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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 2018

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. (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 5 to 23.

### 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 if you want to, irrespective of your length of service or earnings with the organisation.

**3.1 Statutory Maternity / Adoption Pay (SMP)**

If 15 weeks before the expected birth or adoption you have been holding office in the 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**.

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.

**3.3 Enhanced Maternity Pay**

If 15 weeks before the expected birth or adoption you have been holding office in the Diocese continuously for at least **52 weeks**, 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. The payment of enhanced maternity pay is subject to a commitment to returning to hold office for at least 3 months 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.

#### 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. For example, if 15 weeks before the expected birth or adoption you have been holding office in the Diocese continuously for at least 52 weeks, and have indicated that you intend to return to work after Shared Parental Leave, we will pay you Shared Parental Pay at the enhanced level of maternity / adoption pay to a maximum of 37 weeks at full pay.

**Appendix 1**

**MATERNITY PAY AND LEAVE**

**PATERNITY PAY AND LEAVE**

**ADOPTION PAY AND LEAVE**

**SHARED PARENTAL PAY AND LEAVE**

**AND THE RIGHT TO REQUEST TIME OFF WORK OR ADJUSTMENTS TO THE DUTIES OF THE OFFICE TO CARE FOR A DEPENDANT**

ADVICE ISSUED BY THE ARCHBISHOPS’ COUNCIL

*This advice is issued by the Archbishops’ Council for information and 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 2011.*

*Ecclesiastical Offices (Terms of Service) Directions*

1. With the coming into effect on 1 December 2015 of the Ecclesiastical Offices (Terms of Service) (amendment) Directions 2015, clergy office holders now have a legal entitlement to Shared Parental Leave. (Additional Paternity Leave has been abolished by Parliament on the basis that it is now replaced by shared parental leave.)
2. The effect of the amended Directions is that any future changes to the rights of employees in respect of *maternity, paternity, parental and adoption leave* will automatically apply to clergy. However, please note that subsequent changes to the *right of employees to* *request flexible working* arrangements (see paragraphs 16 - 30) will *not* automatically apply to clergy office holders, who only have the legal right to request adjustment to the duties of the office in order to care for a dependant.
3. Office holders have had an entitlement to maternity, paternity, parental and adoption **leave** for the same periods and subject to the same conditions as apply in the case of an employee under the Employment Rights Act 1996, since the introduction of Common Tenure in 2011. These rights are conferred on those who hold office under Common Tenure by the Ecclesiastical Offices (Terms of Service) Directions 2010.

*Statutory Maternity, Adoption and Parental Leave*

1. This means that clergy office holders have a minimum statutory entitlement to *leave* as follows

52 weeks’ maternity leave (13 weeks of which is unpaid)

2 weeks’ paternity leave

18 weeks’ unpaid parental leave

Shared parental leave (see paragraphs 7 to 10).

*Statutory Maternity and Adoption Pay*

1. Stipendiary office holders have a right to statutory maternity, paternity and adoption **pay** because they are gainfully employed in an office and their stipends are treated for tax purposes as earned income. From April 2015, office holders will also have the right to statutory shared parental pay on the same basis.
2. The minimum level of pay depends on length of service. Clergy with 26 weeks’ service are currently entitled to at least Statutory Maternity Pay for 39 weeks (at 90% of average weekly earnings for 6 weeks followed by lower rate SMP for the remaining 33 weeks) plus 13 weeks’ unpaid leave.

*Shared parental leave and pay*

1. Mothers and adopting parents who meet the conditions for entitlement to Shared Parental Leave remain entitled to 52 weeks of maternity leave. After taking two weeks’ compulsory leave, they are entitled to reduce their entitlement to maternity/adoption leave either by returning to work before their full entitlement of Statutory Maternity/Adoption Leave has been taken, or by giving notice to curtail their leave at a specified future date. They may then share the balance of any remaining leave, and pay, with the other parent.
2. The eligibility and notification requirements for Shared Parental Leave are quite complex. A sample shared parental leave and pay policy for employees is available from ACAS. Dioceses may wish to adapt the employee provisions for clergy office holders. See the link below <http://www.acas.org.uk/index.aspx?articleid=4911#splletters>
3. Clergy who exercise an entitlement to Shared Parental Leave and who meet the eligibility requirements of the Statutory Shared Parental Pay (General) Regulations 2014 are entitled to Statutory Shared Parental Pay.

