



The Diocese of Southwark
Human Resources Policies and Procedures

POLICY AND PROCEDURE

Policy on Maternity, Adoption, Paternity and Parental Leave,
(including Shared Parental Leave) for Clergy Office Holders

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Our Purpose

To lead, enable, serve and support the mission of God as it is worked out in the parishes,
deaneries, schools and communities of the diocese of Southwark

Our Values

Effective Stewardship of resources Respect for all

Collaborative Team Working

Transparent Accountability

Date: May 2024

Approved by: Bishop of Southwark and Diocesan Secretary

THE DIOCESE OF SOUTHWARK

For Clergy Office Holders

Policy on Maternity, Adoption, Paternity and Parental Leave, (including Shared Parental Leave)

1. Introduction

The Diocese of Southwark wishes to support clergy in their bringing up of a family, and during this part of their ministerial journey. The Diocese provides benefits during this time at a significant level above the statutory minimum level to reflect this.

The provisions of the Diocese of Southwark for Maternity, Adoption, Paternity and Parental Leave follow the advice of the Archbishop's Council for National Church Institutions and the Central Stipends Authority, as updated in March 2020 (See Appendix One.)

The advice from the Archbishop's Council outlines the position of clergy office holders as being different to that of lay employees, although much of the policy and associated guidelines are identical to those provided to employees under statutory employment legislation, and are included in the statement of particulars of those clergy holding office under Common Tenure. This document outlines the main policy on pages 1-4, which updates and integrates previously policies which covered individual aspects of family related leave. More detailed Procedural Guidelines are provided from pages 10 to 21.

2. Who is covered by this policy?

- **For maternity / adoption leave and pay:** any Clergy Office-Holder of the organisation who has become pregnant or who has been matched with a child for adoption or who has achieved successful surrogacy.
- **For shared parental leave:** the partner of any such Clergy Office-Holder whether or not they work for this organisation (subject to certain qualifying and earnings criteria); or an Clergy Office-Holder whose partner has become pregnant or been matched with a child for adoption.
- **For paternity leave and pay:** any Clergy Office-Holder of the organisation whose partner has become pregnant or been matched with a child for adoption.
- **For unpaid parental leave:** any Clergy Office-Holder with at least one years service who has a child under 18 years old.

3. MATERNITY AND ADOPTION LEAVE

If you are a Clergy Office-Holder who is pregnant or adopting:

You will be entitled to take up to 52 weeks maternity / adoption leave, irrespective of your length of service or earnings with the Diocese.

3.3 Enhanced Maternity Pay

All stipendiary office holders are eligible for the Diocesan Board of Finance's (DBF's) Occupational Maternity Pay (OMP) from day one of their deployment. This is an enhanced rate of maternity pay i.e. above the statutory maternity pay (SMP) rate.

If you are holding office in the Diocese and have indicated that you intend to return to work after maternity / adoption leave, we will pay you the enhanced level of maternity / adoption pay at the rate of **39 weeks at full pay**. This includes the statutory maternity / adoption pay, or Statutory Maternity Allowance. The payment of enhanced maternity pay is subject to a commitment to returning to hold office following the end of the maternity / adoption pay. If not, you will be expected to repay the enhanced maternity / adoption pay less the Statutory Maternity Pay element.

3.1 Statutory Maternity / Adoption Pay (SMP)

If 15 weeks before the expected birth or adoption you have been holding office in the Diocese, or held an office paid by the Church Commissioner's payroll in any other Diocese, continuously for at least 26 weeks, and your average weekly earnings are at least equal to the lower earnings limit for National Insurance contributions (see rates here: <https://www.gov.uk/government/publications/rates-and-allowances-national-insurance-contributions/rates-and-allowances-national-insurance-contributions>) we will pay you statutory maternity / adoption pay as part of your OMP.

Statutory maternity / adoption pay is payable for **39 weeks**; for the first six weeks it is paid at 90 percent of your average weekly earnings. The following 33 weeks will be paid at the statutory rate set by the Government each tax year or 90 per cent of your average weekly earnings whichever is the lower.

3.2 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 Maternity Allowance (MA), which is claimable from the Department of Work and Pensions. The current rates are available at <https://www.gov.uk/maternity-allowance/what-youll-get>. 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:

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

Maternity Allowance will be paid directly to you by the Department of Work and Pensions. Your OMP will be adjusted, so that your OMP will be equivalent to your normal full pay after payment of Maternity Allowance

4. PATERNITY LEAVE

If you are a father to be, adopter or will share the responsibility with a partner for bringing up a child:

If 15 weeks before the expected birth or adoption you have been holding a stipendiary office in the Diocese continuously for at least 26 weeks you will be entitled to **2 weeks' paternity leave**.

