

DIOCESE OF BIRMINGHAM

GUIDELINES FOR CLERGY AND LICENSED LAY WORKERS ON MATERNITY PAY, MATERNITY LEAVE, PATERNITY PAY, PATERNITY LEAVE, ADOPTION PAY, ADOPTION LEAVE, PARENTAL LEAVE AND TIME OFF FOR DEPENDANTS.

Birmingham Diocese follows the Central Stipends Authority (CSA) guidelines for leave within the above categories. These can be obtained from Ministry Division, Church House, Westminster or from the Diocesan Secretary. The CSA provisions are considerably more generous than the minimum statutory requirements.

This paper represents only a summary of these guidelines which, in all aspects of stipend or payment, will continue to take precedence. In addition, it endeavours to address frequently asked questions about roles and responsibilities which can often arise when clergy need to take their leave entitlements.

Frequently asked questions:

MATERNITY PAY

Q1. I have just learned that I am pregnant. Am I entitled to Statutory Maternity Pay?

Ans. By virtue of paying Class 1 National Insurance Contributions clergy and licensed lay workers (whether employees or office holders) become entitled. If you have at least 26 weeks' continuous service by the beginning of the 14th week before the Expected Week of Confinement (EWC) and have been paying national insurance, you are entitled to Statutory Maternity Pay.

Q2. How much is Statutory Maternity Pay?

Ans. It is 90% of stipend for six weeks followed by a further 33 weeks at £117.18 per week (increasing to £123.06 per week from April 2009).

Q3. So does Birmingham Diocese apply the statutory entitlements?

Ans. **NO.** Birmingham Diocese applies the Central Stipends Authority (CSA) guidelines which are considerably more generous than the statutory entitlements. **PROVIDED YOU INDICATE THAT YOU WISH TO RETURN TO WORK FOLLOWING THE BIRTH OF YOUR CHILD, AND HAVE ONE YEAR'S CONTINUOUS SERVICE AT THE START OF THE 14th WEEK BEFORE EWC,** you will be entitled to paid leave of 39 weeks at the **FULL** stipend rate **AND** up to an additional 13 weeks unpaid leave immediately following the 39 week paid period.

Q4. I moved to Birmingham from another Diocese three months ago and now I'm pregnant, but I won't have been continuously employed by Birmingham for the qualifying period of one year. Does that mean I'm not entitled to Maternity Pay?

Ans. **NO.** Stipendiary service with another Diocesan Board of Finance (DBF) and paid through the Church Commissioners Payroll (but not with other employers including, for example, Primary Care Trusts for Hospital Chaplaincies) will count as continuous service for the

purposes of maternity benefits and, in these circumstances, you will still qualify for 39 weeks at full stipend and, if required, an additional 13 weeks unpaid leave.

Q5. But I was previously a hospital chaplain and will not have been employed through the Church Commissioners' payroll for one year. Do I lose all benefits?

Ans. **NO.** Statutory benefits will apply. If you have completed 26 weeks' work at the qualifying week (15 weeks before EWC) you will receive 90% of stipend for the first six weeks and then the lower SMP rate (currently £117.18 p.w.) for a further 33 weeks. If you have not completed 26 weeks' continuous service you may still qualify for Maternity Benefit from the State.

MATERNITY LEAVE

Q6. Who should I advise of my pregnancy?

Ans. In all cases you should advise the Diocesan Secretary in writing as early in the pregnancy as possible and not later than the start of the 15th week prior to the EWC. You should:

- give an undertaking of your intention to return to work following the birth of your baby and the end of your intended maternity leave;
- state when you wish to commence maternity leave which should be, at the earliest, in the 11th week before EWC and, at the latest, the date of birth, and with at least 28 days Notice;
- enclose medical evidence of pregnancy (Form MAT B1 from your GP or clinic).

The Diocesan Secretary will ensure that the Church Commissioners, the Bishop and the Archdeacon are advised. The Church Commissioners will confirm in writing to you the date on which you are expected to return to work.

The Dean of Women's Ministry is available to talk through the choices you may wish to make with regard to your maternity leave and return to work. She is also there to offer pastoral support.

