

## **Maternity, Paternity and Adoption Policy**

### **Maternity Leave and Pay**

#### **1. Introduction to the Maternity Policy**

This policy applies to ecclesiastical office holders in the Diocese of Chelmsford, and those employed by the Chelmsford Diocesan Board of Finance and its subsidiaries.

Women should inform their manager/Area Bishop, as soon as possible of their pregnancy, in order to receive advice and information about their entitlement to maternity leave and pay and in order for any appropriate workplace risk assessments to be made. However, it is recognised that some women may not wish to disclose their pregnancy in its early stages. Confidentiality will be maintained at all times. In the case of office holders, after the initial notification to the Area Bishop, the Archdeacon will deal with matters relating to maternity leave.

#### **2. Ante-natal care**

Office holders and employed staff have the right to time off for ante natal care regardless of their length of service or number of hours that they work. Where they are paid/stipendiary, and have to be absent from their usual duties for such care, they will be paid, and any necessary cover will be provided. Incumbents are asked to make initial efforts to provide such cover, with the Area Dean or Archdeacon doing so if necessary.

#### **3. Maternity Leave**

All employees and office holders qualify for Statutory Maternity Leave, irrespective of how long they have worked for the diocese.

This is made up of two components:

- Ordinary Maternity Leave – the first 26 weeks with the right to return to the same job
- Additional Maternity Leave – the next 26 weeks with more restricted rights to the old job

For the avoidance of doubt, self-supporting ministers are entitled to Statutory Maternity Leave.

#### **4. Claiming entitlements**

4.1 After the initial notification of pregnancy, individuals must return form MAT BI to their manager/Archdeacon and give the following details:

- full name and place of work;
- the expected date of childbirth
- and the date they are intending to commence maternity leave.

This can begin on any day of the week, but cannot be before the beginning of the 11<sup>th</sup> week before the Expected Week of Childbirth. If an individual gives birth before the start of their maternity leave, or in the event of a stillbirth after 24 weeks of pregnancy, then their maternity leave will start on the following day.

4.2 Individuals have the right to change the date they wish to commence their maternity leave, but must give reasonable notice.

4.3 By law, an individual may not work for two weeks immediately after giving birth.

4.4 Self supporting clergy are also required to give these details to their Archdeacon, and are expected to take maternity leave as outlined in this policy.

## **5. Maternity Pay**

5.1 Employees and ecclesiastical office holders with at least 26 weeks continuous service with the Diocese of Chelmsford at the 15<sup>th</sup> week before the Expected Week of Childbirth qualify for Statutory Maternity Pay. This comprises 6 weeks at 90% of average earnings, and 33 weeks at 90% or £138.18 [at 2014/15 rates] whichever is the lesser amount.

Anything offered by an employer in excess of these provisions is considered as Occupational Maternity Pay.

5.2 In the Diocese of Chelmsford, office holders and employees of the Chelmsford Diocesan Board of Finance and its subsidiaries qualify for Occupational Maternity Pay on the same basis as Statutory Maternity Pay i.e. if they have at least 26 weeks continuous service at the 15<sup>th</sup> week before the Expected Week of Childbirth.

Solely for the purposes of maternity leave and pay, previous service as an office holder or as an employee of the Diocesan Board of Finance in another diocese of the Church of England (including the diocese in Europe) will be considered as qualifying service.

Occupational Maternity Pay comprises 26 weeks during which the Statutory Maternity Pay due to the individual during this period will be made up to the level of her normal pay/stipend.

5.3 Following 26 weeks on Occupational Maternity Pay, employees and office holders are entitled to receive 13 weeks of Statutory Maternity Pay.

5.4 Maternity pay is subject to income tax and National Insurance contributions in the same way as other earnings. Pension and National Insurance contributions are made by employee/office holder and 'employer' during paid maternity leave. Individuals wishing to make contributions for unpaid portions of leave should contact the Diocesan Finance Manager.

5.5 For the avoidance of doubt, Self Supporting Ministers are not entitled to claim maternity pay through the Diocese of Chelmsford.

## **6. Pregnancy-related illness before maternity leave commences**

6.1. If an individual is absent from work due to a pregnancy-related illness, at the beginning of the 4<sup>th</sup> week before the Expected Week of Childbirth this absence will trigger the start of her maternity leave. In this case, her maternity leave will commence on the day after the first day of absence after the beginning of the 4<sup>th</sup> week before the Expected Week of Childbirth.

6.2. If the baby arrives before an individual commences maternity leave adjustments to the date of their return must be discussed with the manager/Archdeacon.

