

Maternity Policy

Guidance for Clergy

September 2024

Introduction

We recognise and understand the importance of supporting our clergy as they become a parent, both during pregnancy and enabling them to take the necessary time away to spend with their new arrival.

Aim of Policy

Whether you are pregnant or planning a family, this policy aims to support you in understanding your entitlements in relation to Maternity Leave and Pay as well as arrangements for your ministry during pregnancy and leave.

Scope of Policy

This policy, including entitlement to Maternity Leave applies to all Office Holders, including all ordained clergy - training curates, SSM's and other non-stipendiary clergy.

Entitlement to Statutory Maternity or Enhanced Maternity Pay does not apply to non-stipendiary clergy.

Your Entitlement

Leave

Regardless of length of service all are entitled to ordinary maternity leave (OML) of 26 weeks followed by additional maternity leave (AML) of a further 26 weeks. Non-stipendiary office holders are entitled to the same leave as stipendiary clergy but will not receive maternity pay.

Both ordinary and additional maternity leave can be taken from the date of childbirth. It is a minimum legal requirement that you must take at least two weeks compulsory maternity leave, which commences with the day on which you give birth, this forms part of the ordinary maternity leave period.

You are only entitled to one period of leave irrespective of whether more than one child is born as a result of the same pregnancy.

Notification

You should notify your Archdeacon, in writing, no later than the end of the 15th week before the expected week of childbirth, of the following:

- that you are pregnant
- the expected week of childbirth (by means of a medical certificate - MATB1)

- the date you wish maternity leave to commence (which can be no earlier than the 11th week before the expected week of childbirth)

The start date of your maternity leave can be varied provided the Archdeacon is notified, in writing, giving 28 days' notice or as soon as reasonably practicable thereafter.

Commencement of maternity leave will be triggered automatically if you:

- are absent from work within the 4 weeks before the expected week of childbirth for a pregnancy related reason; or
- give birth prematurely

In the above case you should give the required notice as soon as reasonably practicable thereafter.

The Archdeacon should pass your written notification to the Bishop's office for your electronic file and to the HR Team as soon as possible for payroll administration purposes. You will receive confirmation in writing of receipt and a summary of your entitlement to leave and pay including confirmation of the date your additional maternity leave will finish.

Pay (Stipendiary Clergy only)

This section will describe two types of Maternity Pay – Statutory Maternity Pay (SMP) and Enhanced Maternity Pay (EMP).

SMP is the amount of Maternity Pay determined by the government which must be paid to any qualifying PAYE paid person.

EMP is the enhanced pay over and above the statutory entitlement which has been agreed by the RDSBF.

All Stipendiary clergy regardless of length of service are entitled to Enhanced Maternity Pay (EMP) of 39 weeks full pay as long as they:

- Hold office on the date on which your Enhanced Maternity Pay commences
- still be pregnant 11 weeks before the expected week of childbirth, or have already given birth
- Be able to provide a MATB1 certificate.

Enhanced Maternity Pay provides your full stipend for 39 weeks from the beginning of your maternity leave.

If you are entitled to Statutory Maternity Pay, this will be offset against the Enhanced Maternity Pay (EMP) offered by the RDSBF, the RDSBF will therefore essentially 'top up' your SMP to the rate of your full stipend.

You will be eligible for Statutory Maternity Pay (SMP) if you have 26 weeks continuous service at the beginning of the 15th week before the expected week of childbirth (qualifying week).

SMP is payable for 39 weeks, at two different rates:

You will be entitled to higher rate SMP at 90% of your stipend for the first 6 weeks of ordinary maternity leave and thereafter at the lower statutory rate of SMP for 33 weeks. To be entitled to SMP you should:

- have average weekly earnings above the lower earnings limit for payment of National Insurance contributions.
- give at least 28 days' notice (or as much as is reasonably practicable) of the date you intend maternity pay to start
- still be pregnant 11 weeks before the expected week of childbirth, or have already given birth
- supply, no more than 3 weeks after the birth, a certificate from the midwife or doctor confirming the date of the expected week of childbirth (MATB1)

There is no SMP or EMP, payable for the final 13 weeks of additional maternity leave, therefore this will be unpaid.

Maternity Allowance (Non-Stipendiary Clergy)

As a non-stipendiary member of clergy, you will not be entitled to SMP or EMP from the RDSBF. However, if you have another source of income or have recently stopped paid employment, you may be entitled to claim Maternity Allowance, for further guidance please visit: [Overview - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Stillbirth or if a baby dies

In the tragic case that a baby is stillborn after 24 weeks, or dies following birth, , maternity entitlements are unaffected and the mother is entitled to take the full 52 weeks Maternity Leave and is also entitled to Statutory and Enhanced Maternity Pay.

Miscarriage

If a mother suffers a miscarriage at any time before 24 weeks, the Archdeacon will discuss support available to you during this difficult time. Discretionary compassionate or sick leave may be granted to you by the Bishop.

During your Pregnancy

Appointments

You are entitled to time off to attend antenatal medical appointments during your pregnancy. You may also have time off to attend other types of antenatal

appointments that your medical practitioner has advised you to attend.. If you are a stipendiary office holder this time-off will be paid.