We will pay you **full stipend** during your leave.

5. PARENTAL LEAVE

If you are a parent with a child who is under 18 years old then:

After one year's service you can take up to 18 weeks **unpaid parental leave** for that child. This allowance applies to each of your children but can only be taken in blocks of whole weeks of up to 4 weeks per year. If your child is in receipt of Disability Living Allowance, you are allowed to take this leave in blocks of time lasting less than one week.

6. SHARED PARENTAL LEAVE

Am I entitled to share maternity / adoption leave and pay with my partner?

Shared parental leave is designed to give parents / adopters more flexibility in how to share the care of their child in the first year following birth or adoption. If you are eligible you can effectively share up to 52 weeks leave, and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child. To be eligible you must meet certain criteria as follows.

You (or your partner) must be entitled to maternity / adoption leave, or statutory maternity / adoption pay (or maternity allowance from the Government) and you must share the main responsibility for caring for the child with your partner. In addition, you and your partner will also be required to follow a two-step process to establish eligibility as follows:

- **Step 1 - Continuity test:** if you are seeking to take shared parental leave, you must pass the 'continuity test' and have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date; and you should still be holding office in the first week that shared parental leave is to be taken.

The other parent /adopter has to have worked for 26 weeks in the 66 weeks leading up to the due date and have earned at least £390 in total over 13 of the 66 weeks (add up the highest paying weeks, they don't need to be in a row)

- **Step 2 - Individual eligibility for pay:** To qualify for shared parental **pay** the parent / main adopter must, as well as passing the Continuity test, also have earned an average salary of the National Insurance lower earnings limit or more for the 8 weeks prior to the 15th week before the expected birth / adoption.

Although the situation around pregnancy and adoption appears complex, it is normally quite straightforward to work out your entitlement. Therefore, as soon as you know you are pregnant or have been matched with a child for adoption, please let us know as soon as is practical. We will calculate your entitlement and the relevant dates for you.

6.1 Shared Parental Pay

You will be entitled to Shared Parental Pay during Shared Parental Leave, dependent upon the same eligibility criteria as for Maternity and Adoption Pay, outlined in section 3.1 - 3.3 above. There is more information in section 6 of the procedural guidelines later in this document.

7. Pension Contributions

Clergy receiving maternity or other pay will continue to earn pension as usual. If you pay voluntary contributions, these also continue but can be reduced or stopped. If clergy take unpaid leave, this is not pensionable

8. Self Supporting Ministers

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 you do not receive stipend.

Self-supporting ministers who are provided with a house for the better performance of their duties (House for Duty) have a right to stay in the house during any period of leave.

Clergy may also find it helpful to contact the Dean of Women's Ministry, or the relevant Area Dean of Women's Ministry, who can put you in touch with others who have been through the same leave process and provide additional support and guidance. Their details can be found here: <https://southwark.anglican.org/support/ministry-support/womens-ministry/>

Self-supporting ministers will face the same issues as stipendiary clergy in determining boundaries during maternity leave and further guidance is available in the guidance note, [Guidance for clergy](#),

9. Training Posts

Training posts may be extended where a postholder has taken maternity / adoption / shared parental leave. There is detailed guidance about the provision for extending a curacy having taken maternity / adoption leave, in the Extension of a Curacy document, available from the DDO. This should be discussed in more detail with the DDO.

In the event that the end date of the training post has been reached, and the postholder is not moving to another stipendiary post in the diocese, the SMP rate, and not the OMP rate will apply for the period between the end of post date and the end date of the paid Maternity Leave.

10. Housing

Clergy who are provided with housing for the better performance of the duties of their Office, remain in office during any period of maternity leave and therefore are entitled to remain in the provided house.

The legal entitlements of clergy office holders who become parents

ADVICE ISSUED BY THE ARCHBISHOPS' COUNCIL

This is general advice to assist in the development of good practice and does not constitute formal guidance under the Ecclesiastical Offices (Terms of Service) Measure 2009.

It replaces advice issued by the Archbishops' Council in 2015.

Note: references to *maternity (and other) leave* refer to: paternity leave, adoption leave, shared parental leave or shared adoption leave, and unpaid parental leave; and references to *(statutory or enhanced) maternity (and other) pay* refer to: (statutory or enhanced) paternity pay, adoption pay, shared parental pay or shared adoption pay.

