.

For a fuller description of the recruitment process see this link.

<http://www.presbyterian.org.nz/humanresources/employment/recruitment.php>

2.5 Terms of Call/Letters of Appointment

2.5.1 Introduction

The terms of call/letter of appointment represent the relationship between ministers of word and sacrament and the Presbytery/UDC in which they serve. The over-riding consideration is that the minister/team and the calling body are clear about the expectations of the position. There is great flexibility in the structuring of ministry positions and models and the terms of call we use need to reflect both flexibility and clarity of expectations.

2.5.2 Background

2.5.2.1 Terminology

'Terms of call' is used to describe the relationship between ministers and Presbytery/UDC in a Presbyterian congregation.

'Letter of Appointment' is used to describe the relationship between ministers and Presbytery/UDC in a co-operative venture.

2.5.2.2 Tenure of appointment

It is important that expectations about the term of an appointment and any reviews of the term are clearly laid out at the beginning of the appointment.

2.5.3 Regulations

2.5.3.1 Standard terms of call

The terms of call/letter of appointment for a stipended position whether National Ordained Minister or Local Ordained Minister must meet or exceed the standard terms of call (see section 2.6.1) In the case of a part-time position, care needs to be taken in pro-rating the various conditions. Details are provided in section 2.6.

2.5.3.2 National Ordained Ministers

2.5.3.2(a) National Ordained Ministers in Presbyterian congregations

The terms of call and the documents that support it represent the relationship between the Presbytery/UDC and the minister. This is usually an ongoing relationship.

2.5.3.2(b) National Ordained Ministers in Co-operative ventures

In a co-operative venture the terms of call are for a fixed term of around five years with the possibility of a review to extend the appointment to a maximum of ten years in total. This may be extended on certain conditions. Regular changes to the Church of oversight enable recognition of the different denominational strands within a co-operative venture. See Guide to Procedures in Co-operative Ventures http://www.cvforum.org.nz/Reports/Guide/Part_2_CommonProvisions_211.htm

2.5.3.3 Local Ordained Ministers

It is expected that the Local Ordained Ministry model would be reviewed regularly. It is also expected that initially a Local Ordained Minister would be appointed for five years or less. However, the ministers appointed would expect to continue in the position if the model of ministry continued to be adopted. The terms of call must be clear to congregation and minister.

2.5.3.4 Local Ministry Teams

The Local Ministry Team model and the composition of the Team will be reviewed on a regular basis. Expectations of the team and congregation will need to be articulated clearly in the terms of call.

2.6 Terms and Conditions

2.6.1 Introduction

These terms and conditions cover all stipended positions for ministers of word and sacrament. The approval of the Presbytery/UDC is needed before a position can be established and before a call can be issued.

2.6.2 Standard terms of call or appointment

Standard terms of call or appointment are defined as follows:

- basic stipend,
- basic expense allowance,
- car allowance, by way of reimbursement, as per Assembly scale,
- removal expenses
- manse with furnishing as approved by Assembly,
- free telephone other than private tolls,
- secretarial assistance as required,
- four weeks annual leave, plus 11 statutory leave days
- study leave as defined by Assembly unless otherwise stated and approved by Presbytery/UDC.

2.6.3 Hours of Work

2.6.3.1 Definition of unit basis

Hours of work in ministry can be determined using a system of units. A unit is a morning, afternoon or evening and is generally considered to be around 3 ½ - 4 hours. The unit system is intended to recognize the flexibility needed in ministry positions, and also to provide a sensible basis for part-time ministry positions. A full time position is 12 units (morning, afternoon or evening) each week. This is based on five days work plus two evening meetings. The number of units expected to be worked is pro-rated for part-time positions. For example, a minister paid a 2/3 stipend would be expected to work 8 units a week (2/3 of 12).

2.6.4 Leave

Additional material on leave is contained in the 'Leave Guidelines' published by the Assembly Office.

2.6.4.1 Annual

Ministers are entitled to four (4) weeks' annual leave per year. The expectation is that a minister will work on average the equivalent of five days and two evenings per week. On this basis, 4 weeks' leave represents 20 work days. Up to a further four (4) days paid leave (i.e. to a maximum of 24) may be provided in circumstances where it is likely that a minister's time commitment to the parish will exceed this expectation. The amount of paid leave days will be specified in the terms of call.

In addition to annual leave, ministers are entitled to 11 public holiday leave days.

The public holidays are:

- Christmas Day
- Boxing Day
- New Years' Day
- 2nd January
- Waitangi Day
- Good Friday
- Easter Monday
- ANZAC Day
- Queen's Birthday observation (1st Monday in June)
- Labour Day (4th Monday in October)
- Provincial anniversary day

Whenever a minister is required to carry out the duties of office on a public holiday he/she is entitled to another day's holiday in lieu of the public holiday missed.

If a minister carries out the duties of office on a Sunday and normally observes a week day such as a Monday as his/her "*day off*", he/she shall be entitled to an additional or alternative paid leave day whenever a public holiday falls on that *day off*.

Sessions and Parish Councils are urged to encourage their ministers to have two days off per week. Ministers are permitted to take a three-day weekend off per school term, without cutting into their annual leave entitlement.

2.6.4.2 Sick leave

Sick leave for ministers is available on a basis of as and when necessary. Refer to the Leave Guidelines for further clarity. A medical certificate will be required for absences longer than one working week. Congregations and Presbyteries/UDCs need to follow the guidance provided in the Book of Order for managing extended periods of sick leave.

Session and Parish Councils are urged to encourage their ministers to take reasonable sick leave when required, including reasonable time for recuperation.

Note: To assist ministers with taking leave there is holiday accommodation available at Glen Innis station near Waipukurau.

2.6.4.3 Bereavement /Tangihanga leave

Bereavement or tangihanga leave is available as and when required on full pay, to discharge any obligations and pay respects to a deceased person with whom there was a close association. Such obligations may exist because of blood or family ties or because of a particular cultural requirement such as attendance at all or part of a Tangihanga (or equivalent). Normally such leave would be three days. If paid bereavement leave is not appropriate, then annual leave or leave without pay may be granted. Evidence may be required under discretion. Special leave with pay and special leave without pay may both be considered.

2.6.4.4 Study leave

2.6.4.4(a)

As part of his or her continuing ministry formation each minister shall be entitled to study leave which shall be accumulated at the rate of one day for each month of consecutive service

2.6.4.4(b)

Study leave for parish ministers may be taken only with the approval of Presbytery/UDC.

2.6.4.4(c)

Usually the stimulus to take study leave will come from the minister but it may be appropriate for Presbytery/UDC to recommend to a minister that accumulated study leave be taken.

2.6.4.4(d)

Study leave must be a planned programme that may use all or part of the study leave entitlement in ways appropriate to the effective achievement of the programme's goals.

2.6.4.4(e)

The church council shall be consulted and express its mind on the matter. The minister shall then apply to the Presbytery/UDC giving details of the proposed programme, where it is to be taken, and details of any supervision.

2.6.4.4(f)

A written report on the study undertaken shall be submitted to the church council and the Presbytery/UDC.

2.6.4.4(g)

Study leave may accumulate to a maximum of 84 days (12 weeks) and may be used in units less than the total accrued. Further study leave can only be accumulated when the balance of leave due is less than 84 days.

2.6.4.4(h)

Study leave shall normally be taken during the tenure of a call or appointment and may not be taken:

Before the expiration of two years service in the minister's current congregation or appointment; or

Within two years of reaching the age of 66.

2.6.4.4(i)

Accumulated study leave is transferable from one congregation or appointment to another. However, when a significant period of time has elapsed between appointments the Presbytery/UDC shall decide what proportion of any previously accumulated study leave shall be transferable. Presbytery/UDC shall ensure that the amount of study leave available to a minister and carried forward from one appointment to another is made known to all parties.

2.6.4.4(j)

Te Aka Puaho appointees shall normally accumulate study leave within each seven-year period of consecutive service within Te Aka Puaho.

2.6.4.4(k)

Assembly and Presbytery ministerial appointees shall be eligible for study leave. Where appropriate the provisions relating to ministers of word and sacrament shall apply.

2.6.4.4(l)

The provisions of the above regulations may be modified only where Presbytery/UDC accepts that special circumstances apply and gives its express approval to a specified departure.

2.6.4.4(m)

Study leave not used by a minister may not be recovered by a financial payment in lieu thereof.

