



## FAMILY LEAVE POLICIES

Incorporating policies and procedures for:

- Maternity leave and pay
- Paternity leave and pay
- Adoption leave and pay
- Parental leave
- Shared parental leave
- Time off to care for dependants
- Right to request adjustments to duties to care for dependants

### FAMILY LEAVE POLICY

**Provisions:** The diocese observes the Archbishops' Council's Direction 2015 prescribing the entitlement of office holders under Common Tenure to Maternity, Paternity, Parental, Shared Parental and Adoption Leave, and Time Off to Care for Dependants. The diocese extends these entitlements to all clergy regardless of their tenure.

The provisions apply to all office holders – clergy and licensed lay workers (both full and part time) and are in all respects at least equal to, and in some instances more generous than, the statutory minimum rights of employees.

**Returning to work:** Office holders remain in office while they are on leave and therefore retain the rights and responsibilities that go with the office. On returning from maternity, paternity or adoption leave they return to work in their existing post as of right (unless their Office has concluded due to resignation or a License end date).

**Pensionable service:** All maternity, paternity, adoption, shared parental and parental leave is pensionable, including unpaid leave, and pension contributions will continue to be paid during these periods.

### RESPONSIBILITIES OF OFFICE HOLDERS

**Covering the duties of office:** An office holder who exercises any entitlement to leave as detailed below is subject to the requirement at paragraph 2(2) of the Ecclesiastical Offices (Terms of Service) Directions 2010 (as applicable) for the office holder, in consultation with a responsible person in authority to use all reasonable endeavours to make arrangements for the duties of the office to be performed by another person or person during the periods of leave. The appropriate authority will normally be the archdeacon.

**Notification and procedures:** It is essential that procedures are adhered to and that appropriate notification is given in respect of periods of paid leave so that Payroll Services can recover the full amounts to which the diocese is entitled from the Government.

## MATERNITY LEAVE AND PAY

### MATERNITY LEAVE AND PAY

#### IMPORTANT DATES AND TERMS USED IN THIS GUIDE

EWC	<b>Expected week of childbirth</b> , the week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth.
QW	<b>Qualifying Week</b> , the 15th week before the EWC
MAT B1	<b>Maternity Certificate</b> issued by your doctor or midwife giving the date on which your baby is due. This will usually be given to you by your doctor or midwife after the 14 <sup>th</sup> week prior to EWC.
OML	<b>Ordinary Maternity Leave</b> , the first 26 weeks of maternity leave.
AML	<b>Additional Maternity Leave</b> , an additional 26 weeks of maternity leave that runs from the end of the OML. OML plus AML give a total of 52 weeks maternity leave. Every woman is entitled to 52 weeks maternity leave.
CML	<b>Compulsory Maternity Leave</b> , no woman is permitted to work during the two weeks which commence with the day on which the baby is born.
SMP	<b>Statutory Maternity Pay</b>

#### 1. Care During Pregnancy

##### Medical Advice

An office holder will expect to be under the care of a GP and/or a Midwife for the duration of pregnancy and they are responsible for advising on the medical fitness of the expectant mother. They will also be responsible for issuing the MATB1 advising on the expected date of childbirth and this will not normally be issued until the 20th week before the Expected Week of Childbirth (EWC).

##### Working Arrangements

It is expected that the Archdeacon (supported by the HR Director as appropriate) will discuss working arrangements with the pregnant office holder and consider any adjustments that may be required during pregnancy.

##### Ante-Natal Care

A minister is entitled to reasonable paid time off work for ante-natal appointments if they are made on the advice of your doctor / midwife. Ante-natal care includes medical appointments and may include relaxation or parent craft classes as well as medical examinations, if these classes are recommended by your doctor/midwife.

##### Health and Safety

Even if an office holder is fit to work, she may feel that there are aspects of her job which puts her at risk in some way. In this instance the Office Holder should make their Archdeacon aware as early as possible so that this can be considered and action taken.