This advice sets out the legal entitlements of clergy office holders who become parents. For the recommended provision, which is more generous than the legal entitlement, see [Guidance Note to dioceses: policies to support clergy office holders who become parents](#)

Regulation 23, Ecclesiastical Offices (Terms of Service) Regulations 2009

1. Section 6(11) of the Church of England (Miscellaneous Provisions) Measure 2018 revoked the Ecclesiastical Offices (Terms of Service) Directions 2010 and replaced it with a revised Regulation 23 of the Ecclesiastical Offices (Terms of Service) Regulations 2009 (the "2009 Regulations").
2. Regulation 23 of the 2009 Regulations confers on office holders the same legal entitlement to statutory maternity, paternity, adoption and shared parental leave as employees are entitled to under the Employment Rights Act 1996. Therefore, any future changes made by the Employment Rights Act 1996 (or any regulations made under it) to the rights of employees in respect of maternity, paternity, adoption and shared parental leave will automatically apply to office holders.

The distinction between the right to leave and the right to pay

3. The legal entitlements to pay and leave are considered separately because they are distinct rights that apply in different circumstances.

Statutory Maternity, Paternity, Adoption, Parental and Shared Parental Leave

4. Immediately on commencement of their office, office holders have the following statutory entitlement to leave:
 - maternity leave - 52 weeks
 - adoption leave – main adopter has the same rights as maternity leave

5. Office holders with a least 26 weeks' service up to any day in the 'qualifying week'¹ are entitled to:
 - a. Paternity leave - 2 weeks
 - b. Shared Parental Leave – (see paragraphs 11 – 14)

6. Office holders with at least 12 months' service are entitled to unpaid Parental leave – up to 18 weeks (see paragraphs 20 and 21).

Statutory Maternity, Adoption and Paternity Pay

7. Stipendiary office holders have a legal right to statutory maternity, paternity, adoption and shared parental pay because they are remunerated for carrying out their duties of office and their stipends are treated for tax purposes as earned income.

8. Stipendiary office holders with 26 weeks' service up to any day in the 'qualifying week' are legally entitled to receive Statutory Maternity Pay and Statutory Adoption Pay for 39 weeks (at 90% of average weekly earnings for 6 weeks followed by lower rate SMP for the remaining 33 weeks)².

9. Stipendiary office holders with 26 weeks' service up to any day in the 'qualifying week' are legally entitled to receive Statutory Paternity³ Pay for two weeks at the statutory weekly rate (or 90% of the office holder's average weekly earnings, whichever is lower).

10. The Church Commissioners are deemed to be the "employer" of all stipendiary office holders on the national payroll for the purposes of National Insurance Contributions. This means that all stipendiary clergy office holders on the national payroll may move between offices without changing their "employer" for the purposes of statutory maternity, paternity and adoption pay, even if they move to an office in a different diocese. Therefore, if a stipendiary office holder has held

¹ the 15th week before the baby is due, or the "matching week" for adoption.

² Someone might be eligible to claim Maternity Allowance for 39 weeks if she has recently stopped working but is not eligible for Statutory Maternity Pay. For further details, see <https://www.gov.uk/maternity-allowance/eligibility>.

³ Those entitled to paternity pay include the spouse or civil partner of the person giving birth/ primary adopter who will share responsibility for the child's upbringing.

their current office for less than 26 weeks, but they held an office in another parish or diocese immediately prior to taking up their current post, their office holding in the previous post will count towards the required 26 weeks, provided that the stipendiary office holder concerned was on the national payroll in their previous office too.

Shared Parental Leave and Pay

11. Parents who meet the conditions for entitlement to Shared Parental Leave may share the mother/main adopter's entitlement to 50 weeks of leave. After taking two weeks' compulsory leave, a mother (or adopting parent) is entitled to reduce their entitlement to their remaining maternity (or adoption) leave, either by returning to work before the full leave entitlement 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 statutory leave and pay with the other parent.
12. In order to be eligible for Shared Parental Leave, each of the parents needs to have been employed continuously by their respective employers for at least 26 weeks by the end of the 15th week before the due date (or by the end of the week an adopting couple were matched with the child). Each parent must remain employed by their respective employers while they take Shared Parental Leave.
13. Stipendiary office holders who are eligible for and exercise their entitlement to Shared Parental Leave are entitled to statutory Shared Parental Pay at the same rate as statutory maternity/adoption pay.

