

Guidelines for termination of appointments under clause 7 of the Assistant Ministers Ordinance 2017

(as approved by the Archbishop-in-Council 14 November 2018)

These Guidelines apply to the termination of appointments under the Assistant Ministers Ordinance 2017. Clause 3(3)(f) requires that the rector and wardens of a parish give due regard to these Guidelines before issuing a termination notice under the Ordinance.

These Guidelines address the termination of appointments on the basis of unsatisfactory conduct, performance or incapacity (clause 3(3)(b)(i)). These Guidelines do not apply in the case of serious misconduct.

The Ordinance also permits termination on the grounds that the position can no longer be funded or on the basis of other reasons determined by the rector having regard to the ministry needs of the parish (clause 3(3)(b)(ii) and (iii)). The stages set out below are not directly applicable to terminations on these grounds. However the principles of transparency and openness should be followed - in particular the Assistant Minister must be given an opportunity to understand the basis for the proposed decision, have a reasonable opportunity to provide a response and have that response taken into account before the decision is made.

Often termination scenarios can be avoided through well-developed practices in relation to recruitment, clarity around duties and goal setting, staff engagement, and training/development.

This information is a guide only and would not be an appropriate procedure to follow in all circumstances. If there is doubt, seek professional assistance.

Good communication is key

- Rectors should be openly communicating with their Assistant Ministers to provide continuous feedback and professional development. Don't delay, provide timely feedback.
- Feedback should be specific, fair and balanced. It should have the purpose of increasing the Assistant Minister's performance in their role.

Improvement required

- If an Assistant Minister is demonstrating unsatisfactory conduct, underperformance or an incapacity to fulfil the duties of their office, the rector should organise a meeting with the Assistant Minister to formally put them on notice of the rector's concerns.
- The matters should not come as a complete surprise at this stage. They should have been raised previously in an informal way during regular one on one staff meetings.
- Be specific, give examples of the conduct or behaviour that needs modification. Explain how it impacts on the workplace/ministry of the parish, and why it is of concern. The Assistant Minister should not be left in any doubt about the problem and its impact. To this end, it may be helpful to put your concerns in writing to the Assistant Minister.
- At the meeting, identify the underlying reasons for the incapacity, underperformance or unsatisfactory conduct by asking questions. There may be reasons unrelated to the abilities of the Assistant Minister, for example:
 - Are the Assistant Minister's duties, goals and the required standards clear?
 - Is the expected workload reasonable?
 - Has appropriate coaching or training been provided?
 - Is the Assistant Minister experiencing any personal, health or family issues that are affecting their performance?
- Once the reasons are identified, devise a solution. This may include an improvement plan. If possible, do this together so that ownership is shared. Agree on timeframes, the resources required and the steps involved. Document the plan. Keep meeting to discuss the issues.
- Offer reasonable resources, training and coaching.
- Keep a confidential file note of the conversations.

- Note that if the Assistant Minister is experiencing personal, health or family issues, you should consider seeking professional assistance before initiating a process that may lead to termination.
- Generally, it would be inappropriate to invite the Assistant Minister to bring a support person to the first informal meeting at which concerns are raised since it escalates the seriousness of the matters too quickly. However, if the Assistant Minister wishes to bring a support person, the rector should permit them to do so. The rector should consider having a support person of his own in such instance. A support person is there for support and as a witness. They are not an advocate and do not have an active role in the meeting. The rector should invite the Assistant Minister to bring a support person to the second and any subsequent meetings to discuss their conduct or performance.

Ongoing incapacity, unsatisfactory conduct or underperformance

- If the incapacity, unsatisfactory conduct or underperformance is ongoing and the attempts to bring about improvement have been unsuccessful, the rector should brief the wardens and the Regional Bishop and seek their views. It may be appropriate to involve one or more wardens at an earlier stage to act as a support person or to provide another perspective.
- If the wardens concur, notify the Assistant Minister that you are considering issuing a notice to terminate their appointment under the *Assistant Minister's Ordinance 2017*. Give the Assistant Minister a written statement containing particulars of the grounds or reasons for issuing the notice (clause 3(3)(c)).
- Invite the Assistant Minister to provide a written response to the statement of particulars (clause 3(3)(d)). Don't pre-judge the outcome. You should allow a reasonable period for a response. What is reasonable will depend on the circumstances. You should consider releasing the Assistant Minister from some or all of their responsibilities for this period of time.
- You should offer an opportunity for the Assistant Minister to meet to discuss the contents of the letter or clarify their understanding. You should invite them to bring a support person to any such meeting. At least one of the wardens should be present at the meeting in addition to the rector.
- The Assistant Minister's response must be carefully considered by the rector and the wardens in reaching a decision on whether to proceed to issue a notice to terminate the appointment (clause 3(3)(e)).
- The statement of particulars, the response from the Assistant Minister (if any) and any record of the rector's and wardens' consideration of the response should be provided to the Registrar (clause 4).

Termination of the Appointment

- If you propose to issue a notice of termination, you must first notify the Regional Bishop (clause 3(3)).
- If a decision is made to terminate the appointment, this decision must be made by the rector with the concurrence of the wardens of the principal or only church of the parish (clause 3(1)(b)).
- A notice should be issued to the Assistant Minister confirming the decision and stating the period of notice that is being given, which must not be less than 3 months after the date of the notice (or longer in the case of a Senior Assistant Minister – see clause 3(2)(b)(ii)). An Assistant Minister can agree to a lesser period of notice in writing (clause 3(3)(2A)).

Finishing Well

- Generally an Assistant Minister should be farewelled in a positive way, publicly thanked for their service and prayed for. However there may be circumstances where this is not possible nor desired by the Assistant Minister or inappropriate due to the previous conduct of the Assistant Minister.
- Any announcement about the termination should be factual in nature and not express negative opinions. The Regional Bishop should be consulted and consideration should be given to seeking legal advice.
- The rector and wardens should provide reasonable assistance to help the Assistant Minister to transition from their role in the parish.