Further guidance is available - A Guide for new and Expectant Mothers, from the [HSE website](#)

## **2. NOTIFICATION OF PREGNANCY AND LEAVE**

The office holder must notify the [Stipends Secretary](#) as well as the Archdeacon in writing no later than the end of the 15th week before the expected week of childbirth (EWC) that;

- she is pregnant
- the expected week of childbirth (from information provided by the MATB1)
- the date she wishes to commence her maternity leave

Maternity leave can start on any day of the week but it cannot start prior to the 11<sup>th</sup> week before the EWC. However an Office Holder can choose to carry on working beyond that date as long as she is medically fit to do so and can work right up to the date on which the baby is due.

The office holder may vary the date on which she intends to start her maternity leave provided that the Stipends Secretary and the Archdeacon are notified in writing at least 28 days before the new start date (except where this is not reasonably practicable).

The Archdeacon will respond in writing within 28 days of receipt confirming the office holder's;

- intended start date for maternity leave
- that she is expected to return to work at the end of the maternity leave
- the required date of return (the first working day after the end of the Additional maternity Leave period)

If the Office Holder's baby arrives before she has started Maternity Leave, her leave will commence on the day she goes into labour. The office holder should notify the [Stipends Secretary](#) in writing of the date of the birth as soon as reasonably practicable.

If the Office Holder is absent from work within the 4 weeks before the expected week of childbirth for a pregnancy-related reason, maternity leave automatically commences.

Where a child is stillborn at earlier than 25 weeks, clergy/ licensed lay worker is not entitled to maternity pay or maternity leave. She will be entitled to sick leave and pay as detailed in sickness policy and procedure. The normal rules for special/ compassionate leave also apply.

**Premature Births:** In the case of a premature birth, maternity leave and pay will start automatically from the day after childbirth.

## **3. Maternity Leave and Pay entitlements**

All pregnant office holders paid through the central clergy payroll qualify for both Ordinary Maternity Leave (OML) of 26 weeks and Additional Maternity Leave (AML) of 26 weeks regardless of their length of service. A woman is not permitted to work for 2 weeks immediately after her baby is born. This is called Compulsory Maternity Leave and is included within the period of OML.

There is a legal entitlement to Statutory Maternity Pay (SMP) provided the office holder has 26 weeks continuous employment by the 15<sup>th</sup> week before the expected week of childbirth (EWC) and provided that their average earnings are at least as much as the lower earnings limit for National Insurance contributions (the current lower earnings limit can be found at [www.hmrc.gov.uk](http://www.hmrc.gov.uk)).

The Diocesan Board of Finance (DBF) operates an enhanced scheme in line with the guidelines from the Central Stipends Authority. Office holders with a least 40 weeks service by the 15<sup>th</sup> week before the EWC will receive the first 39 weeks of maternity leave at full stipend. A further 13 weeks unpaid leave may then be taken, making a total of 52 weeks altogether. Office holders with less than 40 weeks service, but more than 26 weeks by the 15<sup>th</sup> week before the EWC, will receive 6 weeks stipend at 90% of stipend followed by 33 weeks at 90% of stipend or the standard rate of SMP, whichever is the lesser amount. A further 13 weeks unpaid leave may then be taken.

In order to take advantage of the right to maternity leave, a pregnant office holder must provide the Diocesan Stipends Secretary and the Archdeacon with all proper notifications as outlined below.

Note: The Diocesan Stipends Secretary will forward all formal information to the Church Commissioners.

## **2. Notice Requirements**

A pregnant office holder must notify the Diocesan Stipends Secretary by returning maternity certificate MAT B1 at least 28 days before stopping work. The MAT B1, obtained from a registered medical practitioner or midwife, is not normally issued any earlier than 20 weeks before the EWC (expected week of childbirth)

At the same time the pregnant office holder should notify the Stipends Secretary and Archdeacon in writing of the date they wish the maternity leave to start, which must be a date no earlier than the beginning of the 11<sup>th</sup> week before the EWC.

If they change their mind about when they wish to start maternity leave, the office holder must inform the Stipends Secretary and the Archdeacon at least 6 weeks in advance (unless this is not reasonably practicable).

If an office holder becomes ill with a pregnancy related illness after the start of the 4<sup>th</sup> week before the EWC then their maternity leave will automatically begin.