You should remember that the Bishop's Adviser for Pastoral Care and Counselling is also available.

Q7. Am I allowed to change the date of intended leave after advising the Diocesan Secretary?

Ans. **YES**, but subject to 8 weeks notice of any changes, which must be notified in writing.

Q8. Who else should I advise?

Ans. If you are a Curate you must notify your incumbent.

If you are an incumbent or priest-in-charge you should advise your churchwardens who will be responsible for arranging service cover in consultation with your Area Dean. You should also advise your Area Dean.

Q9. May I continue to take services occasionally during my maternity leave?

Ans. Maternity Pay is not payable in any week during which work is undertaken except for a maximum of 10 permissible "keeping in touch" (KIP) days. Please ensure that you do not exceed this limit or maternity pay may be lost. Please also ensure that any KIP days are undertaken strictly with regard to health and safety issues. It is not intended that you should continue to undertake any work activity. Keeping in touch should be interpreted as maintaining an occasional contact only.

Q10. What about other Health and Safety issues?

Ans. If you have any concerns about your working environment at the church then please ensure that a full risk assessment has been undertaken by the PCC. EIG are often willing to give helpful advice. Your midwife should be consulted about any concerns. If you have any concerns about your working environment at the parsonage or clergy house then, again, please be in touch with the Diocesan Secretary.

Q11. I am an incumbent/priest-in-charge. Who is responsible for cover during my absence?

Ans. Your churchwardens, together with your Area Dean, have responsibility for ensuring that the usual life of the parish continues while you are on maternity leave. You may wish to consider the appointment of a locum to take care of pastoral matters, occasional offices, meetings and the oversight of services in liaison with your Archdeacon who may be able to help you locate a retired priest or an experienced curate for this task.

RETURNING TO WORK

Q12. After maternity leave do I have a legal right to return to my job?

Ans. **YES.** If you are an incumbent, you still hold your freehold office. In other cases we will apply the CSA Guidelines that you should be allowed to return to your previous job.

Q13. I am a curate. If I take 39 or 52 weeks' maternity leave, how will this affect my future?

Ans. The length of your curacy will be reviewed by the Bishop, in consultation with your training incumbent and the DDO, once you have returned to work. In deciding whether your curacy should be extended, the Ministry Division's Learning Outcomes will be used as a guide.

It is recognised that there is more than one way in which vocations to parenthood and ministry may be fulfilled. The Diocese seeks to be flexible and realistic in enabling mothers to continue their ministry in a way which is right for them and their family.

- Part-time ministry
 - You may negotiate with the Bishop a return to ministry on a part-time basis, but this option cannot be guaranteed.
 - You must give written notice of a desire to return to ministry part-time to the Bishop at the latest 3 months before the end of your maternity leave, together with an indication of how long the part-time ministry is expected to continue.
 - Where the Bishop has approved a return to work on a part-time basis, the clergy stipend will be adjusted pro-rata to reflect the reduced hours. For example, 24 hours work would attract half a stipend. There will also be a corresponding downward adjustment in pensionable entitlements.
 - The DDO will oversee the review of your Working and Learning Agreement if you are a curate.
- Full-time ministry
 - The Diocese will assume that you will be returning to full-time ministry unless you have notified the Diocesan Secretary at the latest 8 weeks before your intended return to work.

OTHER MATTERS

Q14. What happens with heating, lighting and cleaning tax allowances during maternity leave?

Ans. Maternity Pay is subject to Income Tax and National Insurance deductions in the same way as stipend, and HLC tax allowances will continue to apply.

Q15. Do I need to be aware of any other tax issues?

Ans. Please be careful when completing your tax return. Statutory Maternity Pay is required to be shown separately on your P60 from the Church Commissioners but is already included within the stipend figure also shown on that form. Please only enter the stipend figure in your tax return and not the separately shown SMP figure.

Q16. What happens about pension contributions during maternity leave?

Ans. The DBF continues to make full pension contributions for you during the 39 week Maternity Pay period **AND**, even although there is no legal obligation, during the additional 13 weeks unpaid leave period if this also is taken. This also ensures that your full death in service benefits continue to be preserved.