*Diocesan provision*

1. Each diocese is free to
	* decide whether or not to confer any additional entitlement above the statutory minimum level of pay and leave (and if so what);
	* determine the level (if any) of additional (i.e. non-statutory) shared parental pay and whether, if enhanced maternity pay is offered, to pay additional shared parental pay at the same enhanced rate[[1]](#footnote-1);
	* determine whether it is appropriate to have similar provision for employees and office holders within their dioceses, as this can be helpful where clergy are in dual role posts or are likely to be switching regularly between office and employment.

*Other points relating to maternity, adoption, and shared parental leave*

*Additional Paternity Leave*

1. This has been replaced by Shared Parental Leave.

*Training posts*

1. The length of a training post may be extended to take account of maternity leave, adoption leave, paternity leave, shared parental or unpaid parental leave.

*Keeping In Touch Days (KIT Days) and SPLIT Days*

1. Keeping in touch days or KIT days (or SPLIT days when taken during shared parental leave) allow people on maternity or shared parental leave to work without losing Statutory Maternity Pay or Shared Parental Pay for the week in which the work is done. The days may be for work, training or any other activity that has the purpose of keeping in touch with the workplace. The days do not need to be taken consecutively. They may not be taken within two weeks of childbirth.
2. 10 KIT days are available when on maternity leave and an additional 20 SPLIT days during shared parental leave.

*Application of Directions to Office Holders*

1. Holding of office is distinct from employment in a number of ways that affect consideration of office holders’ entitlements.
* Office holders 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.
* This also means that, 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 it.
* Clause 2 (2) of the Directions confers a requirement on office holders ‘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’. This may simply involve a discussion with the archdeacon about how best to ensure that cover is provided whilst the office holder is on leave. A possible option might be to make an appointment under Regulation 29, which allows for someone to be appointed to a post designated as created in order to cover for an office holder's authorised absence from work. This 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 leave.
* Flexible working, as it is understood in the employment context, **does not apply to clergy office holders**. The Ecclesiastical Offices (Terms of Service) Directions 2010 currently confer a legal entitlement on clergy to make requests to take time off or make adjustments to the duties of the office to care for a dependant, but not for other reasons (see paragraphs 20 -32). When the right to request flexible working was extended to all employees, RACSC took the view that it was not appropriate to extend it to clergy office holders, as they already had sufficient flexibility.

*Right to request time off work or adjustments to the duties of the office to care for a dependant*

1. These provisions remain unchanged.
2. Holders of parochial offices already have a high degree of flexibility over how they carry out their duties, which is not always the case with employees, who will generally have defined hours of work. Office holders may not always need therefore to request flexible working to care for a dependant, in the way that an employee might. However, office holders still need to bear in mind the need to arrange appropriate cover if they are taking time off. For example, if they wish to take half term as leave, they should check with the area dean that one of their colleagues is available to provide cover during this period. Similarly an incumbent or priest in charge still has a responsibility to ensure that someone is available to take weddings on Saturdays, despite any family commitments.
3. Where office holders need to vary their duties in order to care for a dependant (for example reducing a post from full time to part time with a commensurate reduction in stipend), they should use the procedure below.
4. The request may only be made in order to help care for a dependant not for any other purpose. “Dependant”, as defined in paragraph 3(6) of the Directions, embraces a spouse or civil partner; a child; a parent; a person living in the same household as the office holder (other than a tenant, employee, lodger or boarder) or anyone who reasonably relies on the office holder for assistance or provision of care in the event of illness or injury. The provision therefore covers a wide range of possible arrangements, from a few days’ time off in an emergency to a longer term adjustment of duties to accommodate, for example, the need to care for an elderly parent or a disabled child.
5. The Directions confer the right to make a request – and have the request properly considered. The request may be refused if there is no other reasonable way of meeting the pastoral needs of the parish and the requirements of the office.
6. The Archbishops' Council has agreed that the procedure for making a formal request should be as follows, and that the office holder should
* make the request in writing
* set out the date of the request
* make no more than one request during a twelve month period
* state that the request is being made under the Ecclesiastical Offices Terms of Service) Directions 2010
* set out the reasons for needing an adjustment to the duties of the office
* set out the change requested
* state whether they have made any previous requests in their current post
* identify the effect the proposed change will have on the provision of ministry to the parish
* suggest how such an effect could be mitigated (the office holder may wish to consult colleagues about this first so that he or she is in a position to indicate that the proposed solution might have their support in principle)
* give a proposed start date
* indicate whether the proposed adjustment is intended to be permanent, or, if not, for how long it might be expected to last.
1. The bishop, on receiving the request, is required by paragraph 3(5) to consult the PCC(s). The bishop may also wish to consult any of the office holder's colleagues who are likely to be affected by the request.
2. Once the bishop has received a reply from the PCC(s), the office holder's request should be considered promptly.
3. If the bishop agrees to the request, the office holder and the PCC(s) should be informed in writing of the bishop’s agreement.
4. If the bishop is not in a position to agree immediately, the bishop should arrange to meet the office holder as soon as possible to discuss the request. The office holder may bring a colleague or trade union representative to the meeting.
5. In good time after the meeting (normally within 14 days), the bishop should inform the office holder of the decision. If he does not accept the request, he must give the reason in writing and give reasonable time (normally 14 days) for the office holder to appeal. The appeal should be held and the office holder informed of the result within reasonable time (in both cases, normally 14 days).
6. A revised statement of particulars should be issued to reflect any changes made, unless they are very temporary and short term. The office holder will need to be informed that this will be a permanent change to the duties of the office, and there is no automatic right to have the duties adjusted back to the original terms at a later point, unless this has been agreed in advance.
7. The bishop should not refuse the request simply because the PCC does not support it or the proposed solutions. Potential grounds for refusing a request include:
* cost
* inability to reorganise duties among existing clergy
* inability to recruit additional clergy
* potential effect on the office holder's performance of his or her duties.
1. The bishop may delegate consideration of these requests to the suffragan or area bishop or the archdeacon.
2. If a diocesan bishop needed to adjust the duties of his or her office to care for a dependant, he or she could use their power under s13 of the Dioceses Mission and Pastoral Measure 2007 to delegate their functions to a suffragan bishop by instrument. This would require the approval of the diocesan synod (or, where the bishop considers that the matter is urgent and it is not practicable to obtain the approval of the diocesan synod) the bishop’s staff council and standing committee of the Diocesan Synod.