## **3. Keeping in touch (KIT) days**

The office holder may work up to 10 days, consecutive or not, during the maternity pay period (i.e. the first 39 weeks) without losing maternity pay for that week. The days may be used for work, training or any other activity that has the purpose of keeping in touch with the diocese during maternity leave, and help ease the eventual return to work.

The relevant Archdeacon, parish officer and the office holder must be in agreement that such days may be worked. Payment will be at the office holder's normal hourly rate. Neither side has the right to demand that any such KIT work be undertaken. Whether an office holder works just one hour or a whole day, it will still be counted as one day for KIT purposes.

Whether or not KIT days are taken, the office holder should keep in reasonable contact with their parish and Archdeacon during the period of maternity leave.

## **4. Annual Leave**

Annual leave continues to accrue during all of the maternity absence. The normal arrangements for booking and taking holiday apply. Any outstanding holiday cannot be paid in lieu. Office Holders should plan how annual leave will be taken before the commencement of the maternity period. It is advised that annual leave is taken within the leave year, with a maximum of 5 days carried forward. Where this is not possible advice should be sought from HR.

## **5. Returning to Work**

The Stipends Secretary and the Archdeacon will assume that the office holder will take the full 52 week entitlement. The office holder will be expected to return to work at the end of the 52 weeks.

It would be very helpful to the diocese if the office holder would state their intention to return to work after maternity leave at the outset.

If an office holder wishes to return early from maternity leave (i.e. before she has taken her full entitlement of 52 weeks) then she must give the Stipends Secretary and the Archdeacon at least 8 weeks' notice of her proposed date of early return. If due notice is not given then the Bishop reserves the right to postpone the date of return to such a date as ensures 8 weeks' notice.

If an office holder decides they do not wish to return to work after the birth of their baby, they must give written notice of resignation in accordance with the [Clergy Reference Manual](#) and/or their statement of particulars.

**Please Note:** If an office holder has received maternity leave and payments and decides to leave within 3 months on her return to work, she will be expected to repay the difference between SMP received and the DBF enhanced maternity payment.

## 6. Leaving work during maternity leave

If the office holder leaves the clergy payroll during the course of her maternity leave due to her licence or curacy ending or due to moving to another post the diocese will continue to receive SMP, which is 6 weeks pay at 90% of stipend followed by 33 weeks at 90% of stipend or the lower rate of SMP, whichever is the lesser amount. This payment will cease before that time if the office holder moves to another post when the receiving diocese would take over responsibility at the point she changes post, using its own maternity policy.

## PATERNITY LEAVE AND PAY

### 1. Entitlement

Entitlement to Paternity Leave is based on the relationship with the child's mother. In order to qualify for Paternity Leave, an office holder must:

- have been continuously in office for 26 weeks ending with the fifteenth week before the baby is due
- be the father of the child (adopted, foster or birth) or married to the child's mother

Office holders that qualify are entitled to two weeks' paternity leave on normal stipend. Leave must be taken in one-week blocks or one two week block within 56 days of the birth of the child or date of adoption.

### 2. Notice Requirements

To take Paternity Leave, the office holder must contact their Archdeacon and the Diocesan Stipends Secretary **at least 15 weeks before** the beginning of the week when the baby is due to notify them of their wish to take their leave entitlement and state the start and end date of the proposed leave.

The Stipends Secretary will require the office holder to complete the appropriate form which can be found at [Paternity Pay and Leave - GOV.UK](#)

The arrangements for paternity leave in relation to adoption are slightly different and the appropriate form can be found at [Paternity pay and leave - GOV.UK/adoption](#)

## TIME OFF FOR ANTENATAL APPOINTMENTS

Expectant fathers or partners of pregnant women have the right to take unpaid time off during working hours to accompany their pregnant partner to antenatal appointments on up to two occasions for a maximum of six and a half hours each time. Fathers and partners include;

- The baby's father
- the expectant mother's spouse, her civil partner or partner (of either sex) in an enduring relationship, or,
- intended parents of the child in a surrogacy arrangement if they expect to be entitled to and intend to apply for a parental order in respect of that child.

This right applies to fathers/partners irrespective of their length of service and to agency workers who have worked in a role for the DBF/DBE for a continuous period of 12 weeks or more. This right applies to appointments made on the advice of a registered medical practitioner, registered midwife or registered health visitor

## SHARED PARENTAL LEAVE

Shared Parental Leave enables eligible parents of babies due, or children placed for adoption, to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. Mothers and adopting parents who meet the conditions for entitlement to Shared Parental Leave remain entitled to 52 weeks of maternity leave. After taking two weeks' compulsory leave, they are entitled to reduce their entitlement to maternity/adoption leave either by returning to work before their full entitlement of Statutory Maternity/Adoption Leave has been taken, or by giving notice to curtail their leave at a specified future date. They may then share the balance of any remaining leave, and pay, with the other parent.

Clergy who exercise an entitlement to Shared Parental Leave and who meet the eligibility requirements of the Statutory Shared Parental Pay (General) Regulations 2014 are entitled to Statutory Shared Parental Pay. An entitlement for Occupational Shared Parental Pay exists for those with more than one year's service at the beginning of the 11<sup>th</sup> week before the expected date of birth/placement. The amount of occupational pay available will be determined by the remaining amount of weeks of maternity/adoption pay that would have been available.

Further information regarding the eligibility and notification requirements may be found by contacting the diocesan [HR Director](#). Office holders wishing to take shared parental leave should give notice to the Archdeacon and the diocesan office, eight weeks before they wish their leave and/or pay to start. The forms from the Government [website](#) should be completed.

Shared Parental Leave replaces Additional Paternity Leave.

## **ADOPTION LEAVE AND PAY**

### **ADOPTION LEAVE**

#### **1. Entitlement**

Entitlement to and arrangements for adoption leave and pay are essentially the same as for maternity leave and pay. Either partner may take adoption leave and receive adoption pay, but not both. The other partner is entitled to paternity leave and pay. See also Shared Parental Leave.

An office holder may take Ordinary Adoption Leave (OAL) of 26 weeks and Additional Adoption Leave (AAL) of 26 weeks regardless of their length of service. Either the adoptive mother or father may take this with the other parent having the right to paternity leave.

There is a legal entitlement to 39 weeks Statutory Adoption Pay (SAP) provided the office holder has 26 weeks continuous employment by the week in which they are notified that they have been matched with a child.

DBF operates an enhanced scheme in line with the guidelines from the Central Stipends Authority and office holders with at least 1 year's service by the week of notification of being matched will receive the first 26 weeks of adoption leave at full pay. The following 13 weeks will be at 90% of earnings or the standard rate of SAP, whichever is the lesser amount. A further 13 weeks unpaid leave may then be taken. Office holders with less than 1 year's service, but more than 26 weeks by the week of notification of being matched, will receive 39 weeks at the standard rate of SAP. A further 13 weeks unpaid leave may then be taken.

In order to take advantage of the right to adoption leave, the office holder must provide the Diocesan Stipends Secretary and the Archdeacon with all proper notifications. Note: The Diocesan Stipends Secretary will forward all formal information to the Church Commissioners.

#### **2. Notice Requirements**

An adopting office holder should inform their Archdeacon as soon as they receive notification that they have been matched with a child.

Once an individual has decided the date on which they wish to commence their OAL they must give notice in writing to their Archdeacon and the [Stipends Secretary](#) providing a copy of the documentary evidence. They must confirm;

- their name and place of work
- the expected date of the child being matched

Clergy should make arrangements to cover the duties of their office during their absence with suitable other persons.

#### **3. Keeping in touch (KIT) days**

Refer to the Maternity Leave Policy.

#### **4. Annual Leave**

Refer to the Maternity Leave Policy.

#### **5. Returning to Work**

Refer to the Maternity Leave Policy.

## PARENTAL LEAVE

### PARENTAL LEAVE

The objective of Parental Leave is to enable office holders with parental responsibility to have time off to spend time with and to look after a child, or to make arrangements for the child's welfare.

#### 1. Entitlement

Office holders who have completed one year's continuous qualifying service by the time they want to take the leave are entitled to Parental Leave.

Parental Leave is unpaid and is for a maximum of 18 weeks for each child. It can be taken by both mothers and fathers. Leave taken with a previous diocese counts toward the maximum entitlement.

#### 2. When Parental Leave may be taken

Leave must normally be taken in blocks of one week or more, up to a maximum of four weeks in a year for each child. If less than a week is taken at a time, this will count as a whole week. However, parents of disabled children can take leave in blocks or multiples of one day.

Office holders can choose to take Parental Leave at any time up until the child's 18<sup>th</sup> birthday, (or until the child's 18<sup>th</sup> birthday if that comes first).

#### 3. Applying for Parental Leave

Office holders must give 21 days' notice of their request for Parental Leave to their Archdeacon and the Diocesan Stipends Secretary.

If an office holder wishes to take Parental Leave immediately after the birth or adoption of a child, the office holder must give 21 days' notice before the beginning of the Expected Week of Childbirth. In the case of adoption, the office holder must give 21 days' notice of the expected week of placement, wherever possible.

#### 4. Postponement of Leave

Any leave may be postponed by the Bishop, for up to six months from the date requested where it is considered that an office holder's absence at a particular time would unduly disrupt ministry.

If, because of postponement, the period of Parental Leave falls after the child's 18<sup>th</sup> birthday, the office holder is entitled to take leave after that date.

#### 5. Evidence of Entitlement

The Bishop has the right to request sight of evidence that an office holder is the parent of a child or has parental responsibility for the child.



## **TIME OFF TO CARE FOR DEPENDANTS**

### **TIME OFF TO CARE FOR DEPENDANTS**

Office holders have the right to take a reasonable amount of time off during their working hours to deal with unexpected or sudden problems affecting their dependants and to make any necessary longer term arrangements for their care.

#### **1. Amount of time off**

It is expected that, in most cases, the amount of leave will be less than one day.

#### **2. Paid or unpaid?**

The statutory right is to unpaid leave only. In practice the Bishop will not withhold stipend from an office holder during the occasional short absence in order for the office holder to deal with a genuine emergency. Frequent or prolonged absence will, however, be unpaid and may be a disciplinary matter. The decision not to pay an office holder during time off will be taken by the Bishop in consultation with the Archdeacon.

#### **3. Circumstances when an office holder can take time off**

The situations where leave may be applicable are as follows:

- To care for a dependant who falls ill or who has been involved in an accident or assaulted.
- When a partner is having a baby.
- To make long term arrangements for a dependant who is ill or injured.
- To deal with the death of a dependant.
- To deal with an unexpected disruption or breakdown in care arrangements for a dependant (e.g. when the childminder or nurse fails to turn up).
- To deal with an incident involving the office holder's child during school hours.

#### **4. Notification of time off**

Office holders must advise their Archdeacon as soon as possible about their absence and how long they expect to be away from work. There may be occasions when an office holder returns to work before it is possible to contact their Archdeacon. However, on such occasions, he or she must advise their Archdeacon of the reason for the absence immediately upon return to work.

#### **5. Definition of a dependant**

For the purpose of the right to time off, a dependant is defined as a person whose support and maintenance is contingent upon the aid of, or being sustained by, another person, such as a child supported by his or her parents.

- Child
- Spouse
- Parent
- Grandparent
- A dependant may also be anyone who reasonably relies on the individual for assistance in cases of illness and/or injury

## **RIGHT TO REQUEST ADJUSTMENTS TO DUTIES TO CARE FOR DEPENDANTS**

Office holders have a general right to request adjustments to their working arrangements to care for their children or dependants. However, the essentially self directed nature of parochial ministry and the fact that the office holder usually lives in the benefice in which they serve generally affords greater scope for flexibility than in is the case in most employment arrangements.

The Bishop has no obligation to accede to such a request, which must be made through a formal written process, but will always consider it and make any adjustment as is considered reasonable in all the circumstances.

Clergy should make requests as outlined in the [Ecclesiastical Offices \(Terms of Service\) Directions 2015](#)

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