## **7. Office holder status during maternity leave**

7.1 Clergy of incumbent status remain the incumbent throughout their maternity leave. It is anticipated that they will discuss arrangements for cover with the church wardens, other clergy colleagues, Area/Rural Dean and Archdeacon before their leave begins.

7.2 Where an officeholder/employee has been provided with the use of housing for the better performance of her duty she may continue to have use of the housing on the same basis for the duration of her maternity leave.

## **8. Working during maternity leave and Keeping in Touch days (KIT)**

8.1 An individual is allowed up to 10 Keeping in Touch days during maternity leave without losing the right to maternity leave or bringing the leave to an end. During a Keeping In Touch day an employee/office holder is entitled to pay, either for a full day or pro-rata to the time spent working.

8.2 Parishes and colleagues should be aware that there is no obligation for the individual to use their Keeping In Touch days to carry out their normal duties during maternity leave however such days must comprise meaningful work.

8.3 Keeping In Touch days are not an extension to the ordinary or additional maternity pay period, i.e. they cannot be used at the end of maternity leave to extend it.

## **9. Returning to work after maternity leave**

9.1 Under current regulations it will be assumed that maternity leave will end at the dates which had been agreed with the individual.

9.2 If an individual wishes to return to work before their official return date this must be discussed with their manager/Archdeacon so that arrangements can be made and advice given.

9.3 Where an individual wishes to return to work but on a different basis this should be discussed with the manager/Archdeacon. The implications of this should be thoroughly explored.

9.4 Where it has been agreed that an individual can take parental leave immediately following the expiry of maternity leave, local arrangements can be discussed with the manager/Archdeacon.

9.5 Where a deacon or priest is in a training or other fixed term role (Qualified Common Tenure) appropriate extensions or a fixed cover arrangement may be agreed. If she has been provided with the use of housing for the better performance of her duties, this provision will continue during any extension to the term of the post.

9.6 If an individual decides not to return to work after the maternity leave period they must inform their manager/Archdeacon of their decision to resign from their post and a mutually agreed notice period will take effect.

## **10. Maternity Leave and annual leave**

10.1 The period of absence on maternity leave will be counted as 'service' for the purposes of annual leave. Individuals are advised to take their annual leave in the current year before the commencement of their maternity leave. Where this is not possible, for example because the baby arrives early, then this leave may be taken after the maternity leave period.

10.2 If an individual decides to return to work in the current leave year, then they may take their annual leave entitlement once they have returned to work.

10.3 If an individual is unsure whether they will be returning to work they should be advised to take only a leave amount based on her anticipated service in the current leave year. If an individual returns to work they will be entitled to any outstanding leave entitlement due to her in that leave year.

## **11. Health and Safety**

11.1 A pregnant individual is given specific health and safety protection under the European Union 'Pregnant Workers Directive' and the Management of Health and Safety at Work Regulations 1999 and the Working Time Regulations 1998. The diocese recognises sound advice and good practice and strongly advises office holders to be mindful of these and to take responsibility for familiarising themselves with their content. Further advice for individuals and their manager/Archdeacon can be obtained from the HR Adviser.

11.2 The diocese, through the HR Adviser and appropriate manager/Archdeacon, will offer advice on, and assess the risks to which an individual may be exposed in the course of their work, through discussion at the start of the pregnancy. Adjustments will be agreed where appropriate bearing in mind the risks to new and expectant mothers and their unborn child. Individuals are reminded that they also have a responsibility to identify any areas of work and work practices which might adversely affect their workplace health and safety, and to raise any concerns with the HR Adviser and their manager/Archdeacon.

## **12. Outstanding Loans**

Where an individual has an outstanding loan (e.g. for a car) prior to the maternity leave commencing, there are three options:

- 1) to freeze payments until they are back at work;
- 2) to continue repayment as before
- 3) to continue but reduce payments until maternity leave has ended.

The HR Adviser and Finance Manager can give further advice on this.

## **Paternity Leave and Additional Paternity Leave**

### **1. Introduction to the Paternity Policy**

Ordinary or additional paternity leave and pay can be discussed with the HR Adviser. Notification of the intention to take leave must be given to the manager/Archdeacon and the Finance Manager.

### **2. Qualifying criteria**

Employees and office holders have the right to paternity leave and pay, and additional paternity leave (and potentially pay too) if they:

- have the responsibility for the upbringing of their child or adoptive child or the child of their spouse or partner or civil partner,
- and have been continuously employed for at least 26 weeks by the 15th week before the Expected Week of Childbirth (EWC) or by the week in which an Approved Adoption Agency matches them with a child;
- and have given notice of their intention to take the leave in or before the 15th week before the EWC, specifying the EWC, length of period you have chosen to take and the date they have chosen the leave to begin.

