



# Clergy Maternity Policy

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# 1. Notification and Making Arrangements

- 1.1. The appropriate person for a clergy person to notify that they are pregnant is their Archdeacon. The Archdeacon will work with them and guide them through this process.
- 1.2. In addition to this, the clergy person is required to send a copy of her Maternity Certificate ('MAT B1' form including the expected due date) to the Director of Operations and Governance who will ensure Clergy Payroll Services receive a copy.
- 1.3. The Archdeacon will, by mutual agreement meet with the clergy person, ensuring that they have a copy of this policy and discuss its implications with them.
- 1.4. The Archdeacon will seek agreement about when it is appropriate to inform others of the pregnancy and maternity leave expectations. This will include the Bishop, Area Dean, Incumbent (if applicable), Churchwardens and congregation.
- 1.5. At this stage it may be useful to offer to put the clergy person in touch with other individuals who have or have had babies at a similar stage of ministry.
- 1.6. Office holders have the right to time off for ante natal care regardless of their length of service or number of hours that they work. Where they are stipendiary and have to be absent from their usual duties for such care, they will be paid, and any necessary cover will be provided. Incumbents are asked to make initial efforts to provide such cover, working with the Area Dean and advising the Archdeacon.
- 1.7. There will need to be conversations at this stage which are appropriate to the particular context, that take into account the following issues:

## 1.7.1 What provision can there be for the continuity of ministry in that place?

It is important that the clergy person is encouraged to think about the on-going ministry in that place during the time of maternity leave. It may be possible to explore the secondment of a curate or retired clergyperson to cover the leave.

## 1.7.2 Arrangements for cover

As office holders, clergy (unless they are Curates in Training) are legally responsible for arranging their own cover for any reason, including maternity, paternity, parental, shared parental and adoption leave, as they remain in office whilst on maternity (and other) leave.

In practice, in preparation for the leave the clergy person and the parish, with the support of the Area Dean, will work on providing good cover arrangements. During the leave this will be the responsibility of the leaders in the parish and the Area Dean.

During the time of maternity leave, the Leicester Diocesan Board of Finance (LDBF) will meet the costs of the cover, paying any fees as necessary. LDBF will make payments in accordance with the Fees for Additional Ministry Policy for covering maternity, paternity, adoption and shared parental leave for licensed parish clergy.

## 1.7.3 Arrangements to be put in place for the protection of the clergy person's privacy during the leave.

This will be an issue of particular importance if the clergy person is living in an obvious church house. They will be encouraged to think about safeguarding their privacy whilst enabling the on-going ministry in that place. For example, additional phone lines, clear notices, etc. For the avoidance of doubt, clergy are entitled to remain in provided housing during maternity leave.

#### 1.7.4 “Keeping in Touch Days” (KIT Days)

Unlike employees, clergy office holders do not lose SMP if they stay in touch with the parish or LDBF or carry out some of the duties of their office during their maternity leave. Therefore, Clergy office holders do not specify Keeping in Touch (“KIT”) days, as they do not lose stipend when they keep in touch with parishioners or LDBF. While there is no expectation that clergy office holders will conduct any duties while on maternity leave, they may choose to engage with certain ministerial tasks or training. However, clergy will need to think through in advance quite carefully what arrangements they want to make for keeping in touch during any period of maternity (and other) leave, as they may wish to set out clear boundaries.

Examples of keeping in touch activities include: the clergy person leading some Sunday services as they prepare to begin duties again; or the clergy person choosing to take a significant funeral that falls during the leave; or attending Continuing Ministerial Development/training or Bishops Study days.

When planning maternity leave, the clergy person needs to be encouraged to think about any plans to keep in touch with parish or LDBF. The parish will need to understand the context of any ministry or training undertaken during maternity leave, particularly if it is the responsibility of the clergy person to ensure that the churchwardens, parish officers and congregation are aware of the nature and scope of these keeping in touch activities.

#### 1.7.5 What are the early thoughts about returning to duty?

Although this may feel a long way off, and decisions do not need to be made yet, it would be good for those involved to do some preparation and reflection on this.

Through these conversations, LDBF will seek to be supportive and flexible, whilst recognising the practical constraints.

#### 1.7.6 During the leave, the Archdeacon will be available as a point of contact and support for the clergy person.

#### 1.7.7 Consideration can also be given to attendance at worship during the period of maternity leave and how this can best be achieved.

1.8. On returning to duty, the clergy person will be offered the support of a mentor, in consultation with the Archdeacon, who will offer help in reflecting on the changes in working patterns and new family arrangements. The mentor might be available to help with negotiating any changes or adjustments in working patterns.

1.9. The Women’s Ministry Group takes an interest in maternity provision in the diocese as it does in other matters relating to the ministry of women. Members of the group can be contacted for support if needed.

1.10. Clergy who are members of CEECA or any other Trade Union may wish to avail themselves of Union support or advice by contacting one of their authorized Union Workplace Reps.

## 2. Leave

2.1. From commencement of your clergy office you are entitled to up to 52 weeks’ maternity leave, which is comprised of 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave.

2.2. Before the 15<sup>th</sup> week before the Expected Week of Childbirth/Confinement (EWC), or as soon as reasonably practical afterwards, you must tell us:

- 2.2.1. That you are pregnant (preferably by submitting a MAT B1 form – usually received from the midwife).
- 2.2.2 The EWC.
- 2.2.3. The date on which you intend your ordinary maternity leave to start; and
- 2.2.4. If requested, provide medical evidence of the EWC.
- 2.2.5. The Director of Operations and Governance or Archdeacon will confirm to you in writing the date upon which your 52-week maternity leave period will end.
- 2.3. Maternity leave may start any time after the 11th week before the expected week of childbirth and no later than the day after childbirth.
- 2.4. If you change your mind about when you want your maternity leave to start you must give at least 28 days' notice.
- 2.5. You are legally prohibited from working during the 2 weeks immediately after the birth; this is known as the "compulsory maternity leave period" and is considered part of the ordinary maternity leave period.
- 2.6. If you give birth before your intended maternity leave start date, your maternity leave will start automatically on the day after the birth of the child.
- 2.7. If you wish to return to duty before the end of the 52-week period of maternity leave you must give at least 8 weeks' notice of your intended date of return.
- 2.8. The above information is given for guidance purposes only and with the exception of Enhanced Maternity Pay confers no extra rights to you beyond those provided by statute. In the event that the statutory scheme is amended then the statutory scheme takes precedence over this policy.
- 2.9. Self-supporting ministers have the same entitlement to maternity (and other) leave as other beneficed and licensed clergy but are not eligible to receive maternity (and other) pay, as they do not receive stipend.

### 3. Maternity Leave during Training Curacies

- 3.1. Under Regulation 29 of Ecclesiastical Offices (Terms of Service) Regulations 2009, there are several categories where the post is given on a fixed term basis. Pregnant office holders in these posts have the same rights as those in other positions. For those in curacy posts, provided the office holder has met their obligations in terms of notification requirements, appropriate extensions to the training or other arrangements will be agreed by the Diocesan Director Ordinands (DDO) or Archdeacon upon return from maternity leave. However, when the role comes to an end, the SMP rate will apply for the period between the end of post date and the end date of the paid maternity leave. Please note that the Diocese may not be able to offer a further extension with stipend where the office holder has two or more periods of maternity leave during the title period (the first 2.5 years of curacy).
- 3.2. **Clergy** returning to duty after maternity leave who wish to complete their training on a part time basis and have the length of their training curacy extended should use the process for making a request for time off or adjusting their duties to care for a dependant. See the procedure at:

<https://www.churchofengland.org/sites/default/files/2019-04/requesting-time-off-or-adjustments-to-care-for-a-dependant-april-2019.pdf>

3.3. Where a curacy begins with a period of several months as a Licensed Lay Worker prior to ordination, this policy will apply also to the period as a Licensed Lay Worker.

## **4. Statutory Maternity Pay (SMP)**

4.1. A stipendiary clergy person who has completed 26 weeks service ending with the 15th week before the Expected Week of Childbirth (EWC), should be entitled to:

4.1.1. Statutory Maternity Leave for 52 weeks. Clergy may be entitled to receive Statutory Maternity Pay (SMP) and enhanced maternity pay for up to 39 weeks of the leave.

4.1.2. If clergy qualify for SMP, it is paid:

- for the first six weeks at 90 per cent of your stipend
- for the remaining 33 weeks at the lower of either the statutory rate or 90 per cent of your stipend whichever is lower.

4.2. If an office holder is not eligible for SMP from their current office, they may be eligible for all/part of the SMP to be paid by a previous employer or they may be eligible for Statutory Maternity Allowance, which is claimed directly from HMRC by the beneficiary.

## **5. Enhanced Maternity Pay**

5.1. The Diocese of Leicester has agreed that stipendiary clergy may receive Enhanced Maternity Pay, irrespective of whether they qualify for Statutory Maternity Pay or have held office in the diocese for any length of time.

If the clergy person intends to return to their role after maternity leave, they are entitled to receive:

- their existing level of stipend (which includes Statutory Maternity Pay) for the first 39 weeks.
- an additional 13 weeks' maternity leave without pay.

5.2. Failure to return to your office after receiving enhanced Maternity Pay:

Office holders are advised that the Diocese reserves the right to reclaim the non-statutory element of maternity pay, if the office holder fails to return to duties and/or continue in office for at least three months following each period of maternity leave.

These three months are in addition to any accrued leave during the paid time off.

Therefore when returning from leave, if any accrued leave is taken, they will be required to work further 3 months to qualify for the enhanced maternity pay.

Therefore, if a clergy person is unable to return to duty after one period of maternity leave due to another pregnancy, but still intends to return to duty after the subsequent pregnancy, for them to both continue to benefit from any occupational maternity pay and not repay the non-statutory element of maternity pay they must agree to return to duty for a longer period of time than three months i.e. three further months for each consecutive maternity leave.

Please note that this repayment requirement will not apply to clergy who opt to take a break from ministry (ie resign their post) immediately following maternity leave. It will also not apply to those who opt to take parental leave immediately following maternity

leave, providing the employee returns to duty for a three-month period following the parental leave.

- 5.3. The Bishop may consider requests for additional support separate to this policy strictly on a case by case basis. This would be entirely at their discretion.
- 5.4. This pay is taxable and attracts National Insurance deductions. It also, (including the 13 weeks unpaid Additional Maternity Leave) remains as pensionable leave.
- 5.5. All other rights remain the same for the clergy person (this includes housing, PCC contributions to expenses etc.).
- 5.6. Clergy receiving maternity pay will continue to earn pension as usual. If they pay voluntary contributions, these also continue but can be reduced or stopped. If clergy take Unpaid Leave, this is not pensionable.

## **6. After Maternity Leave**

- 6.1. It is recognised that there is more than one way in which the vocations to motherhood and ministry can be fulfilled together. The Diocese seeks to be flexible and realistic in enabling clergy to continue their ministry in a way which is right for them and their family.
- 6.2. The following three models outline options within which the Diocese is willing to enable clergy to minister. Each of these options can follow on from maternity leave.
- 6.3. It can be helpful if, before the period of maternity leave begins, an expectant clergyperson gives an indication to the Archdeacon and Incumbent/Area Dean of the model they are most likely to adopt. During the period of leave the Archdeacon will maintain contact with the clergy person, and will inform the relevant Diocesan staff of any changes in intention. As an alternative, a member of the Women's Ministry Group may take on this role. The Diocese recognizes that circumstances and family needs can change and that flexibility to respond to evolving situations may be necessary.

## **7. Possible models**

### **7.1. Full-time ministry**

- 7.1.1. This model assumes a return to the usual full-time ministry following the period of maternity leave.
- 7.1.2. Formal notification: The DBF will assume that the clergy person is returning to full-time ministry unless notified otherwise, at the latest 8 weeks before the intended return to duty.
- 7.1.3. Housing: The family may continue to live in the parsonage house during the period of maternity leave.

### **7.2. Part-time ministry**

- 7.2.1. This model envisages an approach to the Archdeacon and PCC with a view to return to ministry on a part-time basis. Approval from the Bishop is needed and it cannot be guaranteed that such an option will always be possible. For those in positions of incumbency status, the usual minimum basis would be 50%-time.
- 7.2.2. Formal notification: Written notice of desire to return to ministry part-time must be submitted to the Bishop at the latest three months before the end of maternity

leave, together with an indication of how long the part-time ministry is expected to continue.

7.2.3. Housing: the family may continue to live in the parsonage house during the period of maternity leave.

7.2.4. Working Agreement: an appropriate working agreement must be established before the end of the period of maternity leave. The Area Dean can be used to facilitate discussions in this area.

The precise meaning of 'part-time' will determine the level of stipend payable. Pension payments will be proportionate to the level of stipend.

7.2.5. It may be possible, through negotiation with the DBF, for the part-stipend saving through such an arrangement to be made available to enable the deployment of ordained, or employment of lay, support staff in the parish. Any such arrangement would need to be made through the Archdeacon before or during the period of maternity leave.

7.2.6. The Clergy terms of service legislation does not explicitly grant a statutory right to request part-time working. However, it does provide a framework for flexibility and support for clergy in various aspects of their ministry and any request for a move to part-time ministry will be given serious consideration, including where an initial return from maternity leave has been to full-time ministry under 2.33 above

### 7.3. Break from ministry

7.3.1. This model envisages an option to pursue a break in ministry whilst caring for family, with a subsequent return to stipendiary ministry in due course.

7.3.2. Formal notification: Written notice of resignation must be submitted to the Bishop at the latest three months before the end of maternity leave. The resignation date will be the first day following the period of leave.

7.3.3. Housing: The family can continue to live in the parsonage house for the period of maternity leave. The DBF will not be responsible for providing housing during the 'career break', and the family will be required to have moved by the date of resignation.

7.3.4. Self-supporting ministry: The clergy person may choose to exercise a self-supporting ministry during the break in stipendiary ministry. They will need to request a Permission to Officiate, or new License, from the Bishop.

7.3.5. Maternity Pay: Maternity payments made over and above the Statutory Maternity Pay will not have to be repaid to the DBF if the clergy person takes a break from ministry.

7.3.6. Returning to stipendiary ministry: The Bishop will actively seek to place the clergy person in a suitable post following the break in stipendiary ministry but is not in a position to guarantee a post.

### 7.4. Clergy on maternity leave continue to accrue annual leave.

For some clergy it will make sense to opt to use up accrued annual leave in the period after 39 weeks when Enhanced Maternity Pay has elapsed so that entitlement to payment of stipend can be maintained for a period. Others may prefer to use accrued leave at the end of 12 months or after returning to work. The diocese can accommodate all of these options but clergy are encouraged to use up accrued leave within 12 months of return from maternity leave so that they are not carrying forward large amounts of leave.