

Section 10

Human Resources PARISHES AS EMPLOYERS (version 6 January 2020)

I. Introduction

- I.1 Across the Diocese PCC's, and other worshipping communities may be thinking about, or entering, the new territory and becoming an employer. With various roles including employing parish administrators, youth workers, organists, caretakers, children and family workers, choir directors and organists, and many others besides!
- I.2 For any PCC as an employing body, with its distinctive Christian identity and ethos, the day to day responsibilities as an employer, and with all the legal employment requirements, procedures and policies, and day to day management issues and decisions, can seem very daunting.
- I.3 This Diocesan HR team have a template Employment Handbook for parishes to adopt and use when managing the day to day arrangements of any employee/employees. It is available on request, and is an adapted version of the Staff Handbook previously agreed by Bishop's Council for all centrally employed GDBF employees, so there is some consistency across the Diocese, but PCC's are of course free to make all their own arrangements as each is an independent employer.
- I.4 If parishes choose to use this Handbook you simply need to amend each section to include your own local arrangements (which will be highlighted for you). Alternatively you can contact the HR team at any stage, who will work through this with you and make adaptations according to your needs.
- I.5 Throughout the Handbook the term PCC may refer to the sub committee delegated by the PCC to manage the day to day arrangements for any employee/employees as set out in the opening section of the Handbook but this is just a suggestion it is possible to have alternative arrangements in place. Many PCCs do not have such an established group, and arrangements can be much more flexible.
- I.6 As a Diocese we have access to a whole range of professional Occupational Health services, and other professional and pastoral skills, knowledge and experiences. Whenever you have a query or problem contact the HR team. Inevitably this Handbook cannot cover all eventualities, laws and regulations will change (where this is the case regular updates will be advised) - and sometimes it is just helpful to talk through an issue and explore options!
- I.7 The Director of People and Pastoral is Judith Knight, and Alice Clark is the HR Adviser their contact details are available through this link:
<http://www.gloucester.anglican.org/parish-resources/hr/>

2. Parishes and the financial management of staff

2. Financial Arrangements

- 2.1 Every PCC as an employer must ensure that it complies with not only statutory requirements but its own financial management procedures and arrangements.
- 2.2 There is a Special Religious Centre exemption scheme which allows organists and other church employees to be paid gross pay without having PAYE deducted (so long as the parish do not employ anyone else by PAYE and the individual sum doesn't exceed the PAYE threshold)
- 2.3 The Finance Team from the diocese are able to offer payroll services for PCCs free of charge for any employees, please see section 5 below for more information.

3. Determining employee status

- 3.1 There is much legal debate about who is employed or self-employed and even where an arrangement has been approved by HM Revenue and Customs or the Department of Work and Pensions (DWP) it has often been for the courts to decide the status.

PCCs should not 'require' anyone to register as 'a self employed person' for its' own convenience. There are clear legal and HMRC requirements that should be adhered to. <https://www.gov.uk/guidance/check-employment-status-for-tax>

3.2 Self Employed people

In general terms where an individual is clear that they are working on their own account, where they can be employed by others, where they have a high degree of control about how a particular job can be done, and where they can say 'no' to work offered, and they usually work from their own premises, local arrangements can be put in place for working with a **self-employed person**. For this arrangement a template **contract for service** (as opposed to a contract of service which is the employment law requirement) will be required signed off by both the PCC and the individual concerned (the HR Team can offer a standard template that can be amended to suit).

The Financial remuneration here is usually by regular invoice, with no deductions.

3.3 Employed people

Where an individual status is clearly that of an **employee** (i.e. they have the right to receive sick pay, holidays and holiday pay, work is directed and managed with a mutual obligation for the employer to provide work and for the individual to undertake the work) – then it is useful to ensure that as many eventualities as possible are covered at the outset to avoid misunderstanding, set expected standards, and ensure compliance with statutory provision.

