



Employment Terms

Introduction

The Yorkshire North & East Methodist District assess the Terms and Conditions of employment for Employees using methods that include but are not exhaustive to the benchmarking of faith and charity roles in other organisations, and, as necessary, by applying guidance received directly from the Methodist Church.

In matters of lay employment, our intention is to protect the financial and reputational interests of the circuits, churches, and projects across the district.

To support Employers as they navigate lay employment the district employs a HR officer who can be contacted by email at hr@yorkshirenethodist.org or telephone 07483 106005.

Supplementary information and support is available from the Lay Employment Resource pack on the Methodist Church website which can be accessed via this link: <https://www.methodist.org.uk/for-churches/employees-and-volunteers/>

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This document contains recommendations, data, and good practice to support decision making and to facilitate meaningful conversation, whilst respecting that the application of most of these recommendations' ultimately rests with the individual employing body.

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1. Hours of Work

The standard working week for a full-time Employee is recommended to be 37-hours.

2. Working Time Directive

Employers have a duty under the Working Time Directive 1998 to ensure Employees do not **normally** work more than forty-eight hours in any one week.

It is suggested and it has been tested in court that **normally** should be calculated and referenced over a period of 17-weeks. There are certain jobs where this rule is not enforceable however there are no jobs within the Church that fall into this category.

This rule includes roles where Employers are not the Employees only Employer. In any such circumstances the Employer must collaborate with the Employee to ensure this averaged number of hours is not exceeded.

3. The Living Wage Policy

It is a requirement that the living wage, as detailed and published by the living wage foundation, forms the minimum basic salary for Employees within the Yorkshire North & East District. This includes people below the age of the 18.

The new living wage rate was announced in November 2021. As soon as an Employer is able, they should ensure that £9.90 per hour as a minimum is paid to Employees.

More information about the Living Wage Foundation can be found by visiting their website at www.livingwage.org.uk

4. Probationary Periods

In setting a probationary period the Employer confirms to a newly recruited Employee that their performance will be under review during the first weeks and months of employment, and that an Employee's continued employment remains subject to satisfactorily completing probation.

It should be remembered that new Employees also treat the probationary period as a period for deciding whether the job is also suitable for them.

The length of the probationary period will depend on the job role and on the requirements of the Employer, but it will typically be six months, with the potential to be extended if, for example, the Employees performance is not satisfactory. There is no law that governs the length of a period of probation but there is always an expectation that the Employer acts reasonably.

Even though a probationary period has no legal status the written statement of terms and conditions of employment must now detail the probationary period, specifying its length, and explain how progress will be monitored and what any subsequent decisions will be based on, including performance, behaviour, conduct and capability.

The Line Manager will normally be responsible for monitoring the progress of a new Employee during this period and a performance review meeting should be arranged before the end of the probationary period to assess if an Employee has passed, failed or if there is a need to extend.

5. Sick Pay

Sick pay is recommended to include an enhanced provision for Employees, above the statutory provision. The recommendation is as follows:

- After 6 months; 1-month's full pay
- Up to 2-years' service; 2-months full pay and 2-months half pay
- 2-years to 10 years' service; 4-months full pay and 4-months half pay
- After 10-years' service; 6-months full pay and 6-months half pay

An Employee who is absent from work by reason of ill-health is recommended to receive enhanced sick pay, less any statutory sick pay (SSP) entitlement, for the periods summarised above. The period should be considered in terms of a rolling year.

If an Employer believes that they may be faced with a potential long-term Employee absence, or if the Employer currently has an Employee absent from work for a continuous period of more than 4-weeks, it is recommended that support is requested from the HR officer.

For information around measuring absence, fit notes, linked periods of absence, and for general guidance and support on how to manage both short- and long-term absences, and to appreciate the types of reasonable adjustments that can be made to support employees with disabilities or health conditions, it is recommended to contact the HR officer.

6. Line Management

It is a requirement that a suitable Line Manager is identified before any new Employee takes up their post and that all Line Managers undertake Methodist Line Management training, delivered via the Learning Network, at the earliest opportunity.

It is proven through focused and effective line management that employee relations improve.

The frequency of line management meetings does not need to be rigid however time should be spent preparing the structure of each meeting, ensuring that they remain focused and relevant.

The annual Employee appraisal remains key to any successful employment relationship, and, as the Line Manager is the representative of the Employer, they are encouraged to request support from the HR officer if guidance is needed with this.

7. Job Descriptions

When an Employee begins working for the Employer the job description will be relevant.

It is however sensible to consider that the job role may evolve and develop during the first 12-months of employment, and it is recommended that job descriptions are evaluated annually.

Consideration should be given to include such an evaluation during the Employee appraisal process where productive conversation and clear expectations can be set out and agreed upon for the year ahead. This good practice should be maintained, as a minimum, on an annual basis.

8. Notice Periods

During the period of probation there is a standard period of 1-weeks' notice that either the Employee or Employer can give to the other party.

Upon completion of an Employees probationary period to a satisfactory standard it is a recommendation that a period of notice of one calendar month comes into effect, should they wish to resign. Role dependent this period of one month could be longer but it must be recorded as such when terms are first issued to the Employee before they start working for the Employer.

The period of notice to be given by the Employer to the Employee following completion of the probationary period is more complicated, and it is not always based upon length of service.

There are contributing and sometimes unseen competing factors that need to be considered, as well as legislation and good practice that should be followed.

Therefore, should an Employer be considering giving notice to an Employee there are different confirmations that the Methodist Church require to be followed.

