



Diocese of Southwark

MATERNITY PAY & CONDITIONS

(for DBF employees and Clergy of the Diocese)

Revised May 2013

DIOCESE OF SOUTHWARK

MATERNITY PROVISIONS

1. Introduction

The maternity provisions of the Diocese of Southwark broadly follow those recommended by the Archbishop's Council for National Church Institutions and the Central Stipends Authority. As such, the benefits offered are more generous than those provided by statute.

The position of Clergy and their Lay colleagues is different in that the former are generally 'office holders' rather than employees but in relation to the maternity rights and benefits set out in these guidelines clergy and laity may be regarded as synonymous. The nature of clergy posts means that some practical differences will nevertheless still exist.

For the purposes of formally notifying someone of your wish to exercise your rights under these guidelines, clergy should regard 'line manager' as including the Archdeacon, Team Rector etc., as appropriate. The Administrative Officer (Stipends) at Trinity House will also need to be informed (tel: 020 7939 9427) so as to make the necessary arrangements with the Commissioners' Clergy Payments Department.

Some maternity rights are automatic, whilst others are subject to qualifying periods and a requirement to give formal notification to the employer. These guidelines are intended to provide a straightforward understanding of the Diocesan maternity provisions and the procedures to be followed in order to receive the appropriate benefits.

Similar provisions are available to adoptive parents and these are contained in the *Adoption and Paternity Leave Guidelines* issued by the Diocese.

2. Time off for Antenatal Care

You are entitled to time off to keep appointments for antenatal care that have been made on the advice of your GP, midwife or health visitor. Antenatal care can include such things as relaxation or parentcraft classes, as well as medical examinations.

To exercise this right you may be asked to show your line manager when requested (except for your first appointment):

- a certificate from your GP, midwife or health visitor confirming that you are pregnant; and
- An appointment card or other document showing that you have an appointment.

You will receive your normal salary in respect of the time taken for antenatal appointments.

3. Maternity Leave

You are entitled to 52 weeks maternity leave (26 weeks 'Ordinary' and 26 weeks 'Additional' Maternity Leave) irrespective of your length of service or the hours you work each week.

Ordinary Maternity Leave

You can choose to start your Ordinary Maternity Leave at any time from the 11th week before the expected week of childbirth, up to the date of birth itself.

To qualify however, you must tell your line manager by the end of the 15th week before your Expected Week of Confinement (EWC) that:

- You are pregnant;
- The week when you expect the baby to be born (your Mat BI will be evidence of this); and
- When you want the maternity leave to start.

Though you have a degree of freedom as to when Ordinary Maternity Leave can start, for instance you can change the start date previously notified to your line manager with a minimum of 28 days warning before the new start date, there are certain situations which will trigger the start of Ordinary Maternity Leave before you had intended:

- If you give birth before the date notified to your line manager, or you had not yet given a date when you wanted the leave to start, your Ordinary Maternity Leave will start automatically on the date of birth; or
- If you are absent from work with a pregnancy-related illness, Ordinary Maternity Leave will start automatically from the first day of absence falling after the beginning of the 4th week before the EWC, even though your intended start date is later or you had yet to notify a start date.

Additional Maternity Leave

Provided you have complied with the necessary notification requirements for Ordinary Maternity Leave (see above) you will automatically be entitled to Additional Maternity Leave. Additional Maternity Leave runs from the end of the Ordinary Maternity Leave period for a period of 26 weeks. The first 13 weeks of Additional Maternity Leave are paid.

Compulsory Maternity Leave

Even though you may want to return to work immediately after the birth, for health and safety reasons you are not allowed to do so for the first two weeks after your child was born. This compulsory period is included within 'ordinary' leave (as above).

Response to Your Notification

Once you have complied with the notification requirements, your line manager will respond to you within 28 days of notification to tell you the dates on which your Ordinary Maternity Leave and Additional Maternity Leave will finish.

Returning to work

If you are intending to return to work at the end of your Maternity Leave period (whether Ordinary or Additional) you need do nothing more once you have given the initial notification mentioned above (though confirmation would help your line manager with his or her planning). If you want to come back earlier than you had originally planned, then you must give at least 8 weeks notice of your date of return.

If you are not planning to return to work you must give the Diocese the requisite period of notice required under your contract of employment/terms of your appointment.