2.6.4.4(n)

The minister shall be supported during the period of approved study leave, by the congregation or other employing body at the current stipend rate together with the payment of current allowances.

2.6.4.4(o)

The Presbytery/UDC shall have oversight of the congregation during the period of study leave.

2.6.4.4(p)

The Presbytery/UDC shall keep an up to date record of study leave available to and taken by every minister within its bounds. Each year Presbytery/UDC shall report to the Assembly Office study leave available to and taken by each minister, such reports to include the subject of the leave taken.

2.6.4.4(q)

Presbytery/UDC shall ensure that the amount of study leave available to a minister and carried from one appointment to another is made known to all parties concerned

2.6.4.5 Leave associated with parenthood

Ministers, appointed under terms of call, may apply for birth/adoption leave or support leave (as appropriate) and/or parental leave.

2.6.4.5(a) Birth/adoption leave

A maximum of 14 weeks birth/adoption leave may be taken. The first eight weeks of leave is at normal stipend, the remaining leave is unpaid. Leave may begin up to eight weeks prior to the expected date of delivery. The actual starting date of birth/adoption leave shall be negotiated between the Presbytery/UDC, Church Council and Minister and should be agreed upon at least four weeks prior to the first day of leave. Free use of the manse shall continue throughout the whole 14-week period. Adoptive mothers may also take this leave if the child to be adopted is less than five years old.

2.6.4.5(b) Support Leave

A maximum of two weeks leave may be taken. This leave is to be paid at normal stipend. Free use of the manse shall continue through the two weeks. The leave is to be taken at the expected date of delivery or after the actual date of birth. The minister is to notify the Presbytery/UDC and Congregation of the expected date of leave at least four weeks prior to the first expected day of leave. However, the minister shall be entitled to advance or delay the taking of this leave if necessary, to coincide with the actual date of delivery. Adoptive parents may also take this leave if the child to be adopted is less than five years old.

2.6.4.5(c) Parental Leave

On application to the Presbytery/UDC a minister is entitled to a maximum of 52 weeks parental leave which will include the period of birth/adoption or support leave, subject to any existing arrangements as to tenure. Parental leave (excluding the eight weeks period of birth/adoption leave and two week period of support leave) shall be unpaid. Parental leave may also be taken by ministers who are adopting if the child to be adopted is less than five years old.

(i) Parents' responsibilities

On application for Parental Leave the minister must:

- Give at least three months notice to the Presbytery/UDC of his/her intention to take parental leave.
- Indicate the approximate dates when leave will begin and end.
- Give a written declaration that the minister and partner between them are taking no more than 52 weeks leave (this only applies to a minister whose partner is also in employment).

(ii) Ministerial Advisor

During the period of birth/adoption leave and parental leave the Presbytery/UDC in negotiation with the minister and the congregation will appoint a ministry advisor whose tasks will include:

- Pulpit supply;
- Pastoral care of the congregation;
- Moderate session, managers or church council; or
- Arrange for tasks (a) to (c) to be undertaken by suitable people;
- Pastoral care of the minister and family;
- Liaison between the minister, Presbytery/UDC and the congregation as requested by any of these parties.

(iii) Use of the Manse

The minister retains the right to occupy the manse throughout the period of parental leave, except where for special circumstances the Presbytery/UDC determines otherwise and then only in respect of the period after the 14 weeks birth/adoption leave or two weeks support leave. Where the congregation has to pay for the housing of a stated supply minister for the period of parental leave, the Presbytery/UDC, on behalf of the congregation, may negotiate an appropriate rental of the manse taking into account the cost to the congregation of alternative accommodation. Where the congregation will not be required to pay for alternative accommodation for stated supply ministry, a rent of no more than 17.5% of the basic stipend may be charged for the period of parental leave.

(iv) Early return to work

Any minister on parental leave is entitled to return to work prior to the date stated at the commencement of the leave period. However, the minister must give notice to the Presbytery/UDC and the congregation of her/his intention to return to work. The period of notice should be negotiated prior to the commencement of leave and should be not less than four weeks prior to the desired date of return to work. No minister shall be compelled by either the Presbytery/UDC or the congregation to take birth/adoption, support or parental leave.

2.6.4.6 Leave without pay/remuneration

Leave without pay is a matter for negotiation between the minister and the congregation and Presbytery/UDC. Leave without pay shall only be used when annual leave is not available, other than in exceptional circumstances.

2.6.4.6(a) Leave without pay and the Beneficiary Fund

Leave without pay may affect the length of service counted towards a minister's credit with the Beneficiary Fund. Various options are available to enable a minister to maintain full or partial credit for service, subject to continuing payment of personal contributions. Ministers/congregations/presbyteries/UDCs should contact the Beneficiary Fund Managers for clarification in their particular situation.

2.6.5 Pay/Remuneration

Ministry positions are often provided with a stipend to support the minister(s). The basic stipend is the **minimum** requirement for a full-time stipended ministry position.

A congregation/ministry context may choose to exceed the basic stipend by up to 20% without the approval of the Presbytery/UDC (however, they must inform Presbytery/UDC that they have done so). The stipend is pro-rated for part-time appointments on the basis of the units worked.

2.6.5.1 Stipend

The stipend is adjusted annually based on a formula that is connected to movements in the cost of living. For details of the current stipend contact the Financial Services team at the Assembly Office.

2.6.5.2 Housing

Refer to housing guidelines for further guidance, available from the Assembly Office. A ministry appointment includes provision of suitable housing for the minister/s and their families. This may be in the form of:

Accommodation of an approved standard owned by the Congregation/Charge;

By providing an accommodation allowance;

(The allowance payable to the minister should be the lower of the market rental for a suitable property within an appropriate radius of the main worship centre or main site of the ministry or the cost of the mortgage on a house owned by the minister)

By leasing a house from an independent owner;

Leasing a house owned by the minister (The rental payable to the minister should be the lower of the market rental for a suitable property within an appropriate radius of the main worship centre or main site of the ministry. This is the least preferred option and there is a risk IRD will challenge it).

2.6.5.2(a) Housing for part-time appointments

In the case of a part-time position each case should be considered on its merits.

2.6.5.3 Allowances

2.6.5.3(a) Resources

A set allowance (non-taxable) is paid each year as part of the stipend package to cover the purchase of resources related to the work of ministry *that* remain the property of the appointee. In the case of a part-time appointment this allowance shall be pro-rated. In the case of a non-stipended position, a congregation may consider making some provision for such purchases.

2.6.5.3(b) Re-imbusement of ministry related car travel

Car travel is reimbursed for actual kilometres travelled at Assembly rates based on an agreed distance per year, and subject to annual review. A logbook must be kept. Refer to the Treasurer's manual on the website.

2.6.5.3(c) Telephone and Mobile Phone

Telephone rental and work related tolls to be paid by the congregation. In the case of a part-time appointment, the rental should be pro-rated and the work related tolls paid in full.

Where parishes have an expectation the minister will use a mobile phone for ministry purposes, the cost is to be covered by the parish or an arrangement is to be made for sharing costs.

2.6.5.3(d) Computer

Parishes should provide a computer and printer/scanner for the minister's sole use, and have in place a replacement policy, the equipment to remain the property of the parish, but on leaving a minister may purchase the computer at market value.

Parishes pay the cost of computer consumables and internet connections for ministers, with appropriate adjustments for private use.

2.6.5.3(e) Other

Other allowances may be negotiated.

2.6.5.4 Secretarial assistance

Secretarial assistance should be provided for the minister whether the ministry position is stipended or not.

2.6.6 Superannuation Provisions

2.6.6.1 The Beneficiary Fund

The Presbyterian Church of Aotearoa New Zealand has established for its ordained ministers and their dependents a beneficiary fund called the Beneficiary Fund of the Presbyterian Church of Aotearoa New Zealand.

2.6.6.2 Membership of the Beneficiary Fund

2.6.6.2(a) National Ordained Ministers

All National Ordained Ministers who receive a stipend shall be members of the Beneficiary Fund. Exemptions may be applied for. If an exemption is granted, congregations may offer to pay contributions to a superannuation scheme to which the minister already belongs or which they may choose to join on appointment. Regulations covering membership of the fund and the benefits which accrue from it are available on the Presbyterian Church website at www.presbyterian.org.nz. Ministers and congregations/Presbyteries/UDCs should consult the regulations of the Fund to answer any queries related to the fund.

2.6.6.2(b) Local Ordained Ministers

Local Ordained Ministers and ministers in non-stipendiary positions cannot be members of the Beneficiary Fund.

2.6.7 Training

Training events are considered part of the minister's continuing formation. Continuing ministry formation is an integral part of ministry and ministers are encouraged to take advantage of the wide variety of short-term courses available through the churches and the wider community. Congregations are also expected to encourage their ministers to attend courses contributing to continuing ministry formation. Ministers and congregations and Presbyteries/UDCs are encouraged to consider both the personal and spiritual formation of the minister, and the life, worship and mission of the congregation/Presbytery/UDC when choosing courses and events to attend.

2.6.8 Provisions

2.6.8.1 Definition of CMF courses

Courses contributing to continuing ministry formation under this regulation are defined as being of up to one-week (seven days) duration. They are not to be considered as study leave.

2.6.8.2 Fees for CMF courses

Ministers attending courses contributing to ministry formation shall be entitled to receive re-imbusement or payment of any fees associated with the course. It may be particularly important for ministers in non-stipended positions to receive such assistance.

2.6.8.3 Expenses for CMF courses

Ministers attending courses contributing to continuing ministry formation shall be entitled to receive, from their congregation or appointing body, payment for reasonable cost of travel and/or accommodation expenses. Such reimbursement shall not normally be available more than twice in any one five-year period.

Parishes should budget for up to \$1,000.00 per annum (non-cumulative) for actual expenses incurred in continuing ministry formation.

2.6.8.4 Accumulation of CMF units

Over a seven-year period of active ministry within New Zealand, ministers shall accumulate 70 CMF units. Such units may be accumulated in either or both of the following ways:

- Each one unit event (being an event held during a morning, or an afternoon, or an evening) shall be one CMF unit;
- CMF units shall accrue during study leave at a rate of one unit per day, with a maximum of 50 such units in any one seven year period, but subject to Presbytery/UDC sustaining the study leave report.

2.6.8.5 Recording of CMF units

Each year the accumulated units and events attended are to be recorded on the Minister's Information Form. Using forms provided by the Assembly Office, each year presbyteries shall record and report to the Assembly Office events attended and units accumulated.

2.6.8.6 Provision for absence

Boards of Managers and church councils shall recognise and make provision for their minister's absence while undertaking continuing ministry formation.

2.6.8.7 Presbytery/UDC role

A Presbytery/UDC shall monitor, identify and promote CMF events within its region. The Presbytery/UDC shall ensure ministers regularly participate in CMF events. When a minister has not accumulated any CMF points for two years the Presbytery shall develop a CMF plan with the minister with a view to undertaking CMF over the next two-year period.

2.7 Performance Management

2.7.1 Introduction and background

One of the signs of a healthy organization is that conversations about performance are a normal rather than a threatening part of the relationship. A positive culture for talking about performance can be engendered by developing:

- A strategic plan for the congregation,
- A statement of ministry expectations for the minister,
- hopes for the future,
- signposts on the way and
- a personal development plan for the journey.

The aim of these conversations is to maintain clear expectations from both the minister and the appointing body, and to provide the support for achieving the hopes and vision of both parties.

Guidelines are being developed for performance appraisals and conversations for ministry in congregations.

2.7.1.1 Supervision

Each person in a stipended ministry position with pastoral responsibilities shall have a supervisor and undertake regular supervision.

Parishes are expected to pay reasonable costs associated with supervision, including the cost of travel.

2.7.1.2 Ministry Settlement Board Role

Ministry settlement boards are to include in their discussion the importance of supervision for the minister they may nominate and how the congregation or appointing body will encourage a minister to use supervision effectively as a regular part of their ministry.

2.7.1.3 Presbytery/UDC role

- (i) Presbyteries/UDCs shall annually assess the adequacy of a minister's supervision.
- (ii) Presbyteries/UDCs shall encourage ministers to have supervision.
- (iii) Presbyteries/UDCs shall maintain lists of suitable supervisors and organise training courses for supervisors. It is the responsibility of ministers to arrange for their supervision.
- (iv) In a team ministry supervision should be provided by someone outside the team.

2.7.1.4 Evaluation of ministry

Any performance conversation needs to take place within the whole context of ministry within the congregation.

2.7.1.5 Performance conversation

It is recommended that ministers and church councils set aside time each year to review and appraise their ministry. It may be helpful to engage an outside facilitator to assist in these conversations.

2.7.1.6 Concerns about performance

Any concerns about a minister's performance should be raised early during routine conversations. These should reflect an awareness of the whole context in which the minister is ministering.

2.7.1.7 Dispute resolution

Christian faith and current practice encourage the resolution of disputes in a straightforward way. Issues surrounding performance and/or conduct should be raised as early as possible. Written records of all conversations should be kept and agreed between both parties. The Book of Order includes provisions for resolution where agreement is not attained.

2.7.2 Further information

The guidelines in this section refer to normal best practice. From time to time situations arise which fall outside the norm. Employing and overseeing bodies should seek advice before proceeding where they are uncertain. The Employment Advisor will provide a first point of advice. Formats for review processes are available through the website. The Employment Advisor can provide advice.

2.8 Review of Ministry Positions

2.8.1 Introduction

There are several situations in church life that require review of the model of ministry, size of ministry position or future needs of the parish. It is important to distinguish a review of a situation from a performance review of a person in a situation.

The main situations are:

- When a congregation can no longer fund the position at the level of stipend agreed at the time of the call/appointment
- When a new initiative or approach is desired
- When a new venture is formed through the establishment of a co-operative venture or amalgamation of congregations

The principles underlying these situations are openness and clarity of process and provision of financial and other support for those affected during the transition period.

2.8.2 Termination

Please refer to Chapter 10 in the Book of Order.

2.8.2.1 From date of termination

From the date on which the ministry terminates the minister shall not perform any ministry in the position.

2.8.2.2 Date of cessation of duties

The date on which a relationship between a minister and a congregation/ministry ends is the date on which financial responsibility for the minister ends. If the minister takes leave at the end of their time in a ministry the date the ministry ends is the date the leave is over, not the last day the minister is active in the congregation/ministry.

2.8.2.3 Time to seek another position

Where a ministry terminates in accordance with these regulations, a congregation shall allow the minister time, as part of the minister's regular duties, in which to seek another position. This will include activities such as seeking guidance with regard to future employment opportunities, exploring other ministry options, attending interviews.

The presbytery/UDC shall ensure that the minister and congregation come to an equitable arrangement with regard to the time allowed for this purpose.

2.8.2.4 Payment during notice period

During the period of notice, the minister shall be paid at the level of stipend that applied before notice of termination was given.

2.8.2.5 Re-location arrangements

In order to facilitate the transition, the congregation, Presbytery/UDC and minister may come to suitable arrangements regarding re-location expenses, accommodation, and any other areas that may be appropriate in the situation.

2.8.3 Further Information

From time to time situations arise which fall outside the norm. Overseeing bodies should seek advice before proceeding where they are uncertain. The Employment Advisor will provide a first point of advice. The area of transition and termination is a particularly vulnerable one.

2.9 Ending a Ministry Relationship.

2.9.1 Introduction

The way in which a ministry relationship ends is just as important as the way it starts. Congregations/ministry situations can do much to facilitate healthy endings. The ministry relationship would normally be terminated by a minister receiving a call to another congregation, by retirement or by resignation or the formation of a co-operative venture or other new entity. These events may take place at any time during the relationship. It may also be terminated through disciplinary proceedings initiated by the appointing body.

Regular conversations about performance, effective approaches to dispute resolution and clear expectations can all help to pave the way for well-prepared endings. When it becomes clear that a relationship is not working satisfactorily, it is possible and desirable that both parties work towards a solution that as far as possible meets the needs for dignity, respect and compassion for all concerned. For ministers and congregations 'severing the pastoral tie' can be extremely painful. As a church body, in addition to performance conversations, regulatory and legal recourse, we have the strength of ritual and liturgy to take us through these times.

2.9.2 Provisions

See Chapter 10 in the Book of Order.

2.9.2.1 Date of cessation of duties

The date on which a relationship between a minister and a congregation/ministry ends is the date on which financial responsibility for the minister ends. If the minister takes leave at the end of their time in a ministry the date the ministry ends is the date the leave is over, not the last day the minister is active in the congregation/ministry.