There is a right to paternity leave even if the child has died or was stillborn after 24 weeks of pregnancy.

### **3. Ordinary Paternity Leave/pay arrangements**

The individual is entitled to take two weeks leave. Discussions should take place with the manager/Archdeacon about when and how this is to be taken. It must be completed within 56 days of the child's birth. These two weeks will be paid at full pay.

Formal written notification should be given to the manager/Archdeacon detailing the expected week of delivery, the length of leave to be taken and the start date.

#### **4. Additional Paternity Leave/pay (APL, APP)**

The Additional Paternity Leave Regulations 2010 give fathers (and adoptive partners) the right to up to six months' paternity leave which can be taken once the mother (or other adopter) has returned to work. Some of this leave may be paid if taken during the maternity or adoption pay period.

#### **5. Additional Paternity Leave arrangements**

- Leave is for a maximum of 26 weeks.
- Leave may not start until 20 or more weeks after the child's birth or placement of adoption.
- Leave must have ended by the end of the 52<sup>nd</sup> week after the child's birth or placement for adoption.
- The Ecclesiastical Offices (Terms of Service) Directions 2010 require an office holder to use all reasonable endeavours to make arrangements for the duties of the office to be performed by another person or persons during the periods of leave.

#### **6. Additional Paternity Leave payments**

In addition to ordinary paternity leave pay (2 weeks), the Additional Paternity Leave Regulations 2010 under Common Tenure give fathers (and adoptive partners) Additional Statutory Paternity Pay which is payable:

- in addition to ordinary statutory paternity pay
- only if the mother has returned to work without exhausting her entitlement to statutory maternity pay (SMP), or adoption pay (SAP) or maternity allowance (MA).
- only for periods of at least one week during which no work (other than a Keeping in Touch day) is done.
- only at the level of Statutory Maternity or Adoption Pay.

#### **7. Additional Paternity Pay and Leave practical arrangements**

Eight weeks before office holders wish their additional leave/pay to start, they must inform the HR Adviser and Finance Manager and their manager/Archdeacon in writing of:

- a) - the expected week of birth or placement for adoption,  
- the anticipated start and end date of their leave/pay, and  
- the arrangements they have made to provide cover for the duties of their office to be carried out.
- b) a declaration signed by the parent taking the leave stating that:
  - the purpose of leave is to care for the child
  - the parent is either the father, or married to or the partner or civil partner of the mother but is not the child's father
  - the parent has or expects to have the main responsibility for the upbringing of the child apart from any responsibility of the mother.
- c) a declaration from the mother or other adoptive parent stating:
  - their name and address.
  - their date of intended return to work.
  - their National Insurance number.
  - that the parent taking the leave is either the father or married to or the partner or civil partner of the mother or other adoptive parent.

- and that the mother or other adoptive parent consents to the DBF/Payroll services processing the information in the declaration.

## **Adoption Leave**

### **1. Introduction to the Adoption Policy**

Individuals should inform their manager/Archdeacon as soon as possible of their intention to adopt in order to receive information/advice regarding their entitlement to adoption leave and pay. It is recognised, however, that people may not wish to share this information and confidentiality will be respected.

### **2. Time off for introductions**

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

### **3. Adoption Leave Entitlements**

3.1 Leave arrangements can begin once an individual can demonstrate that they have been matched with a child through an authorized adoption agency.

3.2 Once an individual has decided the date on which they wish to commence their Ordinary Adoption leave they should discuss this with their manager/Archdeacon.

Ordinary Adoption Leave may commence from a predetermined date up to 14 days before the expected date of placement (within the UK for UK related adoptions). Where an overseas adoption is taking place leave may begin from the date of the child's entry into the UK or from a pre-determined date up to 28 days after that.

### **4. Claiming Benefits**

4.1 Statutory Adoption Pay is paid via the individual's usual payroll arrangements and is paid for 39 weeks in total.

4.2 After the 39 weeks, the individual is entitled to a further 13 weeks unpaid leave.

4.3 Either partner may receive Statutory Adoption Pay but not both. The other partner may receive Statutory Paternity Pay (see also Additional Paternity Pay)

4.4 Further information is available from the HR Adviser.

### **5. Working during Adoption Leave**

5.1 Keeping in Touch (KIT) days allow an individual to work up to 10 days during leave without losing the right to pay or bringing the leave to an end.

5.2 Whether a whole day or only part has been worked, one KIT day will be deducted from the entitlement.

5.3 A KIT day may not take place during the first two weeks following the placement of a child.

5.4 KIT days are not an extension to ordinary or additional adoption leave or pay period.

### **6. Adoption Leave and Annual Leave**

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

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