The eligibility and notification requirements for Shared Parental Leave and Pay are quite complex. Detailed information on shared parental leave and pay which dioceses may find useful is available from ACAS⁴ and from the government⁵.

14. **Guidance note no 1 for dioceses on policies to support clergy office holders who become parents**, suggests at paragraph 9 a minimum level of discretionary provision, in addition to legal entitlement, that it is recommended should apply in all cases, whether or not someone is eligible for Statutory Maternity (and other) Pay.

Keeping In Touch Days ("KIT" Days)

15. KIT days do not apply to office holders as they only apply to work performed "under a contract of service" with an employer. As office holders are not engaged under any form of contract, and KIT days do not relate to work carried out in the performance of the duties of an office, office holders are not entitled to KIT days. However, stipendiary office holders do not lose statutory maternity (or other) pay if they carry out any duties of their office during maternity (or other) leave.

⁴ <http://www.acas.org.uk/index.aspx?articleid=4911#splletters>

⁵

<https://www.gov.uk/government/publications/shared-parental-leave-and-pay-employers-technical-guide>

16. If an office holder wishes to undertake any of their duties of office during leave, they are advised to agree, in writing, with their church wardens and archdeacon/area dean (as appropriate) what these duties will be and when they will be undertaken. This will enable the office holder to set clear boundaries to protect their leave which can be communicated to the PCC. See also. [Guidance note no 3 to clergy office holders about to become parents.](#)

Unpaid Parental Leave

17. All office holders who are parents are entitled to parental leave of up to 18 weeks' unpaid leave for each child and adopted child, up to their 18th birthday. However, unless agreed otherwise, a parent cannot take more than 4 weeks of parental leave for each child in any year. Parental leave must be taken in blocks of whole weeks, rather than in individual days, unless agreed otherwise or if the relevant child is disabled.

18. In order to qualify for parental leave, an office holder must have held office for more than a year and either be named on the child's birth or adoption certificate or have or expect to have parental responsibility. Office holders must give 21 days' notice before their intended start date.

19. Any unpaid leave will be non-pensionable.

Application of the 2009 Regulations to Office Holders taking leave

20. Office holding is distinct from employment in a number of ways, with some of the rights and obligations of office holders being different from those of employees. Those that are particularly relevant to office holders taking leave are highlighted below.

- Office holders remain in office while they are on maternity, adoption, paternity, parental and shared parental leave. This means they retain the rights and responsibilities that go with their office, for example they retain the right to remain in any accommodation provided for the better performance of their duties of office.
- Unlike an employee, an office holder does not have the right to be found an equivalent post when returning from maternity or adoption leave. This is because the office holder has not left their office whilst on maternity/adoption leave and therefore continues in their existing post as of right, unless the office holder resigns or is removed from office.
- Office holders are under an obligation to ensure that the duties of their office are carried out on their behalf during any period of absence, including maternity, adoption, paternity, parental and shared parental leave. Regulation 23(2) of the 2009 Regulations requires an office holder "in consultation with a responsible person or authority" to "use all

reasonable endeavours to make arrangements for the duties of the office to be performed by another person or persons during the period of leave". Examples of how this could be undertaken include:

- The office holder making arrangements in advance to cover services during the period of absence on maternity or other leave and putting arrangements in place for duties to be delegated to the Churchwardens.
- a discussion with the archdeacon or area dean about how best to ensure that cover is provided whilst the office holder is on leave; or
- arranging for the appointment of a person to a designated cover post, pursuant to Regulation 29 of the 2009 Regulations, to provide cover for an office holder's authorised absence. Such a post may be held for a fixed term or under terms which provide for the appointment to be terminated on the occurrence of a specified event, such as the return of the original office holder from maternity/adoption leave.

Training posts

21. The length of a training post may be extended to take account of time spent on maternity, adoption, parental or shared parental leave.

22. Any queries about this Advice should be directed to hr.clergy@churchofengland.org

Archbishops' Council March 2020

THE DIOCESE OF SOUTHWARK

MATERNITY, ADOPTION, PATERNITY AND SHARED PARENTAL LEAVE PROCEDURAL GUIDELINES

1. Maternity and Adoption Leave

What should I do once I know I am pregnant or have been matched with a child for adoption?

Congratulations! There are a few things you now need to do so we can ensure you get all you are entitled to and that the process goes smoothly for you and the organisation. Here is what you need to do:

2. Let us know.

Your position	People to Inform
Training Curate:	Training Incumbent, Director of Discipleship and Ministry, your Archdeacon, your Area Bishop, Director of Human Resources.
Incumbent:	Archdeacon, Area Dean, Director of Human Resources, your Area Bishop
Other Licenced Minister:	Incumbent, Archdeacon, Director of Human Resources, Your Area Bishop

Clergy may also find it helpful to contact the Dean of Women's Ministry, or the relevant Area Dean of Women's Ministry, who can put you in touch with others who have been through the same leave process and provide additional support and guidance. Their details can be found here:

<https://southwark.anglican.org/support/ministry-support/womens-ministry/>

There is helpful guidance for clergy office holders about to become parents, <https://www.churchofengland.org/sites/default/files/2020-03/5.-guidance-for-clergy.pdf>, which outlines some of the issues to consider, and ways of establishing boundaries whilst on maternity / adoption leave.

- 2.1 You should speak to one of the contacts above, about your situation **especially if you are pregnant** as there are health and safety issues which we must consider. The Director of Human Resources will arrange for a risk assessment to be completed to ensure your work doesn't put you or your baby at any risk. You will also be entitled to take reasonable paid time off work to attend antenatal appointments as advised by your doctor, registered midwife or health visitor. If you are the partner you may also take unpaid time off to attend up to two ante-natal clinic visits.
- 2.2 **At least 15 weeks before the due date for your baby, please let us know when you intend to take your maternity leave.** If adopting, within 7 days of the date in which you were matched with the child we will need the expected week of the placement and the date on which you intend to start your adoption leave. Don't worry these dates can still be changed if you give us at least 28 days notice before the new start date or, if that is not possible, as much notice as is reasonably practicable. You should do this by completing the relevant form at **Annexe A**.
- 2.3 We will need your **MAT B1** form when you receive it from your doctor or midwife, which confirms your pregnancy and when your baby is expected. If you are adopting

we will need a copy of the **matching certificate** completed by the adoption agency (or if the adoption is from overseas then we will need the official notification from the relevant UK authority and the date the child is due into the UK).

- 2.4 The Director of Human Resources will pass the information to the Stipends Officer who will liaise with the Church Commissioners payroll to make the appropriate adjustment to your stipend.
- 2.5 If you plan to start adoption leave before the actual date of placement, you must be sure that the placement will be going ahead on the date agreed before you start your leave. If the placement is delayed for whatever reason and adoption leave has already commenced, you cannot stop and start it again at a later date.
- 2.6 If you are absent from work due to a pregnancy-related illness after the beginning of the fourth week before your baby is expected, then you must let us know that is the case and your maternity leave will start automatically at that point.
- 2.7 If you miscarry after 24 weeks pregnancy you will retain your full maternity leave and pay entitlement.

3. Details about your maternity or adoption leave

- 3.1 You are entitled to up to 52 weeks maternity leave. During this period you continue to hold your office, and all your normal entitlements are maintained with the exception of your pay. Your annual leave entitlement will continue to accrue.
- 3.2 We will also maintain reasonable contact with you from time to time during your maternity / adoption leave. You can agree within your parish, and with your Training Incumbent / Area Dean / Archdeacon, as to the best way of maintaining contact and preparing for your return to work.
- 3.3 At least 3 months before the end of the maternity leave period, the HR department will ask the Dean of Women's Ministry to arrange a meeting with you, and your partner if agreed, to discuss the return to work and issues around childcare, and flexibility in the carrying out of your duties.
- 3.4 Before starting your maternity / adoption leave you should calculate whether you have any outstanding holiday entitlement. You may request that you take all or some of your outstanding holiday before commencing your leave, or request that you can carry the leave over and take it on your return to work. It should be agreed with the main contact point in 2 above.

4. Returning to work

- 4.1 Once we know the start date of your maternity / adoption leave, we will inform you in writing of the date on which you are expected back at work if you take your full 52 week entitlement to maternity / adoption leave. You are expected to return on this date unless you notify us otherwise. This will be in the form of a letter shown in Annexe B.
- 4.2 If you want to return to work earlier than the expected return date please give us at least eight weeks notice of your date of early return. If you fail to do so we may

have to postpone your return to such a date as will give us eight weeks notice, provided that this is not later than the expected return date.

- 4.3 If you are unable to attend work at the end of your maternity leave due to sickness or injury, our normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

5. Flexible Working

- 5.1 The Diocese wishes to support clergy at all stages of their ministry, and recognises that there is scope for flexibility in the way that the duties of an office can be carried out. Whilst there is a formal, prescribed mechanism for agreeing a request to flexible working, early informal discussions between the relevant parties will be beneficial in thinking through the different options and how these may work. This should enable any request through the formal processes to be more easily agreed.