(i) From a particular position

When a National Ordained Minister resigns from a particular ministry position in good standing he/she is eligible to be called to/apply for another ministry position.

(ii) From the Church as a whole

When a National Ordained Minister resigns as a result of a change in his/her conviction about the doctrines or policy of the Church, their resignation is to be accepted. Presbytery then declares that they are no longer a minister of Word and Sacrament in the Presbyterian Church.

2.9.2.2 Resignation of Local Ordained Minister

When a Local Ordained Minister resigns in good standing from a position he/she shall not automatically be eligible for a call to another ministry settlement. His/her suitability for a new position will need to be discerned through the process outlined in section 2.4.

2.9.2.3 Resignation of member of Local Ministry Team

When a member of a Local Ministry Team resigns, the congregation may replace that member until it is time for the model of ministry to be reviewed (refer section 2.4).

2.9.2.4 Re-instatement after resignation

A minister who wishes to be re-instated after resigning from the Church should apply to the Presbytery in which they reside or work.

2.9.2.5 Retirement

2.9.2.5(a) Retirement Age

General Assembly 2006 abolished forthwith the compulsory retirement age for ministers. In the interim benefits and contributions continue to be based on the assumption of retirement taking place on the 66th birthday.

2.9.2.5(b) Work while retired.

Ministers may continue to work in charges other than the one from which they retire after their retirement.

2.9.2.6 Death of a minister

If a minister dies while still in office, compassionate conversations should be held concerning their family's occupation of a manse or house leased by the congregation.

2.9.2.7 Further information

The guidelines in this section refer to normal best practice. From time to time situations arise which fall outside the norm. Overseeing bodies should seek advice before proceeding where they are uncertain. The Employment Advisor will provide a first point of advice.

2.9.2.8 Exit Interview

An exit interview can be helpful both to the minister and the congregation. This link provides some guidance about effective exit interviews.

<http://www.presbyterian.org.nz/resources/mrt/docs/exit.html>

2.10 Disciplinary Procedures

The disciplinary procedures of the Church are contained in chapter 15 in the Book of Order.

2.11 Code of Ethics

People in ministry positions are expected to abide by the following Code of Ethics

2.11.1 Introduction

This Code is to be read in the context of the Book of Order, in which the basis of the faith, order and discipline of this Church is set out. The discipline of our Church applies to ministers and other office-bearers, members and associate members who have arrived at the years of discretion.

This Code is a statement of how the Presbyterian Church of Aotearoa New Zealand understands the standards of conduct of those members who undertake the work of pastoral care in its name. In this context the term minister will include all, clergy and lay, who undertake the work of pastoral care.

Pastoral care involves the formation of special relationships characterised by openness and trust. These relationships are developed in a variety of settings and a variety of ways, from informal pastoral care to structured counseling situations.

This Code indicates acceptable ethical behaviour for those offering pastoral care. While its focus is pastoral care, it is also applicable wherever there is a ministry relation between people. By the grace of God we are called to serve, and through the power of the Holy Spirit we are sustained and encouraged to keep within this code.

Further work is being done on the Code of Ethics to make it more specific in its application.

2.11.2 Responsibilities to Those to Whom We Offer Pastoral Care

Ministers will deal truthfully with people, encouraging free and open discussion, upholding their best interests, rights and well-being.

Ministers will respect the right of people to privacy and confidentiality of information except when there is a clear and imminent danger to those people or others, at which time they will be informed of those limits.

Ministers will recognise the dignity and worth of every person and will offer pastoral care without unfair discrimination.

Ministers will not abuse their position by taking advantage of people for personal, financial or institutional gain.

Ministers will recognise that sexual intimacy in the pastoral situation is unacceptable and will not subject people to sexual exploitation, sexual harassment or sexual abuse.

Ministers will recognise that there are limits to their competence and will refer people to others when this proves necessary or desirable. They will not attempt counselling without training.

Ministers will recognise that there is a cultural context for pastoral care and will act with awareness and sensitivity.

2.11.3 Responsibilities to the Church

Ministers will uphold high standards of practice in ministry and work for the advancement of those standards.

Ministers will exercise stewardship in the time given to ministry, guarding against both over commitment and avoidance of responsibility.

2.11.4 Responsibilities to Colleagues and Other Pastoral Workers

Ministers will promote co-operation with colleagues, pastoral workers and members of other helping professions, treating them with consideration and respecting professional confidences.

Ministers will seek mediation through the courts of the Church when conflicts with colleagues or others within the church community arise.

Ministers will take action through the proper channels concerning unethical conduct by colleagues or other pastoral workers.

2.11.5 Responsibilities to the Wider Community

Ministers will act to prevent and eliminate unfair discrimination in the wider community.

Ministers will encourage as part of their pastoral task, participation in the shaping of social policies, advocating the promotion of social justices, improved social conditions and a fair sharing of the community's resources.

2.11.6 Personal Responsibilities

Ministers will use regular approved supervision to maintain accountability and a high standard of pastoral care.

Ministers will use regular opportunities for spiritual growth, personal recreation and refreshment.

Ministers will seek to extend and enhance their knowledge.

2.11.7 Inclusion in terms of call/appointment

Employment agreements and terms of call should include a clause of commitment to the Code of Ethics.

2.11.8 Church's position on Code of Ethics

The 1996 General Assembly strongly encourages ministers, elders, church councillors, sessions and church councils to adopt the Code of Ethics as an agreed minimum standard of practice.

2.11.9 Further information

The guidelines in this section refer to normal best practice. From time to time situations arise which fall outside the norm. Overseeing bodies should seek advice before proceeding where they are uncertain. The Employment Advisor will provide a first point of advice.

3 Pastoral lay positions

3.1 Introduction and Definition

The term 'pastoral lay positions' intended to describe positions for which ordination is not required but whose major emphasis is in working with people. At present such positions might be pastoral assistants, youth workers, child and family workers, lay chaplains and deacons, counsellors, mission field workers, facilitators, mediators, advocates and so on.

3.2 Background Purpose

The guidelines contained in this section provide a framework for pastoral lay positions which is within legislative requirements and which delineates more clearly the type of position covered.

3.3 Establishment of Positions

A congregation or Presbytery/UDC may establish a pastoral lay position where an imperative for such a position emerges through the development of the mission strategy of the Congregation/Presbytery/UDC.

3.3.1 Provisions

3.3.1.1 Appointments which serve one congregation

Where the appointment is to be within a congregation the church council must take all appropriate steps to establish the position including scoping the position, developing a budget, securing funding, and writing a position description.

3.3.1.2 Appointments which serve more than one congregation

In the case of a position that serves more than one congregation, the church councils of each congregation should approve the establishment of the position.

3.3.1.3 Appointments which serve a presbytery/UDC

Where the appointment is intended to serve a Presbytery/UDC, the establishment of the position is to be approved by the Presbytery/UDC for the relevant committee.

3.4 Recruitment and Selection

3.4.1 Introduction

People who are employed in pastoral lay positions often bring specialized training, gifts and skills to their work. In recruiting and selecting people for these positions it is important that congregations/Presbyteries/UDCs are clear what they are seeking.

Each phase of the recruitment process – position description, selection criteria, advertising, short listing and interview – can support the selection of a good

candidate. It is helpful if the appointing body can check at each stage that the assumptions underlying the appointment are clear.

3.4.2 Provisions

3.4.2.1 Selection, position, advertising

Normally pastoral lay positions should be advertised to ensure both transparency of process and a wide pool of applicants.

3.4.2.2 Appointment

At each stage of the appointment process candidates should be advised of decisions relating to them – that their application has been received, that they have not been successful, that they have been short listed, that they have been successful.

3.4.2.3 Position description

3.4.2.3(a) Changing a position description

The position description forms part of the employment agreement. A position description cannot be changed unilaterally by either the employer or the employee. Any changes must take place in the context of a conversation, and any changes agreed must be recorded. If the position description changes far beyond the intent of the original position the situation may be a re-structuring and redundancy provisions apply.

3.4.3 Implementation

3.4.3.1 Introduction

The appointment process can be implemented with confidence if attention is given to the documents and processes that support it. This section provides guidelines to appointing bodies and employees.

3.4.3.2 Position Description

3.4.3.2(a) Purpose of position description

The position description is where the clear expectations of the position are laid out for both the employee and the employing body.

3.4.3.2(b) Preparation of position description

The position description provides the context within which the job will be done. It includes the relationships which are expected to be developed, the tasks associated with the position and the relationships that are expected to be developed, the tasks associated with the position and the skills and attributes that are expected of the appointee. The position description should reflect both the general nature of the position and the particular context in which the job is being done.

3.4.3.3 Selection Criteria

3.4.3.3(a) Purpose of selection criteria

Selection criteria are intended to assist the interview panel both in short listing applicants and in structuring the interview.

3.4.3.3(b) Preparation of selection criteria.

Selection criteria draw from the position description the attributes and qualities sought by the employing body. These include qualifications necessary for the position, as well as attributes and values which are desirable in the applicant. Panels need to bear in mind that some skills in particular can be trained, whereas some foundational values and attributes are likely to be present or not at the time of the appointment. It is helpful if these criteria are clear to everyone before advertising the position. The relative importance of the criteria is also something that should be made clear among the group responsible for the selection of the candidate.

3.4.3.4 Advertising

3.4.3.4(a) Purpose of advertising

Advertising is intended to inform the people you want to apply for your position that the position is available. It also contributes to the transparency of the recruitment process.

3.4.3.4(b) Preparing your advertisement

Once the position description and selection criteria have been prepared it is time to advertise. Think about the sort of person you are seeking and where they are likely to look for opportunities. Thinking outside the square can lead to a wider pool of applicants and a clearer selection process.

3.4.3.5 Short-listing

Once the position description has been written and the position advertised, the short-listing process begins. Every interaction with the candidate can be used to identify strengths and weaknesses in terms of the selection criteria. This includes telephone conversations, letters expressing interest in the position and so on. It is helpful if the selection criteria are known early in order to make the most of these opportunities, and so that the panel can share specific observations rather than relying on 'gut feel'.

If the position requires specific skills that can readily be assessed, the panel may consider designing an exercise in which candidates can demonstrate those skills. Possible examples... how have you developed 'rules' for a youth group you were running, how did you develop a system for pastoral care in your congregation. Consider asking questions that give you a situation or task, action and result answer, and be prepared to probe to obtain the information you need.

Your selection criteria, the candidate's CV and letter of interest should enable the panel to select a list of up to six candidates who may be considered for interview.

3.4.3.6 Interview

3.4.3.6(a) Choosing the interview panel

The interview panel should consist of a suitable number of people who have an interest in the position. For example, for a Presbytery/UDC youth worker, the panel might consist of a minister and an elder from the presbytery/UDC, at least one youth representative from the Presbytery/UDC and possibly someone from the Presbytery with some experience in recruitment and selection in the relevant area.

3.4.3.6(b) Making the most of the interview process

The short-listing process will have given the interview panel confidence that candidates, at least on paper, have the qualities that they seek. The interview then is designed to clarify how candidates have actually demonstrated the qualities and attributes that the interview panel is seeking. In order to achieve this, the interview should offer the candidate the chance to demonstrate those skills and attributes (e.g. meeting the panel, describing situations in which they have demonstrated the skills, having an opportunity to demonstrate the skills – e.g. taking part in a role play, preparing a study/activity/camp, selecting music for a particular service... depending on the type of position.). In these situations it works well if members of the panel are looking for particular skills and attributes which they have identified, rather than assuming that everyone 'knows' what makes a 'good' youth worker, pastoral worker, worship leader or whatever. In addition, the questions asked of the candidate should offer the chance for the panel and the candidate to explore situations – open questions such as 'What were you trying to achieve?' "What was the outcome?" "Who else was involved in the decision?" "What was your role in reaching the goal?" This technique is called behavioural event interviewing.

3.4.4 Further information

The guidelines in this section refer to normal best practice. From time to time situations arise which fall outside the norm. Employing bodies should seek advice before proceeding where they are uncertain. The Employment Advisor will provide a first point of advice.

3.4.4.1 Recruitment

More details about the recruitment process can be found through this link.
<http://www.presbyterian.org.nz/financeandadmin/employment/recruitment.php>

3.4.4.2 Behavioural interviewing

For a fuller description of how to structure a behavioural interview see the on line article at
<http://www.presbyterian.org.nz/financeandadmin/employment/recruitment.php>

3.4.4.3 Position descriptions

Sample position descriptions are available through the website and through the Employment Advisor in the Assembly Office.

3.5 Employment Agreements

3.5.1 Introduction

Employment agreements shall be in writing and should include in them the basic details relating to the position – names of both parties, a brief description of the work (supported by a position description), an indication of the place of work, hours of work (including arrangements for leave), remuneration and a plain language explanation of services available to sort out any difficulties in the employment relationship. Employing bodies and employees may negotiate and agree any terms and conditions that are mutually acceptable provided that they meet or exceed the relevant legislative requirements. A separate schedule laying out the remuneration for the position should be included. Sample agreements in plain language relating to ongoing, fixed term and casual positions are becoming increasingly available on the website or through the Assembly Office. The Employment Advisor will also be able to assist in providing advice.

3.5.2 Terminology

3.5.2.1 Ongoing employment agreements

The employment relationship for lay positions in general reflects an ongoing relationship between the employing body and the employee. If an employing body wishes the position to be for a fixed term, there are strict guidelines around this in the Employment Relations Act.

3.5.2.2 Fixed term employment agreements

Under certain circumstances it may be appropriate for the employment agreement to be based on a fixed term rather than on an on-going relationship.

3.5.2.2(a) Valid reasons for a fixed term agreement

Appointment can be made for a fixed term if there is a genuine reason for doing so, such as the seasonal nature of the work, a particular project, or filling in for someone who is on leave. A fixed term may be for a set period of time e.g. six months, or until a certain event occurs e.g. the person returns from leave, the project is completed, or until work is done – e.g. the manual is written, the fruit is picked etc.

If there is a genuine reason for a fixed term agreement, this must be made aware of during the recruitment process (particularly at the time of advertising) and again at the time an employment offer is being made to the successful candidate. The successful candidate must understand how and when the position will end.

3.5.2.2(b) Invalid reasons for a fixed term agreement

“Trialling” either an employee or a type of role is not a valid reason for a fixed term agreement.

3.5.3 Implementation

3.5.3.1 Establishment of employment agreement

Every position must be covered by a written employment agreement. This should be offered to the appointee when the job is offered. An appointee should not commence work until both parties have agreed to the terms and conditions of employment and it is recorded and signed by both parties.

3.5.3.2 Requirements of employment agreement

The terms and conditions negotiated in the employment agreement must meet or exceed the requirements of the relevant legislation.

3.5.3.3 Entitlement to advice

The employee shall be given adequate time to consider the employment agreement, and may seek appropriate advice on the agreement. Generally, five working days is considered reasonable time to seek advice.

3.5.3.4 The employment agreement

The employment agreement represents the employment relationship between employer and employee and should include the rights and responsibilities of both employer and employee.

3.5.3.5 Supporting documents

The offer of an employment agreement should include: a letter of appointment, the employment agreement proper, a schedule outlining the disputes resolution procedure and a schedule describing the remuneration associated with the position.

3.5.4 Further information

The guidelines in this section refer to normal best practice. From time to time situations arise which fall outside the norm. Employing bodies should seek advice before proceeding where they are uncertain. The Employment Advisor will provide a first point of advice.

3.6 Terms and Conditions

The terms and conditions for pastoral lay positions draw on the regulations for ministers of word and sacrament and on the Employment Relations Act (2000). They provide a suggested framework for the employment relationship that recognizes the pastoral nature of the work and the special requirements of such positions.

They are not mandatory and are suggestions offered to inform employing bodies and employees in negotiating an employment agreement.

3.6.1 Hours of Work

In the case of a full-time appointment the appointee will be expected to work the equivalent of 12 units per week. A unit is a morning, afternoon or evening. For part time positions the number of units will be pro-rated. E.g. for a half-time appointment the appointee will be expected to work the equivalent of 6 units per week.

3.6.1.1 Weekends worked

When the position involves weekend work, consideration should be given to enabling the employee to have a weekend off on a regular basis. Such arrangements should be included in the employment agreement.

3.6.2 Leave

3.6.2.1 Introduction

It is particularly important in positions involving pastoral relationships with people that leave be taken regularly. The employing body has a role in encouraging employees in the wise use of annual leave and in ensuring that the systems are in place that make it easy for their employees to take leave.

3.6.2.2 Annual Leave and Statutory Holidays

Four weeks annual leave per year plus statutory holidays where appropriate. Leave to be taken in consultation with the employing body. The Holidays Act (2003) gives additional guidance on payment for statutory holidays and this is reflected in the Leave Guidelines available through the Assembly Office.

3.6.2.3 Sick Leave

3.6.2.3(a) Sick leave as and when required

A policy of sick leave as and when required is recommended for lay pastoral positions.

3.6.2.3(b) Minimum requirement

Five days paid sick leave per year is the minimum required under the Act, which may be accumulated up to a maximum of 20 days. This includes leave when the employee is sick, leave when the employee's dependant is sick, and leave taken for bereavement.

3.6.2.3(c) Bereavement/Tangihanga Leave

Bereavement or tangihanga leave is available as and when required on full pay, to discharge any obligations and pay respects to a deceased person with whom there was a close association. Such obligations may exist because of blood or family ties or because of a particular cultural requirement such as attendance at all or part of a

Tangihanga (or equivalent). Normally such leave would be three days. Paid bereavement leave may be extended either on pay or as annual leave or special leave as negotiated between the employee and employer. Evidence can be requested.

3.6.2.4 Professional Development Leave

If applicable, this should be negotiated between the parties at the time an offer of employment is made. It may depend on the nature of the employment (e.g. fixed term). See the study leave clauses under 2.6.4.4 for guidance. Also refer to clauses 2.6.7, 2.6.8 and 3.6.5 for additional information on training and development

3.6.2.5 Special Leave

There is no minimum requirement special leave in law. However, consideration may be given to extending leave where circumstances permit. Please refer to the Employment Advisor for further advice in this area.

3.6.2.6 Parental Leave

The regulations below are based on the terms for ministers of word and sacrament and exceed the requirements of the Act. For the provisions of the Act please refer to the Presbytery Clerk Resource Manual or www.legislation.govt.nz

3.6.2.6(a) Birth/Adoption Leave

A maximum of 14 weeks leave may be taken around the birth or adoption of a baby. The first eight weeks of leave is at normal salary, the remaining leave is unpaid. Leave may begin up to eight weeks prior to the expected date of delivery.

The actual starting date of birth/adoption leave shall be negotiated between the employing body and employee and should be agreed upon at least four weeks prior to the first day of leave.

Adoption leave applies only if the child to be adopted is less than five years old.

3.6.2.6(b) Support Leave

The partner of a person who is on birth/adoption leave is entitled to a maximum of two weeks leave. This leave is to be paid at normal salary.

The employee is to notify the employing body of the expected date of leave at least four weeks prior to the first expected day of leave. However, the employee shall be entitled to advance or delay the taking of this leave if necessary, to coincide with the actual date of delivery. Adoptive parents may take this leave only if the child to be adopted is less than five years old.

3.6.2.6(c) Parental Leave

On application to the employing body an employee is entitled to a maximum of 52 weeks parental leave which will include the period of birth/adoption or support leave,

subject to any existing arrangements as to tenure. Parental leave (excluding the eight weeks period of birth/adoption leave and two week period of support leave) shall be unpaid. Parental leave may also be taken by employees who are adopting if the child to be adopted is less than five years old. On application for Parental Leave the employee must:

(i) Give at least three months notice to the employing body of his/her intention to take parental leave.

(ii) Indicate the approximate dates when leave will begin and end.

(iii) Give a written declaration that the employee and partner between them are taking no more than 52 weeks leave (this only applies to an employee whose partner is also in employment).

3.6.2.6(d) Early return to work

Any employee on parental leave is entitled to return to work prior to the date stated at the commencement of the leave period. However, the employee must give notice to the employing body of her/his intention to return to work. The period of notice should be negotiated prior to the commencement of leave and should be not less than four weeks prior to the desired date of return to work.

3.6.2.6(e) Parental leave not compulsory

No employee shall be compelled by either the employing body or the Church to take birth/adoption, support or parental leave.

3.6.2.7 Leave without pay

Leave without pay is a matter for negotiation between the employing body and the employee. In general leave without pay will only be granted if annual leave entitlement has all been used.

3.6.3 Pay/remuneration

3.6.3.1 Introduction

It is important that both parties are clear about the structure of the remuneration package (what allowances are included etc) and that the package is reviewed regularly. It is also important that regular conversations are held about the wider issues connected with work. Remuneration must be equitable and fair.

3.6.3.2 Setting pay/remuneration for pastoral lay positions

Remuneration is to be as agreed between the employer and employee according to the usual criteria – scope and size of the position, comparison with other similar positions such as ministers of word and sacrament and ability to pay.

3.6.3.3 Payment of remuneration

Salary to be paid weekly or /fortnightly or/monthly in a manner to be agreed between the employee and the employing body.

3.6.3.4 Calculating pay/remuneration for part-time positions

Remuneration for part time positions shall be pro-rated. If the position is based on units the remuneration should be pro-rated on the basis of units. If the position is based on hours then it should be pro-rated on hours.

3.6.3.5 Adjustment of pay/remuneration

3.6.3.5(a) Pay/remuneration based on stipend

If the position is based on the stipend, remuneration may follow the same adjustments as the stipend.

3.6.3.5(b) Pay/remuneration based on other scales

Remuneration should be reviewed annually. This does not mean necessarily that remuneration will be increased, but it should be reviewed.

3.6.3.6 Housing

3.6.3.6(a) Remuneration based on stipend

The provisions for housing allowances for ministry positions apply.

3.6.3.6(b) Remuneration based on other scales

Housing for lay employees can be considered when developing a remuneration package. The value of housing should be taken into account when setting remuneration packages.

3.6.3.7 Other Allowances

3.6.3.7(a) Travel

Travel should be paid at Assembly rate based on an agreed distance per year, and subject to annual review. A vehicle log should be kept in which all travel claimed is recorded.

3.6.3.7(b) Telephone rental

Telephone rental and work related tolls to be paid by the appointing body.

3.6.3.7(c) Book and resource allowance

A set allowance per year should be paid for resources to remain the property of the appointee. This allowance shall be pro-rated for part-time positions.

3.6.4 Superannuation Provisions

The provision of superannuation needs to be taken into account when developing a remuneration package.

3.6.4.1 Ineligibility to join Beneficiary Fund

Those in lay positions are NOT eligible to join the Beneficiary Fund under the present tax conditions.

3.6.4.2 Alternative superannuation provisions

Employees should be offered the option of joining a superannuation scheme of their choice and having the employer pay their contributions to such a scheme. If the employee does not choose this option some compensation for this should be included in the remuneration package.

3.6.5 Training and Professional Development

3.6.5.1 Training provision

Professional development is encouraged, for both the benefit of the employee and the employer. Suitable training and professional development opportunities should be discussed and agreed upon by both parties before arrangements are entered into. Professional development should be relevant to the work of the position.

3.6.5.2 Keeping records of training

Employees and the employing body should keep a record of training events attended.

3.6.5.3 Financial support for training

Course fees, and travel costs where appropriate, are to be met by the employing body.

3.6.5.4 Approval to undertake training

Prior approval to attend events exceeding a day's duration should be sought from the employing body.

3.7 Performance Management

3.7.1 Introduction

One of the signs of a healthy organization is that conversations about performance are a normal rather than a threatening part of the relationships. The aim of these conversations is to maintain clear expectations from both the employee and the employing body, and to provide the support for achieving the hopes and vision of both parties.

3.7.2 Implementation

3.7.2.1 Supervision

It is highly recommended that each person in a position with pastoral responsibility have a supervisor.

3.7.2.1(a) Role of the employing body

Selection panels are to include in their discussion, the importance of supervision for the employee they may appoint.

The employing body should encourage employees to seek supervision by maintaining lists of suitable supervisors and organising training courses for supervisors.

Supervision for employees is to be one of the topics included in the discussion during the course of performance conversations and during the Presbytery/Joint Regional Committee (JRCs) visitation to a congregation.

The employer should pay reasonable costs associated with supervision including the cost of travel.

3.7.2.1(b) Role of employees

It is the responsibility of employees to arrange for their own supervision and to use supervision effectively as a regular part of their ministry.

3.7.3 Performance Conversations

3.7.3.1 Mutual rights and responsibilities

In order to establish a positive culture around performance conversations a sense of mutual accountability of employer and employee is to be developed.

