

Candidates for Ordained Ministry & the Equality Act 2010 The Diocese of Blackburn's Guidelines

Background

In recent history, the Church of England has set its own, fairly arbitrary, boundaries for upper age limits of those who seek ordination. However, age discrimination legislation came into force in 2006, the Employment Equality (Age) Regulations 2006, making it illegal to discriminate against a potential employee or office-holder on the basis of their age, with certain exceptions. The 2006 Regulations have now been repealed, however, similar provisions have been enacted in the Equality Act 2010.

Relevant excerpts from the Equality Act 2010:

13(1) Direct discrimination

(1) A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.

(2) If the protected characteristic is age, A does not discriminate against B if A can show A's treatment of B to be a proportionate means of achieving a legitimate aim.

19 Indirect Discrimination

(1) A person (A) discriminates against another (B) if A applies to B a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of B's.

(2) For the purpose of subsection (1), a provision, criterion, or practice is discriminatory in relation to a relevant protected characteristic of B's if -

- (a) A applies, or would apply, it to persons with whom B does not share the characteristic,*
- (b) it puts, or would put, persons with whom B shares the characteristic at a particular disadvantage when compared with persons with whom B does not share it,*
- (c) it puts or would put, B at that disadvantage, and*
- (d) A cannot show it to be a proportionate means of achieving a legitimate aim,*

This document describes the rationale which the Diocese of Blackburn follows, in accordance with the Equality Act, when considering candidates for ordained ministry.

The Equality Act has no legal bearing on posts for self-supporting ministers (SSMs) but we wish to apply the same degree of objectivity as we do for stipendiary posts.

2. Summary

This document suggests that ordinands entering stipendiary ministry should not usually be over 55 at the time of ordination and that ordinands entering self-supporting ministry should not usually be over 63 at the time of ordination.

3. Rationale

- 3.1 When looking at a person's application for sponsorship of a candidate for ordained ministry we take into account that person's particular circumstances, the future needs of the Church's ministry (as we understand them) and our responsibility to be good stewards of the Church's resources.

- 3.2. The cost of selection, training and formation of clergy is high, both in money and in time. The average national annual costs for each year of non-residential training are currently (2013) £6.6k per year for each student. Costs of residential training currently averages £15,700 per year excluding diocesan family maintenance. The typical diocesan family maintenance grant is £11,900 per year.

Candidates usually spend either 3 years in part time training or 2 years in full time training. The first 3-4 years of ordained ministry, the length of a stipendiary minister's 'title', are of an 'apprentice' nature and further investment is made during this period in equipping a person for a future post of incumbent or a post of similar responsibility.

- 3.3 There must be a reasonable balance between the Church's investment in training and the ministry that can be offered by those whom we train. This we consider to be, within the terms of the Regulations, 'a legitimate aim'.
- 3.4 For stipendiary and self-supporting ministry, it can be argued that a minimum of seven years represents an adequately fruitful expression of the ministry for which a candidate has been preparing. (Research suggests that incumbencies of at least 7 years are more likely to lead to growth in parishes; Jackson, 'Hope for the Church', Church House Publishing 2002, page 160). This criterion we consider to be, within the terms of the Regulation, 'a proportionate means' of achieving the aim described in 3.3 above.
- 3.5 The nature of the ministry prepared for and the point at which it begins are described below:

4. **Stipendiary clergy**

- 4.1 The ministry for which a candidate for stipendiary ministry is preparing is that of incumbency, or a post of similar responsibility. We consider that a candidate should be capable of exercising that ministry on completing a title curacy that is normally between 3-4 years long. We therefore deem a candidate to be eligible to exercise this ministry from this point.
- 4.2 Stipendiary clergy become entitled to their normal retirement benefits between the ages of 65 and 68, with most retiring at 65 and so that is the age at which we assume they may wish to retire. Some elect to continue in ministry beyond that age, but we regard such extra service as an un-covenanted bonus for the Church and not an expectation to be laid on any candidate.
- 4.3 Candidates for stipendiary ministry must therefore be able, after completing 2-3 years of training and a 3-4 year curacy, **to offer at least seven years as an incumbent (or equivalent) by the time they reach the age of 65.**
- 4.4 Such candidates will therefore be
- 58 or younger on completing a three-to-four year curacy,
 - 55 or younger on beginning ordained ministry,
 - 53 or younger on beginning a full-time course, or
 - 52 or younger on beginning a three-year part-time course.

4.5. Therefore:

Therefore the bishop will not usually sponsor a candidate who would be aged 53 or older at the start of a part-time course or 54 or older at the start of a full-time course.

The bishop will not usually sponsor a candidate already in training for self-supporting ministry who wishes to be transferred to stipendiary ministry and who would be aged 56 or older on beginning ordained ministry; and

The bishop will not usually transfer to stipendiary ministry a self-supporting minister seeking transfer who would be aged 58 or older on completing an SSM curacy before taking on a position of greater responsibility.

5. **Self-supporting clergy**

5.1. The ministry for which a candidate for SSM is preparing is usually that of ordained ministry as an assistant to an incumbent. We therefore maintain that the four-year title curacy may be included as part of the period of seven years expected of all ordained ministers.

5.2. SSM clergy must surrender their licences on reaching the age of 70. Some may wish to continue in ministry beyond that age and so request the Bishop's Permission to Officiate, but we regard such extra years as an un-covenanted bonus for the Church and not an expectation to be laid on any candidate.

5.3. Candidates for self-supporting ministry must therefore be able, after completing three years of training to offer at least seven years as an assistant to an incumbent the time they reach the age of 70.

5.4. Such candidates will be aged

- 63 or younger on beginning ordained ministry
- 61 or younger on beginning a two-year course, or
- 60 or younger on beginning a three-year course.

5.5. Therefore the bishop will not usually sponsor a candidate who would be aged 62 or older at the start of a two year course or 61 or older at the start of a three year course.

We are grateful to the Diocese of Southwark whose DDO, Robert Tittley, produced an original version of this document on 8th March 2007 which we have adapted. The practice and policies of other dioceses were considered.