Q17. My baby was stillborn... or ... I have miscarried. What happens now?

Ans. If you have miscarried after the 24th week of pregnancy then you will still qualify for the **FULL** scheme terms.

Q18. What happens about my holiday entitlement during Maternity Leave?

Ans. By law your holiday entitlement is not affected. You may take full maternity leave (including an unpaid period), and your holiday entitlement will continue to accrue, and may be taken (subject to the usual provisions – discussion with incumbent; within the 12 month period, etc.) following your return to work.

Q19. What about Ante-natal care before the Maternity Leave period commences?

Ans. Make sure that you look after yourself and take time to attend appointments. Male clergy should, where possible, accompany their wives.

ADOPTION ISSUES

Q20. I am intending to adopt a child. What are my benefits?

Ans. Almost exactly the same as for Maternity Leave. Provided you have completed one year's continuous service you may take

- 39 weeks leave on full stipend and
- (up to) 13 weeks unpaid leave.

Q21. When can this be taken?

Ans. When the child is expected to be placed or from up to 14 days before the expected date of placement (to take account of the usual 2 week "Introductions" period).

Q22. Who do I need to notify?

Ans. The Diocesan Secretary and those who otherwise would need advising for maternity purposes.

Q23. What do I need to send?

Ans. You should advise the date (or expected date) of placement and a "matching certificate" provided by the adoption agency.

Q24. Prospective adopters are required to undertake one week's adoption training. Is leave permitted for this?

Ans. On advice to the Diocesan Secretary, this training week may be taken as one of your 39 weeks on full stipend even if the remainder of the leave period is not consecutive.

Q25. I am a male clergy person. Am I entitled to Adoption Leave?

Ans. Yes. Adoption leave is available to either partner in a marriage or civil partnership, but is not available to both. One party may claim adoption leave; the other party may be entitled to Paternity Leave.

Q26. We are a "clergy couple". Can we "share" the adoption leave?

Ans. Yes, but please ensure that the Diocesan Secretary is adequately notified in advance.

Q27. Sadly not all adoptions succeed. What happens with leave if the adoption fails?

Ans. A statutory period of 6 months must elapse after "placing" a child before the prospective parents can legally adopt. Failed adoptions can be very upsetting and in this circumstance paid leave will continue for a further 8 weeks following the week that disruption has occurred.

PATERNITY ISSUES

Q28. I'm going to be a Dad! Is any time off allowed?

Ans. Yes. All prospective natural fathers (or adoptive parent if the other adoptive partner has claimed adoption leave) who have completed one year's continuous service are entitled to two weeks leave on full stipend, which may be taken at the time of birth, or subsequently if this is more helpful to the family. Notice in writing, as for maternity or adoption, should be given to the Diocesan Secretary.

PARENTAL ISSUES

Q29. If my children need me, can I be available for them?

Ans. Parental leave is to enable people with parental responsibility to take time off to look after children or to provide for their welfare. Such leave is unpaid and for a maximum of 13 weeks over a five year period until the child's fifth birthday (or earliest of fifth anniversary of placement/18th birthday in cases of adoption).

Q30. Do I need to let anyone know?

Ans. Yes – you must please give Notice in Writing to the Diocesan Secretary of any intention to take parental leave.

Q31. My child has a registered disability. Does this make a difference?

Ans. **YES.** For children with a registered disability, the right to parental leave increases to up to 18 weeks leave a year, and until the child's 18th birthday. Again, Notice of intention to take such leave must be given in writing to the Diocesan Secretary.

Q32. Because of a sudden illness, I wasn't able to give Notice in advance. Is this ok?

Ans. You must please still advise the Diocesan Secretary that time off has been taken as soon as it is practicable to do so.

DEPENDANT ISSUES

Q33. For what purposes may time off for dependants be appropriate?

Ans. For unexpected or sudden problems affecting those who are **ACTUALLY** dependent on you. The CSA guidelines give examples (children over 5, parents, carer arrangements, etc). Normally a single day, or less, should be appropriate. In all instances the Diocesan Secretary must be notified, either before, or as soon as practicable thereafter.

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