It is a requirement of the Methodist Church that approval is received from the District Lay Employment Sub Committee before any decision is made, or action is taken. (CPD 438A)

9. Annual Leave Entitlement

Annual leave entitlement is recommended to be 33-days per annum, or 244.2 hours, inclusive of public holidays, for all full-time employees. This calculation is based on a 37-hour working week.

A part-time Employees annual leave is calculated pro-rata to this.

Example of calculating a part-time employee's annual leave entitlement, based on the number of fixed days that the part-time employee works:



Examples of calculating annual leave entitlement for part-time workers based on the number of days an employee works each week, assuming the full time equivalent entitlement is 33-days, including public holidays

1 DAY A WEEK	6.6 days (6.6 x 1 = 6.6)
1.5 DAYS A WEEK	9.9 days (6.6 x 1.5 = 9.9)
2 DAYS A WEEK	13.2 days (6.6 x 2 = 13.2)
3 DAYS A WEEK	19.8 days (6.6 x 3 = 19.8)
4 DAYS A WEEK	26.4 days (6.6 x 4 = 26.4)

Example of calculating a part-time employee's annual leave entitlement, based on the number of hours that the part-time employee works each week over irregular days:



Examples of calculating annual leave entitlement for part-time workers based on the number of hours an employee works each week, assuming the full time equivalent entitlement is 244.2 hours, including public holidays

5 HOURS A WEEK	33-hours annual leave
12 HOURS A WEEK	79.2 hours annual leave
20 HOURS A WEEK	123 hours annual leave
25 HOURS A WEEK	165 hours annual leave
30 HOURS A WEEK	198 hours annual leave

When calculating leave where an Employee joins or leaves employment part-way through a year, or where an Employee does not work fixed days per week or fixed hours per day it is recommended that support is requested from the HR officer.

10. Auto Enrolment

Auto enrolment remains a continuous responsibility for an Employer, and it is an area that cannot be ignored and must be understood. What an Employer needs to do will depend on whether the Employee is classified under the appropriate legislation as a worker. There are different categories of worker, determined by factors such as age and how much they earn.



Auto enrolment:
The different types of worker.

KEY

£6240: Lower earnings level for qualifying earnings

£10000: Earnings trigger for auto enrolment

SPA: State pension age

ENTITLED WORKERS <small>Have a right to join</small>	Aged 16-74 Working in the UK Earning below £6240pa
NON-ELIGIBLE JOBHOLDERS <small>Have a right to opt-in</small>	Aged 16-21 or SPA-74 Working in the UK Earning above £10000pa Aged 16-74 Working in the UK Earning above £6240 but below £10000pa
ELIGIBLE JOBHOLDERS <small>Must be auto enrolled</small>	Aged 22-SPA Working in the UK Earning above £10000pa

Auto enrolment is a continuous responsibility and changes in an Employee's age and earnings may see them move between the different categories of worker which, in turn, would see Employer duties change for that Employee.

For this reason, it is important to put in place procedures to monitor age and earnings. These don't have to be complicated or over thought – sometimes the simplest processes are the best.

There are other added responsibilities to auto enrolment which include but are not exhaustive to managing requests to join or leave the scheme, re-enrolment every 3 years of Employees that have left the scheme, and the necessity to keep records during and after employment.

The Methodist Conference of 2017 passed a resolution requiring employing bodies to offer different levels of pension contribution, from 01 September 2017, as follows:

- the Employer level for pension contribution remains as a minimum 6% of salary.
- Employees should be offered choices, with a minimum level of contribution from them of 2%, to apply to all employees appointed after 1 September 2017.
- Employers should offer any Employees that have opted out of contributions at 6% the chance to now be enrolled at a level between 2% and 6%.
- Employers should not be allowed to offer these new arrangements to existing employees that are already contributing at the current level of 6%.

More information about auto enrolment can be found by visiting the Pension Regulator website at <https://www.thepensionsregulator.gov.uk/en/employers>

Note: It is not uncommon for multiple employment contracts with one Employee to exist within the Church and in these circumstances additional assessment will be necessary to establish if they are separate contracts or if they should be treated as a single employment relationship.

11. Fixed Term Contracts

Guidance and legislation around fixed term contracts (FTCs) is fluid.

Employees are accepted to be on an FTC if they have an employment contract with their Employer and the employment contract states a particular day that it will end, or references that it will terminate on completion of a specific task, or project.

Employers must ensure that Employees on an FTC get the same pay and conditions as permanent staff, the same, or equivalent, benefits package as others, and that they are informed about where permanent vacancies within the business can be accessed.

FTCs will end automatically when the agreed and stipulated end date is reached. The Employer does not have to give any notice of this to the Employee however it is good practice for an Employer to confirm their intentions in advance of the end date.

Any Employee that receives **successive** FTCs for 4 or more years will achieve permanent employment status automatically, unless the Employer can show that there is a good business reason not to do so. For example:

- If an Employee completes a 3-year FTC, and is offered a 2-year extension, again by way of a FTC, they will achieve permanent status on the 4th year as **successive** FTCs have been

used.

- If an Employee works under a single 5-year FTC, they will not achieve permanent status on the 4th year however any extension given after completion of the initial 5-year FTC will mean the Employee achieves permanent status.

12. Scrutiny/Approval Process for Roles

The Methodist Church has an established process for recruitment, and the creation and validation of new roles. Please note no vacancy may be advertised or appointment made unless prior approval has been obtained from the District Lay Employment Sub Committee acting through the HR officer (CPD 438A (5).)

The appropriate forms and the necessary support with this can be accessed by emailing hr@yorkshirenemethodist.org

Chart to determine which process a prospective Employer is required to follow to gain the necessary approval for an employed and paid role:

