

FAMILY FRIENDLY POLICIES

(version 5 January 2017)

- Maternity Leave Policy**
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https://www.churchofengland.org/media/2423433/parental_pay_and_leave_advice_dec_2015.pdf

MATERNITY LEAVE POLICY

(version 5 January 2017)

1. Introduction

- 1.1 Clergy should inform their appropriate senior member of clergy and the Head of HR and Safeguarding as soon as possible of their pregnancy in order to receive information/advice regarding their entitlement to maternity leave and pay, and in order for any appropriate Health and Safety assessments that might be helpful or other advice given. However, it is recognised that some clergy may not wish to announce their pregnancy during the early stages and confidentiality will be maintained at all times.
- 1.2 This policy includes both information and some practical guidance and a checklist to help work through the various things to think about as the pregnancy continues (see section 14 below).
- 1.3 These links provides the national church information:
<https://www.churchofengland.org/clergy-office-holders/clergypay/benefits.aspx>
https://www.churchofengland.org/media/2423433/parental_pay_and_leave_advice_dec_2015.pdf

2. Ante-natal care

- 2.1 Clergy have the right to paid time-off for ante-natal care regardless of the length of service or the number of hours that they work.

3. Maternity leave entitlements

- 3.1 Maternity leave may last up to 52 weeks and is made up of two parts:
OML – Ordinary Maternity Leave (39 weeks)
AML - Additional and unpaid Maternity leave (13 weeks)

4. Claiming entitlements

- 4.1 Once the individual has decided when they wish to commence maternity leave, they will want to make local arrangements for cover where this is appropriate, and they should discuss how this will work in practice with their local senior colleague *and* the Archdeacon (or, as throughout this policy, the appropriate member of Senior Staff).
- 4.2 They must return their MATBI form from their midwife and the following details to the Head of HR and Safeguarding. This is also forwarded to the Church Commissioners for stipend payment purposes.
 - ✓ Their full name and place of work
 - ✓ The expected date of childbirth
 - ✓ The date they are intending to commence maternity leave cannot start before the beginning of the 11th week before the expected week of confinement (ewc)

Individuals have the right to change the date they wish to commence their maternity leave and much will be down to local arrangements and the individuals own wishes - however, they should give a reasonable period of notice.

5. Claiming benefits

- 5.1 Depending on length of service, clergy are entitled to Statutory Maternity Pay (SMP). Church Commissioners can claim back SMP – for the 39 weeks of OML.
- 5.2 In Gloucester Diocese qualifying clergy will receive their **full** stipend for the 39week OML period which includes SMP.
- 5.3 Where SMP is likely to be more than earnings eg due to part time working, the Head of HR and Safeguarding can give advice and the link to downloading the appropriate form from the Church Commissioners).
- 5.4 For information Statutory maternity pay (SMP) is paid to clergy who are:
 - ✓ In their post by the end of the 15th week before their baby is due (qualifying week) and where:
 - ✓ they have completed at least 26 weeks continuous service in their clergy role at the qualifying week
 - ✓ they have given notice confirming the commencement date of their maternity leave (or agreed other local arrangements and informed the Archdeacon)
 - ✓ their average stipend is above the lower earnings limit for National Insurance contributions
 - ✓ they are still pregnant at the 11th week before their baby is due or have had their baby by that time.
- 5.5 If a member of clergy has less than 26 weeks in their clergy role they may not be entitled to SMP. The individual will need to seek advice from the Department of Work and Pensions to identify whether they qualify for maternity allowance. The Head of HR and Safeguarding will issue an SMP 1 form to confirm that that no stipend payment will be made from the diocese.

6. Starting maternity leave and stipendiary payments

- 6.1 Maternity leave/pay can start on any day of the week but not before the beginning of the 11th week before the expected week of childbirth. However, if an individual gives birth before the start of their maternity leave, then their maternity leave/pay will start the day after the birth.
- 6.2 An individual may not work for two weeks immediately after the birth of a baby by law.

7. Maternity pay

- 7.1 Income Tax - Payments of SMP are subject to income tax in the same way as normal earnings.
- 7.2 National Insurance - Payments of SMP are subject to National Insurance contributions in the same way as normal earnings.
- 7.3 Pension - The Clergy Pension Scheme ensures that individuals' contributions are paid during paid maternity leave absence. If an individual on her return to work wishes to pay contributions for the unpaid part of their maternity leave, they should contact the Diocesan Finance Director.

8. Pregnancy related-illness before maternity leave commences

- 8.1 If an individual is absent from work, due to a pregnancy related illness, at the beginning of the 4th week before the expected week of childbirth, this absence will trigger the start of her maternity leave. In this case, her maternity leave will commence on the day after the first day of absence after the beginning of the 4th week before the expected week of childbirth.
- 8.2 Individuals should let their appropriate Archdeacon know if their baby arrives before they commence maternity leave. This is so adjustments to the date for their return from maternity leave can be discussed.

9. Working during maternity leave (Keeping in Touch days)

- 9.1 Keeping in Touch (KIT) days allows an individual to work up to 10 days during maternity leave without losing the right to maternity pay or bringing the leave to an end.
- 9.2 It is likely that clergy will want to stay in touch with their parish(es) and key people but it is advisable that they are very clear to everyone that they are only available for limited times so they are able to manage their leave appropriately. The appropriate Archdeacon can be consulted if there are any problems. However, parishes and colleagues should be aware there is no obligation for the individual to attend their normal role/work during this time nor is there the obligation for parishes or senior staff to expect, or offer, such opportunities.
- 9.3 In the case of part-time clergy, pay will be calculated, based on an individuals' average weekly contracted hours over 6 days, to ascertain an average days hours/pay, rather than a reflection of the actual weekly working pattern i.e. specific days worked each week prior to maternity leave.
- 9.4 KIT days are not an extension to ordinary or additional maternity pay period i.e. they cannot be used at the end of maternity leave to extend the period.

10. Returning to work after maternity leave

- 10.1 Under current regulations, senior staff will assume that the maternity leave will end at the dates which had been agreed with the individual.
- 10.2 If an individual wishes to return to work before their official return date, then they should discuss this with the appropriate Archdeacon so that arrangements can be made and any advice or other support can be given.
- 10.3 Where an individual wishes to return to work but on a different basis this should be discussed with the Archdeacon prior to any local conversations taking place.
- 10.4 Where it has been agreed that an individual may return to work on a different basis, i.e. part-time for a short period of time, the details and implications should be thoroughly explored and agreed with the Archdeacon. For example it may be that the child(ren) have health problems and a period of part time working may help share the load of family responsibilities. (See also Right to request time off work or adjustments to the duties of the office to care for a dependant within this section).
- 10.5 When it has been agreed that an individual can take parental leave immediately following the expiry of maternity leave, local arrangements must be discussed with the Archdeacon. (See Parental Leave policy within this section).
- 10.6 An individual has the right to return to the clergy role in which she was prior to the maternity leave period. In the most exceptional of circumstances where this is not practical or advisable, the Archdeacon will discuss any available options or alternatives.
- 10.7 Where an individual is in a training role eg a curacy, or other fixed term role, (Qualified Common Tenure) appropriate extensions to the training or other arrangements will be agreed by the DDO or Archdeacon as appropriate.
- 10.8 If an individual decides not to return to work after the maternity leave period, they must inform their appropriate Archdeacon giving their decision to resign from their post and a mutually agreed notice period.

11. *Maternity leave and annual leave*

- 11.1 The period of absence on maternity leave will be counted as “service” for the purposes of annual leave. Individuals are advised to take their annual leave in the current year before the commencement of their maternity leave. Where is not possible to take the annual leave entitlement before the commencement of the maternity leave period, for example where the baby arrives early, then this leave can be taken after the maternity leave period.
- 11.2 If an individual decides to return to work in the current leave year then they may take their annual leave entitlement once they have returned to work.
- 11.3 If an individual is unsure whether they will be returning to work, they should be advised to take only a leave amount based on her anticipated service in the current

leave year. If an individual returns to work they will be entitled to any outstanding leave entitlement due to her in that leave year.

12. Health & Safety

- 12.1 A pregnant individual is given specific health and safety protection under the European Union “Pregnant Workers Directive” and the Management of Health & Safety at Work Regulations 1999 and the Working Time Regulations 1998. Whilst clergy are not employees, these do provide some sound advice and good practice, and the diocese recommends that individuals are mindful of these and take responsibility for familiarising themselves with their content (further advice can be sought from the Head of HR and Safeguarding – see also section 14 below).
- 12.2 The Diocese through the Head of HR and Safeguarding and the appropriate Archdeacon can offer advice on and help an individual assess any risks they may be exposed to to talk these through and discuss what adjustments may be required. Individuals are reminded that they also have a responsibility to identify any areas of work and work practices, which might adversely affect their work health and safety and to raise any concerns with their Archdeacon and the Head of HR and Safeguarding.

13. Outstanding loans

- 13.1 Where an individual has an outstanding loan eg for a car, prior to the maternity leave commencing there are three options. Firstly to freeze payments until they are back at work, the second is to continue paying loans as before, the third is to continue, but reduce payments until maternity leave has ended. The Archdeacon or Head of Finance and/or the Head of HR and Safeguarding can help with advice on this.

14. Maternity checklist

It can be a tricky balance maintaining proper time out on maternity leave, having an ear for what is going on in the parish/benefice, being seen out and about, and managing the expectations of parishioners, callers and others!

The following questions are prompts to help you think through boundaries, and plan for, what may arise and can be talked through with the Archdeacon and an incumbent/DDO or Area Dean as appropriate.

	Checklist	What's next?	Y/N
I	Establish with those close to you what you feel the boundaries need to be in your particular situation.		

2	Meet with the appropriate people to discuss preferences and how they might be accommodated.		
3	<p>Might you want to worship in the Church and remain open to hearing what is going on?</p> <p>Might you want time away for a period, and only be informed of particular things eg a significant death in the parish or other important concern?</p> <p>Might you want a key link person/people to keep you in touch rather than well meaning lots of people?! How can you manage this well?</p>		
4	Meet with your PCC to express your preferences in this regard and how they may be accommodated. Whatever you agree, confirm agreements in writing so there is an ongoing reference point throughout your absence.		
5	Practical arrangements – check out your out of office message, and your voicemail in order to manage enquiries effectively.		
6	Are there any key social events or activities you want to be involved with while on leave?		
7	What cover arrangements are needed and are there gaps that others eg the Area Dean may be able to help with?		
8	Will there be a temporary cover person (eg under Reg 29 see 15 below) – are you happy to have catch up meetings or be available for any ad hoc advice needed (or do they know who else to contact etc)		
9	How will people knocking on the vicarage door, be dealt with or redirected - it might be helpful to have a small A5 leaflet that can be handed to any callers setting out what to do for contact re Baptism, weddings, and other issues.		
10	Have you updated any website information so its clear about arrangements?		

15. Maternity leave cover in a parish setting and responsibilities

- 15.1 Under the Ecclesiastical Terms of Service Measure Office; Regulation 29 affords the appointment of fixed term roles in a few very specific settings. Cover for maternity leave is one such provision. Such fixed term arrangements are made only with the express direction of the Diocesan Bishop and will be clearly set out within a Statement of Particulars which will be shared with the office holder for reassurance and clarity. The end date of any fixed term arrangement can be changed should the office holder return to work earlier than initially discussed.
- 15.2 All office holders on maternity leave remain in office while they are on leave – which means they retain the rights and responsibilities that go with the office, for example the right to remain in any accommodation provided for the better performance of their duties and the obligation to ensure that the duties of the office are carried out on their behalf.
- 15.3 For clarity, unlike an employee, an office holder does not have the right to be found an equivalent post when he or she returns from maternity and adoption leave. She or he has not left her office whilst on maternity/adoption leave and therefore returns to work in the existing post as of right unless she or he resigns or is removed from

ADOPTION LEAVE POLICY (version 5 January 2017)

1. Introduction

- 1.1 Clergy should inform their appropriate senior member of clergy and/or the Head of HR and Safeguarding as soon as possible of their pregnancy in order to receive information/advice regarding their entitlement to adoption leave and pay. However, it is recognised that some clergy may not wish to let people know about their plans until things are clearer. Although joyful, this can be a very anxious and stressful time and the diocese would want to do all it can in terms of practical and pastoral support.

2. Time off for introductions

- 2.1 Clergy have the right to paid time-off for specific introduction meetings with appropriate social workers/children.
- 2.2 Clergy adopting should let their Area Dean / Archdeacon know when they are planning to take introduction time off and provide any evidence that may be required.

3. Adoption Leave Entitlements

- 3.1 Leave arrangements can begin once a member of clergy can demonstrate that they have been matched with a child through an authorized adoption agency.
- Ordinary Adoption Leave (39 weeks)

- Additional and unpaid adoption leave (13 weeks)
- 3.2 Once an individual has decided the date on which they wish to commence their Ordinary Adoption leave, they should discuss this with the Archdeacon.
 - 3.3 Ordinary Adoption Leave may commence from a predetermined date up to 14 days before the expected date of placement (within the UK for UK related adoptions). Where an overseas adoption is taking place leave may begin from the date of the child's entry into the UK or from a predetermined date up to 28 days after that.

4. Claiming Benefits

- 4.1 Statutory Adoption Pay is paid by the Church Commissioners via the normal stipend arrangements and is paid for 39 weeks in total.
- 4.3 After the 39 weeks the individual is entitled to a further 13 weeks unpaid leave. Which makes the leave up to the 52 weeks available through maternity leave provision.
- 4.4 Either partner may receive Statutory Adoption Pay, but not both. The other partner may receive Statutory Paternity Pay

5. Details of Leave and Pay

- 5.1 The link for more information regarding adoption pay from the Church Commissioners http://www.cofe.anglican.org/info/clergypay/your_stipend/benefits/sc4.pdf

6. Working During Adoption Leave (Keeping in Touch days)

- 6.1 Keeping in Touch (KIT) days allows an individual to work up to 10 days during leave without losing the right to pay or bringing the leave to an end.
- 6.2 Both clergy and parish/diocese (as appropriate) must agree to KIT days being worked, However there is no obligation for the individual to attend work during this time.
- 6.3 Whether a whole day has been worked or only part, one whole KIT day will be deducted from the 10 days entitlement.
- 6.4 A KIT day will not take place during the first two weeks following the placement of a child.
- 6.5 KIT days are not an extension to ordinary or additional adoption leave or pay period i.e. they cannot be used at the end of leave to extend the period.

7. Adoption Leave and Annual leave

- 7.1 The period of absence on adoption leave will be counted as “service” for the purposes of annual leave. An individual should try to take their annual leave in the current year before the commencement of their adoption leave. Where it is not possible to take the annual leave entitlement before the commencement of the adoption leave period, for example where there are placement difficulties then this leave can be taken after the adoption leave period.

8. Disrupted adoption

- 8.1 If your Adoption leave has started but you are then notified that either the placement will not take place, or if the child is returned to the adoption agency after placement or if tragically, the child dies after placement, your entitlement to adoption leave and if applicable, adoption pay, will continue for a further 8 weeks from the end of the week in which the disruption occurred, unless your leave and/or pay would have ended earlier in any event.