Any queries about this note should be directed to: patrick.shorrock@churchofengland.org

Hannah Foster,

HR Director, National Institutions of the Church of England, November 2015

# 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.

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 Regardless of the number of hours you work or your length of service, you are entitled to 26 weeks’ “ordinary” maternity / adoption leave. During this period all your normal entitlements are maintained with the exception of your pay, any benefits in kind will continue and your annual leave entitlement will continue to accrue. You are entitled to return to the same post that you left if you return after the ordinary leave period.

#### 3.2 You are also entitled to take up to 26 weeks’ “additional” maternity / adoption leave immediately following your ordinary leave. During this leave your terms and conditions such as holidays continue to accrue. You also have the right to return to a post on no less favourable terms and conditions than the job you had at the commencement of the leave period. If it is not practicable for you to return to your original job then you will be offered a suitable alternative on terms and conditions no less favourable. Your continuity of service will be preserved.

#### 3.3 Except during the first two weeks after childbirth, you can agree to work or to attend training for up to 10 days during either ordinary maternity leave or additional maternity leave, without that work bringing your period of maternity / adoption leave to an end and without a loss of a maternity pay, including SMP. These are known as “keeping-in-touch” (KIT) days.

#### 3.4 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.

#### 3.5 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.

#### 3.6 Before starting your ordinary 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 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**

5.1The 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.

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 Appendix One of the Policy paragraphs 16 – 30. 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.

5.4 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 We may ask you to stay in touch with work during your shared parental leave. This could be for training purposes, meetings or just to keep generally up to date with the what is happening in your post and the Diocese. You can work for up to 20 days without bringing your period of shared parental leave to an end. Any days worked do not extend your leave period. When you work you will receive your normal rate of pay inclusive of any shared parental pay. You are under no obligation to undertake any work during your shared parental leave period, and we are under no obligation to offer you any work. These 20 days are in addition to the 10 days available during maternity or adoption leave.

6.1.8 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.

If you return to work after a period of shared parental leave (including any maternity / adoption leave) which was **26 weeks or less**, then you are entitled to return to the same job that you left with terms and conditions no less favourable than would have applied had you not been on leave.

If you return to work from a period of shared parental leave (including any maternity / adoption leave) which was **greater than 26 weeks** we will try to allow you to return to the same job you left. If it is not practicable for you to return to your original job then you will be offered a suitable alternative on terms and conditions no less favourable than would have applied had you not been on leave.

#### 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 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.

 *(Annex A)*

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 shall no longer be holding an office in the Diocese of Southwark 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 MATB1 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.

1. 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,

(Annexe C)

# 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: |  |

**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:\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Annexe D)

# 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: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Clergy Office-Holder)

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Clergy Office-Holder’s Partner)

1. ACAS guidance states that it would not be discriminatory if shared parental pay were paid at the statutory minimum, but a diocese wishing to be consistent in its approach and promote the well-being of clergy and their families might decide that it would be more positive to pay shared parental leave at the enhanced rate, quite apart from avoiding any potential discrimination claims. [↑](#footnote-ref-1)