3.7.3.2 Review of performance

Informal conversations about how things are going should be a routine part of the employment relationship. A more formal review should be held at least annually.

3.7.3.3 Supporting Documents

The following documents can all support a positive culture for talking about performance.

- a strategic plan for the congregation(s)/Presbytery/UDC;
- a position description for the employee; and
- an agreement setting out specific goals for the future, signposts on the way and a personal development plan for the journey

3.7.3.4 Changes in position description

Neither employer nor employee may unilaterally change a position description while the employee is in the position. If either the employing body or the employee feels that the requirements of the position have changed significantly, at any stage of the employment relationship, consequent changes to the position description should be discussed and agreed. This revision of the position description can take part in the context of a performance conversation.

If the position description changes far beyond the intent of the original position the situation may involve a re-structuring and redundancy provisions may apply.

3.7.3.5 Performance and position

It is important that the need for a position is not confused with the person's performance in the position. In other words, re-structuring should not be used as a tool to manage poor performance of an employee. Neither should a role be changed because the incumbent has greater skills than is required for the role to be undertaken. At all times focus should be on what is required for the position to be undertaken effectively – the work that is needed to be done. Role clarity is important.

3.7.3.6 Concerns about performance

Any concerns about an employee's performance should be raised early during routine conversations. When concerns reach a point where disciplinary action is being considered the employee needs to be notified in writing.

3.7.3.7 Support for employees

In any conversation or negotiation between employer and employee, the employee should be given the opportunity to have a support person or adviser present. This is particularly important when performance concerns or other behavioural matters are to be discussed.

3.7.4 Dispute resolution

Current employment law encourages the resolution of disputes in a straightforward way. Issues surrounding performance and/or conduct should be raised as early as possible. Written records of all conversations relating to a dispute should be kept and, if possible, agreed between both parties.

A copy of the disputes resolution procedures from the Employment Relations Act should be included with the employment agreement. Employers and employees should be familiar with these procedures.

3.8 Restructuring and Redundancy

3.8.1 Introduction

A parish/Presbytery/UDC that finds that resources, strategy and mission require a change in the way work is done is re-structuring. This means that employees within

the current structure need to be consulted, informed and cared for during the re-structuring process. This care should include opportunities to participate in the new structure, if appropriate, financial protection on termination if appropriate (refer to the employment agreement) and support in finding a new position.

3.8.2 Implementation

3.8.2.1 Consultation

Employment legislation requires appropriate consultation between employers and employees when a re-structuring is proposed. It is also a good idea, as employees are often in a good position to provide relevant feedback on their roles and the organisation.

3.8.2.2 Redundancy clause

Each employment agreement shall include a description of the redundancy provisions. This does not necessarily include financial provisions.

3.9 Termination

3.9.1 Introduction

The end of an employment relationship is just as important as the beginning for the ongoing health of the organization and its employees. Regular conversations about performance, effective approaches to dispute resolution and, clear expectations can all help to pave the way for well-prepared endings.

3.9.2 Implementation

3.9.2.1 Abandonment of employment

If an employee simply does not turn up at work for a certain period (i.e. without notifying the employing body) they will be deemed to have left the job. The length of this period is a matter for negotiation in the employment agreement. An effort shall be made by the employer to contact the employee before terminating the employment arrangement.

3.9.2.2 Resignation

When an employee wishes to resign from their position, a written letter of resignation should be sent to the employer, giving an appropriate period of notice. The period of notice would normally be at least one pay period. The notice period should be negotiated as part of the employment agreement.

3.9.2.3 Ending by mutual agreement

When it becomes clear that a relationship is not working satisfactorily, it is possible and desirable that both parties work towards a solution that as far as possible meets

the needs for dignity, respect and compassion for all concerned. Refer to the section on dispute resolution 3.7.4.

3.9.2.4 Constructive Dismissal

When pressure (direct or indirect) has been put on an employee to resign this is called constructive dismissal. This can occur by making it untenable to continue working, or posing a choice between resignation and dismissal. Constructive dismissal may lead to an employee taking a personal grievance against the employer. The situation can be avoided through early raising of issues, clear expectations and a willingness to work issues through. Refer to the section on dispute resolution 3.7.4.

3.9.2.5 Retirement

Current Human Rights Law does not specify any particular age at which an employee must retire. An employee may not be asked to resign or be dismissed because of their age.

3.9.2.6 Dismissal

There must be a good reason for a dismissal. The dismissal must be carried out fairly. If an employee is unhappy with the process or the fact of their dismissal they may take out a personal grievance.

3.9.2.6(a) A fair dismissal

The provisions contained in the employment agreement must be followed. If an employment agreement does not give a notice period, reasonable notice must be given. What is reasonable depends on the circumstances.

Employees must be told what the problem is, and that dismissal or other disciplinary action is a possibility. Employees must be given a genuine opportunity to tell their side of the story before the employing body decides what to do.

The employing body should investigate any allegations of misconduct thoroughly and without prejudice.

Unless there has been misconduct so serious that it warrants instant dismissal, the employee should be given clear standards to aim for and a genuine opportunity to improve. The sort of conduct that warrants instant dismissal may be set out in the employment agreement.

The employer should treat all employees in the same circumstances in the same way, or be prepared to justify the difference.

3.9.2.6(b) Explanation of dismissal

If an employee is dismissed, he or she has the right under the Employment Relations Act to ask the employer for a written statement for the reasons for dismissal. This

request can be made up to 60 days after the dismissal, or 60 days after they find out about the dismissal if that is later.

The employer must provide the written statement within 14 days after such a request. If the employing body fails to provide this written statement, the employee may as a consequence be able to raise a grievance long after the required 90-day limitation period.

3.9.2.6(c) Summary dismissal

An employee may be dismissed summarily if it is found that his/her behaviour constitutes serious misconduct. What constitutes serious misconduct should be a matter for conversation in the negotiation of an employment agreement. Summary dismissal does not require notice. A written record of the circumstances leading to the dismissal should be prepared and agreed to. Always seek advice before summarily dismissing an employee.

3.9.2.7 Exit interviews

An exit interview can be helpful both to the employee and the employing body. This link provides some guidance about effective exit interviews.
<http://www.presbyterian.org.nz/resources/mrt/docs/exit.html>

3.9.3 Further information

The guidelines in this section refer to normal best practice. From time to time situations arise which fall outside the norm. Employing bodies should seek advice before proceeding where they are uncertain. The Employment Advisor will provide a first point of advice.

3.10 Code of Ethics

People in pastoral positions are expected to abide by the following code of ethics. In this context, the term minister is used of a lay person in a position involving pastoral responsibilities.

3.10.1 Introduction

This Code is to be read in the context of the Book of Order, in which the basis of the faith, order and discipline of this church are set out. The discipline of our church applies to ministers and other office-bearers, members and associate members who have arrived at the years of discretion.

This Code is a statement of how the Presbyterian Church of Aotearoa New Zealand understands the standards of conduct of those members who undertake the work of pastoral care in its name. In this context the term minister will include all, clergy and lay, who undertake the work of pastoral care.

Pastoral care involves the formation of special relationships characterised by openness and trust. These relationships are developed in a variety of settings and a variety of ways, from informal pastoral care to structured counselling situations.

This Code indicates acceptable ethical behaviour for those offering pastoral care. While its focus is pastoral care, it is also applicable wherever there is a ministry relation between people. By the grace of God we are called to serve, and through the power of the Holy Spirit we are sustained and encouraged to keep within this code.

Further work is being done on the Code of Ethics to make it more specific in its application.

3.10.2 Responsibilities to Those to Whom We Offer Pastoral Care

Ministers will deal truthfully with people, encouraging free and open discussion, upholding their best interests, rights and well-being.

Ministers will respect the right of people to privacy and confidentiality of information except when there is a clear and imminent danger to those people or others, at which time they will be informed of those limits.

Ministers will recognise the dignity and worth of every person and will offer pastoral care without unfair discrimination.

Ministers will not abuse their position by taking advantage of people for personal, financial or institutional gain.

Ministers will recognise that sexual intimacy in the pastoral situation is unacceptable and will not subject people to sexual exploitation, sexual harassment or sexual abuse.

Ministers will recognise that there are limits to their competence and will refer people to others when this proves necessary or desirable. They will not attempt counselling without training.