4. Maternity Pay

General Provisions

- Your entitlement to maternity benefits will be determined by your length of continuous service with the Diocese at the time you wish to claim;
- To claim Maternity Pay you must give 28 days' written notice of the date on which you wish your Maternity Pay payments to begin.
- In exceptional circumstances notification can be given after your child is born, but as a general rule if you fail to serve notice at the relevant time you will lose your right to take paid maternity leave
- Your Maternity Pay will be paid into your bank account on the same date that your salary would have been paid, and will be subject to deductions for tax, National Insurance and pension contributions in the usual way.
- Maternity Pay starts being paid at the same time as your Maternity Leave commences, though the birth of your child before the due date or a pregnancy-related illness may trigger early payment (see "Ordinary Maternity Leave" for details).

Enhanced Maternity Pay (EMP)

To qualify for EMP you must have at least one year's continuous service with the Diocese at the 15th week before EWC and have given your line manager the required notice under this policy. You must also have indicated that you intend to return to work after the birth.

EMP consists of:

- 39 weeks full pay (inclusive of Statutory Maternity Pay (SMP))

Where you do not have a minimum of one year's continuous service at the 15th week before EWC, but will have no later than the EWC, the Diocese may exercise its discretion and pay you a proportion of EMP, with the remainder of your maternity pay calculated at the appropriate SMP rate.

If you do not qualify for EMP as of right, or to receive a discretionary EMP payment, you may be entitled to SMP instead.

Statutory Maternity Pay (SMP)

Provided you meet the qualifying conditions and have given your line manager the statutory notice required, you will be entitled to 39 weeks SMP made up of:

- 90% of your salary for the first 6 weeks; and
- Lower Rate SMP (either £136.78 per week or 90% of average earnings where this amounts to less than £136.78 per week) for the remaining 33 weeks.

To receive SMP you must:

- Have worked for the Diocese for a continuous period of at least 26 weeks by the 15th week before the expected childbirth (the "qualifying week");

- Have average weekly earnings in the 8 weeks up to and including the qualifying week (or the monthly equivalent), at least equal to the lower earnings limit for National Insurance contributions (currently £109.00 per week/£473 per month); and
- Have stopped work or left the Diocese's employ by reason of your pregnancy.

SMP is payable even if you do not plan to return to work after the birth of your child, but will cease automatically if you start work for someone else.

Maternity Allowance (MA)

If you do not qualify for SMP, the Diocese will give you an SMP1 form, which explains why you are not eligible. You may instead be entitled to MA, which is claimable from JobcentrePlus. The standard rate of MA is equal to Lower Rate SMP, currently £136.78 per week. If you earn less than this, you will instead receive 90% of your average earnings up to this figure.

To benefit from MA you must:

- Have been employed (or self-employed) in at least 26 weeks of a 66 week period which ends the week before the expected week of childbirth; and
- Have earned at least £30 per week (gross) average over any 13 weeks chosen by you out of the 66-week period.

Even if you cannot claim SMP or Maternity Allowance you may be entitled to Sickness Benefit from six weeks before EVC until two weeks afterwards.

5. Keeping in Touch

You and the Diocese may make reasonable contact during your maternity leave. Keeping in touch with work, including letting you know about changes, vacancies etc., can help to make it easier when it is time to go back.

'Keeping in touch' days or KIT days allow you to do some limited work under the terms of your employment contract without losing SMP for the week in which the work is done.

You will be allowed to undertake 10 KIT days during your period of maternity leave though you are not obliged to do so. You will need to agree with your line manager that you will work KIT days. You will be paid your hourly rate for the number of hours that you do. KIT days are to be used during your paid period of maternity leave.

6. Returning to work

If you received EMP (whether the full entitlement or a discretionary payment), once you have returned from maternity leave, you must remain in our employment for a minimum of three months, otherwise you will be expected to repay your salary minus the Statutory Maternity Pay element.

If you intend to return to work at the end of your Additional Maternity Leave period you do not need to notify us in advance of the date of your return.

However, if you wish to return to work at any time before the end of your Additional Maternity Leave period you must give us 8 weeks advance written notice specifying the date of your return.

If you resume work after Ordinary Maternity Leave you will be entitled to return to your old job on the same terms and conditions as if you hadn't been absent.

Should you be eligible for Parental Leave, under the Diocesan policy you can take up to four weeks in any one year. If you choose to do so at the end of Ordinary Maternity Leave you can still return to the same job on the same terms and conditions.

These rights may be affected where a redundancy situation has arisen.

The same general principles as those for Ordinary Maternity Leave apply to a return to work after Additional Maternity Leave, including taking up to four weeks parental leave.

As before, this right may be affected where a redundancy situation has arisen.

Irrespective of any redundancy situation however, if it is not reasonably practicable for the Diocese to give you your old job back, you will be offered suitable alternative work.