In parochial office, there is often already flexibility about how duties are carried out and so clergy may not feel they need a formalized request to work flexibly but can accommodate this within their current role. Flexibility in this context means working in a full-time role flexibly, i.e. in a different working pattern but continuing all responsibilities. If you held a full time office prior to maternity / adoption leave you have no automatic right to return to work on a part-time basis or to make other changes to your working pattern.

- 5.2 The formal process for requesting adjustments to the duties of an office, or for requests for time off to care for a dependent, are outlined in the national guidance. <https://www.churchofengland.org/sites/default/files/2019-04/requesting-time-off-or-adjustments-to-care-for-a-dependant-april-2019.pdf>
- 5.3 If you decide not to return to work after maternity / adoption leave, you must give us notice of your resignation as soon as possible and in accordance with the terms of your office. If your notice period would expire after maternity / adoption leave has ended, we may require you to return to work for the remainder of the notice period.
- 5.5 If you are fully entitled to receive statutory maternity / adoption pay, then you will receive your full 39 week entitlement even if you resign.

6. Shared Parental Leave

How can I share parental leave with my partner?

Firstly you and your partner must meet the eligibility criteria described earlier in the policy section. If you do:

- You can effectively “convert” a period of maternity / adoption leave and pay into shared parental leave and pay that can be taken by either parent.
- Your partner can take shared parental leave concurrently with you when you are on maternity leave or shared parental leave.
- Shared parental leave does not have to be taken in a single continuous block, it can be taken in chunks of as little as a week with our agreement.
- When on shared parental leave you will be entitled to the same terms and conditions that would have applied had you been at work, with the exception of pay.

- Shared Parental Leave may be taken at any time within the period which begins on the date the child is born or date of the adoption placement and ends 52 weeks after that date.

6.1 Here is how you and your partner should go about opting in to shared parental leave:

- 6.1.1 The mother / main adopter must bring their period of maternity / adoption leave to an end by letting their employer know at least 8 weeks before the date she intends to curtail the leave. NB Maternity leave cannot be brought to an end before the end of the two week compulsory maternity leave period. The balance of maternity leave at that point becomes available for the partner to share as shared parental leave. While this notice of curtailment of maternity / adoption leave can be given before or after the birth / placement, if it is given afterwards, the notice is binding. However, if notice is given before, there is a six-week window after the child's birth / adoption, during which a mother / primary adopter who has previously stated she intends to share her leave can change her mind and decide to remain on leave.
- 6.1.2 Both you and your partner should let your respective employers know in writing that you are eligible for and intend to take shared parental leave. You should also give an indication of how much shared parental leave and pay each parent intends to take and when. As you are a clergy office holder in the Diocese, please complete the form at Annexe C.
- 6.1.3 If requested, within 14 days of letting us know about your intention to take shared parental leave, you should provide us with a copy of the child's birth certificate, or if this is not yet available, confirmation from your midwife or GP of the date of the child's birth. In the case of adoption, you should provide details of the adoption agency, the date you (or your partner) were informed of the adoption match, and the expected date that the child will be placed with you. You must provide the information requested within 14 days.
- 6.1.4 The information about how and when you and your partner are intending to take shared parental leave is non-binding - you are free to change your minds about how leave and pay are to be allocated between you by letting your employers know of the variation in writing. To do this, please complete the form at Annexe D. We will need at least 8 weeks notice of each period of leave, and you can submit a total of three requests. That is you can take up to three periods of shared parental leave.
- 6.1.5 If you submit a request for a single continuous period of shared parental leave (e.g. a single block of 12 weeks) this will be granted automatically.
- 6.1.6 If you submit a request for discontinuous leave (e.g. 6 weeks shared parental leave followed by 2 weeks at work followed by another 6 weeks shared parental leave etc.) we may need to discuss with you whether the needs of your role can support such a work pattern. If it cannot we will try to agree an alternative arrangement with you, or we may need to refuse the request.
- 6.1.7 While on shared parental leave you will continue to accrue your normal holiday entitlement. We may ask you to take some or all of your outstanding holidays prior to commencing your shared parental leave. We may also ask you to take some or all of

the holidays you have accrued on shared parental leave at the end of your leave period and prior to returning to work.

6.2 This all sounds complex, but it is really quite simple. Here are some examples to help clarify how shared parental leave works.