Ministers will recognise that there is a cultural context for pastoral care and will act with awareness and sensitivity.

3.10.3 Responsibilities to the Church

Ministers will uphold high standards of practice in ministry and work for the advancement of those standards.

Ministers will exercise stewardship in the time given to ministry, guarding against both over commitment and avoidance of responsibility.

3.10.4 Responsibilities to Colleagues and Other Pastoral Workers

Ministers will promote co-operation with colleagues, pastoral workers and members of other helping professions, treating them with consideration and respecting professional confidences.

Ministers will seek mediation through the courts of the church when conflicts with colleagues or others within the church community arise.

Ministers will take action through the proper channels concerning unethical conduct by colleagues or other pastoral workers.

3.10.5 Responsibilities to the Wider Community

Ministers will act to prevent and eliminate unfair discrimination in the wider community.

Ministers will encourage as part of their pastoral task, participation in the shaping of social policies, advocating the promotion of social justices, improved social conditions and a fair sharing of the community's resources.

3.10.6 Personal Responsibilities

Ministers will use regular approved supervision to maintain accountability and a high standard of pastoral care.

Ministers will use regular opportunities for spiritual growth, personal recreation and refreshment.

Ministers will seek to extend and enhance their knowledge.

3.10.7 Inclusion in employment agreement

Employment agreements should include a clause of commitment to the Code of Ethics.

3.10.8 Church's position on Code of Ethics

The General Assembly strongly encourages ministers, elders, church councillors, sessions and church councils to adopt the Code of Ethics as an agreed minimum standard of practice.

3.10.9 Further information

The guidelines in this section refer to current best practice. From time to time situations arise which fall outside the norm. Employing bodies should seek advice before proceeding where they are uncertain. The Employment Advisor will provide a first point of advice.

4 Assembly Appointments

4.1 Introduction

Some appointments within the Presbyterian Church are made by the Assembly, or its delegated authority (Council of Assembly or the Assembly Executive Secretary or a Service Team Leader)

4.2 Assembly Appointments Establishment

Within the framework outlined below, the Council, Assembly Executive Secretary or Service Team Leader will establish and disestablish such positions as enable them to implement the policies of the General Assembly and Council of Assembly.

4.2.1 Appointments made by Council

Certain appointments will be made by the Council acting on behalf of the General Assembly according to the appointment process set out below. These are:

- The National Mission Enabler
- The Principal and Teachers at the School of Ministry
- The Global Mission Enabler
- The Communications Manager.

4.2.2 Appointments made through AES

Other positions will be identified and established by the Assembly Executive Secretary or Service Team Leaders with advice from the Council of Assembly or relevant sub-committee. Appointments to these positions shall be made by the Assembly Executive Secretary or by such persons as the AES designates in consultation as appropriate with the Council of Assembly or relevant sub-committee according to the appointment process set out below.

4.2.3 Joint appointments with other churches

Joint appointments with other churches are made as agreed on each occasion between the Council of Assembly and the partner church, applying as far as possible, the principles and processes set out in these regulations.

4.3 Position Review

The Council of Assembly or Assembly Executive Secretary shall regularly review the need for and shape of positions as appropriate to enable the Council to implement the policies of the General Assembly. Positions may be disestablished as a result of such reviews, any terms of redundancy being stipulated in the employment agreement for the position.

A position review needs to be kept clearly separate from any conversation about the performance of the person in the position.

4.4 Recruitment and Selection

Appointments made by the Assembly and Council of Assembly require a consultation process both during the establishment and appointment phases.

4.4.1 Consultation process

In respect of appointments by the General Assembly, Commission of Assembly, or Council of Assembly, Presbyteries and Union District Councils shall be consulted as soon as possible regarding the proposed position description, length of appointment, and appointment process, and invited to approach and/or suggest potential applicants and/or nominate persons

4.4.2 Short-term Appointments

To meet an immediate short-term employment need the above process may be shortened or varied with the agreement of the Council of Assembly.

4.4.3 Appointment process

A timetable and process for making an appointment will specify among other things, which body or person (Council of Assembly, Service Team Leader, or Assembly Executive Secretary) is making the appointment and who will comprise the selection panel. The Council will approve the timetable and process for those to be appointed by the Council and Assembly Executive Secretary, and the Assembly Executive Secretary will approve these for other employees.

4.4.4 Position Description

Every position shall be described specifying among other things the duties and responsibilities, results to be achieved and the competencies needed to achieve the results.

4.4.5 Interview Panel

For service team appointments a selection panel should be appointed of people able to assess applications in relation to the skills, attributes, and competencies set out in the position description. In respect of appointments by the Council of Assembly, the panel shall include a convener and/or member of any relevant sub-committee.

4.4.6 Appointment

At each stage of the appointment process candidates should be advised of decisions relating to them – that their application has been received, that they have not been successful, that they have been short listed, that they have been successful. Panels, or the panel convener, should be prepared to provide honest and constructive feedback to unsuccessful candidates, if so requested.

4.5 Employment Agreements

4.5.1 Employment agreement required

Each employee shall be party to a written employment agreement. This employment agreement needs to be given to the appointee so that they can consult with an advisor about it before signing.

4.5.2 Nature of the employment agreement

The employment relationship for assembly appointments in general reflects an ongoing relationship between the employing body and the employee. If an employing body wishes the position to be for a fixed term, there are strict guidelines around this in the Employment Relations Act. Refer to section 3.5 on employment agreements for further information.

4.5.3 Approval of Employment agreements

The employment agreement shall be approved:

- In relation to the Assembly Executive Secretary and those to be appointed by the Council of Assembly, by the Council of Assembly; and
- In relation to other employees within the policy set by the Council of Assembly, by the Assembly Executive Secretary.

4.6 Terms and Conditions

The terms and conditions of service team appointments depend on the person appointed and the position to be filled.

4.7 Performance Review

There shall be an annual formal conversation about performance between the employee and employer. See sections 2.7 and 3.7 for more guidance in this area.

4.8 Resignations

Resignations will be submitted to the person to whom the employee reports who may accept on behalf of the General Assembly.

4.9 Redundancy and Restructuring

Refer to the regulations and implementation guidelines in sections 2.8 and 3.8 for guidance in this area.

4.10 Termination

Refer to the regulations and implementation guidelines in sections 2.8.2 and 3.9 for guidance in this area.

4.11 Code of Ethics

People in the positions delineated in this section are governed by the Code of Ethics set out in sections 2.11 and 3.10.

5 Administrative Positions

These are positions such as church secretaries and administrators that have as their primary focus the performance of administrative tasks. Advice regarding relevant provisions and processes is available on the website at www.presbyterian.org.nz. The information contained here is not mandatory and is provided to help guide employers.

6 Occupational Health and Safety

6.1 Introduction

The principle objectives of the Health and Safety in Employment Act (HSE Act) is to prevent harm to people at work or in the vicinity of a place of work by promoting the systematic management of health and safety in the workplace.

The legislation relating to workplace safety was amended in 2002. The amendment's main emphasis was on the inclusion of volunteers in the coverage of the Act. Overall the emphasis of the legislation is on the mutual responsibility of employers and employees in the identification and management of workplace safety. The legislation emphasises the development of a systematic approach to workplace safety.

Church organizations should also note that volunteers are covered by the Act, and are treated as employees. However, this does not apply when volunteers are engaged in:

- Fundraising
- Supervisions of sport
- Care in one's own home

6.2 Safety Issues in Working with Young People

There are particular safety and boundary issues that are raised when working with young people. A resource entitled Safety and Protection Policy is under is available through the Presbyterian Church website (www.presbyterian.org.nz). All Sunday school leaders, Youth Group leaders and Youth workers should have ready access to a copy and should be made aware of the content of the guidelines by the employing body, either through supervision or other training opportunities.

6.3 Implementation

The Department of Labour supplies up-to-date information booklets and all employing bodies and employees within the Presbyterian Church should ensure they are familiar with the rights and responsibilities associated with workplace safety. Employees should be provided with a copy of the booklet.

See www.presbyterian.org.nz, the human resources section under Parish Tools, for further information.

6.4 Future developments

The area of Occupational Health and Safety is one in which new guidelines are constantly being developed. Ministers, employees and employing bodies need to be alert to such developments. New developments will be posted on the Church's website (www.presbyterian.org.nz) as they come to light.