Failure to return at the end of Maternity Leave period

In order to receive Enhanced Maternity Pay (whether the full entitlement or a discretionary payment) you must declare in writing that it is your intention to return to work after the period of maternity leave. You may change your mind later about returning to work, although this may mean that you are required to repay part of your maternity pay.

Except where there are medical reasons which prevent you from returning (a medical certificate will need to be provided) or there are serious problems with your baby you will be expected to repay your salary minus the Statutory Maternity Pay portion.

You will be able to claim a refund of National Insurance contributions and tax paid on this amount.

For Those Not Returning To Work

If you wish to give up your job when you have had your baby you should follow these steps:

- Notify your line manager of your pregnancy and the date they baby is due;
- Inform them both when you intend to leave work; and
- Confirm that you will not be returning after the birth.
- You will be able to claim Statutory Maternity Pay providing that you fulfil the statutory conditions.

What if my circumstances change and I want my job back?

If you have given notice that you did not intend to return to work and you change your mind, you have no absolute right to return. However, if there were a radical change of circumstance, such as a stillbirth, we would normally allow you to do so.

7. Health and Safety

The Diocese will do what is necessary to protect your health and safety as a new or expectant mother. Measures may include temporarily adjusting your working conditions and/or hours of

work or offering suitable alternative work. As a last resort it may be necessary to suspend you from work on full pay for as long as the health and safety of you or your child is at risk.

8. Protection from Detriment or Dismissal

As an employee of the Diocese you have the right not to suffer detrimental treatment at work because you:

- Are pregnant;
- Have given birth;
- Have taken, or sought to take, ordinary or additional maternity leave;
- Have taken, or sought to take, any of the benefits of ordinary maternity leave; or
- Have been suspended from work for health and safety reasons connected to your maternity.

Your right not to be unfairly treated starts immediately you tell your line manager you are pregnant and continues up until the end of ordinary or additional maternity leave.

You have a separate right not to be dismissed, or selected for redundancy in preference to other comparable employees, for reasons connected with:

- Your pregnancy (including seeking to exercise your right to time off for antenatal care);
- Childbirth;
- Maternity suspension on health and safety grounds;
- Taking, or seeking to take, ordinary or additional maternity leave; or
- Taking, or seeking to take, any of the benefits of maternity leave.

Though clergy do not currently have the same protection under the law as their lay colleagues, the Diocese is committed to equal application of the principles of this policy to clergy.

9. Additional Information

More detailed information on your statutory rights can be obtained from Colin Morton, Head of Human Resources - tel: 020 7939 9470 E-mail: colin.morton@southwark.anglican.org or Cairine Hart, HR Manager – tel: 020 7939 9411 E-mail cairine.hart@southwark.anglican.org

THE DIOCESE OF SOUTHWARK

MATERNITY LEAVE

Please complete either Option A or Option B

Send the original to your line manager and copy to the Diocesan Personnel Manager

OPTION A [NOT RETURNING TO WORK]

I shall be leaving the employment of the Diocese of Southwark/my Parish appointment on and **do not** intend to return to work.

Signed

Department.....

Date

OPTION B [APPLICATION FOR MATERNITY LEAVE]

- 1. I wish to apply for maternity leave beginning on (date)
- 2. I wish to apply for maternity pay beginning on (date)
- 3. I expect the week of childbirth to be the week beginning (please attach MATBI Certificate)
- 4. I intend to return to work with the Diocese of Southwark within a period of 52 weeks beginning with the week my maternity leave commences

I understand that I must give at least 8 weeks notice of the date I propose to return if I decide to return before the end of my ordinary/additional leave period.

5. I further understand that in the event of my deciding not to return to work/my appointment or leave the employ of /my post in the Diocese within a minimum of three months of my return to work that I will be required to repay the difference between the payment made to me and my entitlement to Statutory Maternity Pay.

Signed

Department/Parish

Date

(Annex B)

Dear **,

I hope that you and your family are well and settling into your new routines.

As you may be aware, there are certain legal requirements we need to comply with in order to fulfil the regulations regarding maternity leave and pay, and this letter is therefore a formal one. Please do read the following carefully.

Your period of statutory/paid maternity leave began on **/**/201* and ends on **/**/201* .

When you commenced your maternity leave you told us that you wished to take additional maternity absence, and planned to return to work on **/**/201* .

I am now writing to confirm in writing the date of birth of your baby and the date your additional maternity leave will expire (this date will be the end of the 26th week).

The regulations also specify that if you intend to return before the end of your additional leave period has ended, you must give us 8 weeks written notice of your date of return. Failure to do so may result in your pay being delayed until the end of that 8 week period.

If you are in any doubt as to your future intentions, please contact me and arrange to come in and discuss these in more detail.

Yours sincerely,