Example 1 - the mother / main adopter ends her leave after 26 weeks, and the balance of the leave and pay - 26 weeks leave and 13 weeks statutory maternity / adoption pay is available to be shared between the parents as they choose. The father takes 10 weeks leave and pay, while the mother returns to work. He then returns to work and the mother takes the remaining 16 weeks leave and 3 weeks pay.

Example 2 - baby is born prematurely and the mother immediately commits to taking 27 weeks maternity leave and pay leaving 25 weeks leave and 12 weeks pay to be shared with the father. The father takes 2 weeks paternity leave when baby is born and then immediately takes the 25 weeks leave and 12 weeks pay. Both parents return to work after 27 weeks having used all their shared parental leave.

Example 3 - the main adopter takes the first 10 weeks adoption leave and pay, and then commits to returning to work at week 22. This then frees up 30 weeks shared parental leave and 17 weeks pay. His partner takes 12 weeks of leave and pay to coincide with weeks 11 to 22 of the main adopters adoption leave so she and the main adopter can look after the child together. She then takes a further 8 weeks' leave and last 5 weeks of pay while the main adopter returns to work. When the partner then goes back to work, the main adopter takes the last 10 weeks of shared parental leave.

In total the main adopter has taken 32 weeks leave and 22 weeks pay while the partner has taken 20 weeks leave and 17 weeks pay.

6.3 Returning to Work from Shared Parental Leave

If you wish to alter your return date from shared parental leave, please ensure you give us notice as follows:

- If you wish to extend your SPL, at least 8 weeks notice from the originally agreed return date.
- If you wish to shorten your SPL, at least 8 weeks notice from the new return date.

7. PARENTAL LEAVE

Do I have any further statutory rights to parental leave?

Yes. If you have completed one year's service with us, you are entitled to 18 weeks **unpaid parental leave** for each of your children born or adopted. The leave can start once the child is born or placed for adoption, or as soon as you have completed a year's service, whichever is later. You can take it at any time up to the child's 18th birthday.

Parental leave should be taken in blocks of a week or multiples of a week, and should not be taken as "odd" days off, unless your child is disabled. You cannot take off more than four weeks during a year. A "week" is based on your normal working pattern.

Please ensure you give us at least 21 days notice in writing if you intend to take unpaid parental leave. As unpaid parental leave is transferable between employers, please also confirm whether you have already taken some of your entitlement with another employer and how much. This may also be checked with your previous employer.

8. PATERNITY LEAVE

What are my Paternity Leave and Pay Entitlements?

8.1 In order to be eligible for paternity leave you must satisfy the following criteria:

- You must be the father of the child or married to: the civil partner or the partner of the child's mother; married to: the civil partner or the partner of the child's adopter, or one of a couple jointly adopting a child; and expect to have responsibility for the upbringing of the child and be making the request to help care for the child or to support the child's mother
- Have 26 weeks' service at the 15th week before the baby is due to be born, or in respect of an adopted child, the week in which the child's adopter was notified of having been matched with a child

8.2 Paternity leave is granted in addition to your normal holiday entitlement. Paternity leave must be taken in a single main block of one or two weeks within eight weeks of the birth or adoption of the child. If the child is born early, it must be taken from the time of birth but within eight weeks of the expected date of childbirth. Ordinary paternity leave can start either from the date the child is born or placed for adoption or from a chosen number of days or weeks after that date. In addition, employees who are the father or partner have the right to take unpaid time off work to accompany expectant mothers on up to 2 antenatal appointments.

8.3 If you are eligible for paternity leave, you will be paid at the enhanced rate agreed by the Diocese, of your normal full stipend, which is inclusive of the lower rate of Statutory Paternity pay. Paternity Pay will begin at the same time as your paternity leave commences and will be paid on the same date that your salary would have been paid and will be subject to deductions for tax, National Insurance and any pension contributions in the usual way.

THE DIOCESE OF SOUTHWARK

MATERNITY LEAVE / ADOPTION LEAVE

Please complete either Option A or Option B
Send the original to the Director of Human Resources and copy to the people outlined in section

OPTION A [NOT RETURNING TO WORK]

I **do not** intend to return to work to work after maternity / adoption leave

Signed

Department....