4. Parish arrangements for day to day management responsibilities

- 4.1 In terms of good practice and day to day management you will need to ensure that your own local arrangements are reflected in this Handbook e.g. the terms Rector/Vicar, Area Dean etc.
- 4.2 As an employer the PCC needs to ensure that it has its own local management structure which can support an employee/employees. A suitable structure would be a sub-committee of the PCC comprising, for example, one churchwarden and three others including the Vicar/Rector who can make any day to day decisions, so that if anything crops up which needs to be considered through appeal etc, an objective independent person could therefore be a PCC member such as another churchwarden who is not a member of that sub committee.

3. Recruitment in parishes

- 3.1 Parishes are set up as legal entities and are therefore responsible for their own safe recruitment processes, complying with secular law, employment law, and criminal law. For example advertising and selecting must follow anti-discriminatory regulations; and safe recruitment especially with reference to child protection and the protection of vulnerable adults must follow very clear diocesan policies and procedures including:
- offer letters “subject to satisfactory DBS clearance and references”
 - that references are always followed up
 - that no one is doing the job until a DBS check has been received
 - that there is reference to specific safeguarding awareness training appropriate to the role

- 3.2 The HR team can offer training and support for any stage of the Interview Process.

- 3.2 All parish recruitment processes should follow the national Church Safer Recruitment guidance https://www.churchofengland.org/sites/default/files/2017-11/safeguarding%20safer_recruitment_practice_guidance_2016.pdf and <https://www.churchofengland.org/sites/default/files/2017-11/Safer%20recruiting%20in%20the%20parish%20%28Appendix%201%29%20-%20Safer%20Recruitment.pdf>

(For more information about safer recruitment contact Kate Peak in the Safeguarding Team). Kpeake@glosdioc.org.uk

4. Template documents

- 4.1 The template Employee Handbook is suitable for all Parishes who wish to use it and in addition further documents are available.
- Template job description formats and Person Specifications
 - Template offer letters

- Following up references letter
- Working agreements/schedules of work
- Template agreements for organists
- Policies and procedures including:
 - o all statutory rights (maternity, paternity, leave etc)
 - o best practice in recruitment and selection
 - o beginning and ending employment
 - o capability, disciplinary, grievance
 - o appeals and whistleblowing
 - o managing sickness absence, and wellbeing
 - o support and development
 - o appraisals and reviews

4.2 The diocesan HR team can advise a PCC on any aspect of the employee/employer relationship (it cannot support individual employees).
<http://www.gloucester.anglican.org/parish-resources/hr/>

5. Payroll offer

5.1 The Finance Team at Church House can offer a professional and friendly payroll service to ensure your PCC take the correct steps when employing a member of staff and that all of the HMRC matters are dealt with in a timely way.

5.2 What we offer:

- Completed payroll reports- these will include all of the necessary employer matters and the calculations detailing what you need to pay to each employee and HMRC each month.
- eSubmissions to HMRC to ensure you remain up to date.
- Password protected payslips sent by secure email to your employees on or before pay date
- P45 reports for leavers.
- P60 end of year reports.
- Direct contact with HMRC regarding any tax code changes (As long as access has been given to the Diocese and set up by the parish).
- Ensuring you and your employees are in line with all HMRC legislation.
- Support with the church workers and NEST Pension matters.

We can provide support and guidance on a range of payroll and HR issues too. Specifically, you will need to be responsible for the following and we can talk you through what you may need to do/think about:

- Setting up as an employer with HMRC.
- Arranging hand over if you have an existing payroll in place.

- BACS payments directly to each employee on your chosen pay day using the monthly reports sent by the Diocese.
- Pension Set up and direct payment.
- Employee contracts.
- Safe keeping of employee personnel files and individual's personal detail records in line with data protection requirements.

Cut off dates:

- Due to the tax year beginning in April each year, it is very difficult for the diocese to begin or take over an existing payroll too close to year end, therefore the cut-off date for us to begin your payroll would be in November. Any parish that would like us to take on this service after the November cut off date would then need to start with us from the following April.
- For a parish who would like us to take on the payroll service between April and November we do need 2 months notice to ensure that the various stages of the set up process is done thoroughly.

If you have any questions, need any advice, or would like to talk anything through please don't hesitate to get in touch with Justyna Stawarz the Diocesan Payroll Officer through this link: JStawarz@glosdioc.org.uk