Date

OPTION B [APPLICATION FOR MATERNITY LEAVE/ ADOPTION LEAVE]

1. I wish to apply for maternity / adoption **leave** beginning on (date)
2. I wish to apply for maternity / adoption **pay** beginning on (date)

3. A. For Maternity Leave:

I expect the week of childbirth to be the week beginning
(please attach MATB1 Certificate)

3. B. For Adoption Leave

I attach the matching certificate confirming the date of matching

I confirm the date of placement is

4. I intend to return to work with the Diocese of Southwark within a period of 52 weeks beginning with the week my maternity / adoption 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 or leave the employ of 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 / Adoption Pay.

Signed

Name 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,

The Diocese of Southwark

**Notice of Entitlement and Intention to Take Shared Parental Leave
(Please read the Policy and Procedure on Maternity, Adoption, Paternity
and Parental Leave)**

If you wish to take shared parental leave, then you must submit this form to your manager at least **8 weeks** before the start of the first period of shared parental leave. In order to calculate the amount of shared parental leave you are eligible for please complete the following.

Basic Details

Clergy Office Holder Name:	
Are you the mother / main adopter of the child or the partner of the mother / main adopter?	
Date on which mother or main adopter commenced (or will commence) maternity / adoption leave:	

Notice of curtailment of maternity / adoption leave

Please complete this if you are the **mother or main adopter**. If on maternity leave, this date must be at least two weeks after the birth of your baby (or four weeks if you are employed in factory work).

I wish my maternity / adoption leave to end on the following date:	
Signed:	Date:

Please complete this if you are the **partner** of the mother or main adopter.

I confirm my partner's maternity / adoption leave ended / will end on the following date:	
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Shared Parental Leave Details

Maximum number of weeks of shared parental leave available (52 weeks minus the number of weeks taken according to the above dates)	
Maximum number of weeks of shared parental pay available (39 weeks minus the number of weeks taken according to the above dates)	
Number of weeks of shared parental leave / pay you intend to take	
Number of weeks of shared parental leave / pay the other parent intends to take	

Shared Parental Leave and Pay Dates

Please detail the start and end dates of the shared parental leave/ pay that you intend to take. This should tally with the number of weeks you have indicated above that you will take.	
--	--

The above dates do not constitute a formal binding request at this stage. However if you wish them to do so please indicate “Yes”: **Yes / No**

If you indicate “No”, then please complete Annexe D - **Notice to Take or Vary a Period of Shared Parental Leave** for each period of shared leave requested.

Declarations

By the Clergy Office Holder

Please confirm your eligibility by ticking the appropriate boxes below and signing the form

- I am the mother, father or main adopter of the child and will share the care of the child with my partner named below
- I meet the eligibility criteria for shared parental leave

If appropriate:

- I meet the eligibility criteria for shared parental pay
- I am the mother or main adopter and have completed the **notice of curtailment of maternity / adoption leave** section and understand that this is **binding** subject to certain conditions outlined in the policy

- I consent to you retaining and processing the information contained in this form

Signed: _____ Date: _____

For completion by the Clergy Office-Holder's Partner

Name	
Address	
Name and Address of Employer	
National Insurance Number	

I confirm that I meet the following criteria for eligibility for shared parental leave:

- I have worked either directly, for an agency or self-employed, for 26 weeks in the 66 weeks leading up to the due date
- have earned at least £390 in total in 13 of the 66 weeks (add up the highest paying weeks, they don't need to be in a row)
- I consent to the Clergy Office-Holder taking shared parental leave and shared parental pay as detailed above

If appropriate:

- I am the mother / main adopter and confirm I have curtailed my maternity / adoption leave and pay with my employer (or will have done so by the time your Clergy Office-Holder takes shared parental leave)
- I consent to you retaining and processing the information contained in this form

Signed: _____ Date: _____

The Diocese of Southwark

**Notice to Take or Vary a Period of Shared Parental Leave
(Please read the Policy and Procedure on Maternity, Adoption, Paternity
and Parental Leave)**

You should complete this form if you wish to request a period of shared parental leave / pay, or to vary a previously approved period.

You must have previously submitted a **Notice of Entitlement and Intention to Take Shared Parental Leave** (Annexe C) and have had your eligibility for shared parental leave confirmed.

Name of Clergy Office-Holder	
Name of Partner	

Requested Shared Parental Leave / Pay Dates

Start date	End date	Number of weeks leave	Number of weeks pay (if applicable)

Request to Vary Previously Requested Parental Leave / Pay Dates

Previously Approved Start date	Previously Approved End date	Detail the change you would like to request

We confirm that we agree to the request / variation outlined above.

Signed: _____
(Clergy Office-Holder)

Date: _____

Signed: _____
(Clergy Office-Holder's Partner)

Date: _____