If you are a partner of a pregnant person, you are entitled to time off to accompany your partner to up to two antenatal appointments. If you are a stipendiary office holder this time off will be paid. Where additional appointments are required these may be granted at the discretion of the Archdeacon on an unpaid basis.

Health and Safety

Once you notify the Archdeacon of your pregnancy, they will assist you with conducting a risk assessment to identify any potential risks in carrying out your duties during your pregnancy. Items to be considered should include;

- Rest Periods
- Manual Handling
- COSHH (Control of Substances Hazardous to Health – e.g. cleaning materials)
- Lone Working

You should make yourself aware of risks and take responsibility to protect yourself. A copy of the risk assessment will be placed on your electronic file. It may also be necessary for you to provide a copy to your Church Wardens so that they are aware of any considerations or limitations.

During Maternity Leave

Benefits

During the 52-week maximum duration of Maternity Leave, you will continue to be entitled to the benefits that you already receive, including;

- You can stay in the housing provided for the better performance of your duties.
- Your pension contributions will continue at the normal rate, including any Additional Voluntary Contributions you make (AVC's can however be reduced or stopped at your request)
- You may continue to access to the Diocesan Counselling and Wellbeing services

Holiday

Where possible, accrued annual holiday entitlement should be taken before maternity leave commences. It will continue to accrue throughout maternity leave but cannot be taken whilst you are away; it should instead be scheduled

for a date after you return to work. Where it is not possible to take holiday in the year it accrues (due to being on maternity leave) it will be carried over into the next year.

Cover Arrangements

As a clergy office holder, (unless you are a Curate in Training) you are responsible for arranging your own cover during your maternity leave as you would when taking any other type of leave. However, you will be fully supported in doing so.

In preparation for the leave, you and the parish, with the support of the Area Dean and/or Archdeacon should work on making good cover arrangements. During your leave this will be the responsibility of the leaders in the parish and the Area Dean.

Keeping in Touch days

Unlike employees, as a clergy office holder, you do not lose your entitlement to SMP if you stay in touch with the parish or RDSBF or carry out some of your duties of office during your maternity leave.

While there is no expectation that you will conduct any duties while on maternity leave, you may choose to engage with certain ministerial tasks or training.

Whilst you may feel there is a benefit in working occasional days we would encourage you to think carefully about what arrangements you want to make for keeping in touch and set out clear boundaries. Particular consideration should be given to the use of the vicarage during your maternity leave to preserve your privacy, for example if the vicarage is used as an office which others access, do alternative office arrangements need to be made. You may also request that any planned (non-urgent) maintenance to the vicarage is delayed in discussion with the Diocesan Surveyor. Except in the case of annual servicing for compliance purposes (e.g. boiler servicing), these should be planned in advance at a suitable time for you.

You will be supported by your Archdeacon in ensuring that you are able to maintain your privacy at home for the duration of your maternity leave. It would therefore be useful to document what boundaries or arrangements have been agreed so that Churchwardens can take appropriate steps to support you in maintaining these.

The parish will need to understand the context of any ministry or training undertaken during maternity leave and we recommend you discuss any "keeping in touch" days with your Archdeacon.

*See Guidance note to clergy office holders about to become parents.
(<https://www.churchofengland.org/media/19923> .)*

Maternity Leave during Training Curacies

If you will be on Maternity Leave during your training curacy, the length of your curacy may need to be extended in order to ensure that full training is provided. You will therefore have the opportunity to complete your curacy within an agreed time extension period.

This will ensure you have equal opportunity to prepare for your end of title assessment and can take flexible time at the end of your curacy for either repeating your assessment or seeking your next post.

You are entitled to request that you extend your curacy by at least the length of time you spend on maternity leave. Any extension will be discussed with the IME2 co-ordinator and agreed with the Archdeacon and Bishop's office.

Curates returning to duty after maternity leave who wish to complete their training on a part time basis and have the length of their training curacy extended should use the process for making a request for time off or adjusting their duties to care for a dependant

Return to Work

Notice

When starting your Maternity Leave, your return may feel a long way off, and life will change significantly in that time. If however, you can give some early thoughts to your return prior to starting your leave, this will help with planning, although this is not a requirement.

You are however required to give a minimum of 8 weeks' notice of your intention to return to work. Notice should be given in writing to your Archdeacon. The Archdeacon should notify the HR Team so that payroll can be notified accordingly. If no notice is given, it will be assumed that you will return to work at the end of your additional maternity leave.

Repayment of EMP if not returning to office

If you choose not to return after your maternity leave, you must give the Bishop notice of your resignation as detailed in your Statement of Particulars; this would normally be three months.

You are advised that the RDSBF reserves the right to reclaim Enhanced Maternity Pay (EMP) i.e. non-statutory element of maternity pay, if you do not return to

duties and/or do not continue in office for at least three months following each period of maternity leave.

These three months are in addition to any accrued leave during the paid time off. Therefore, when returning from leave, if any accrued leave is taken, you will be required to work further 3 months to qualify for the enhanced maternity pay.

If you are unable to return to duty after one period of maternity leave due to another pregnancy, but still intend to return to duty after the subsequent pregnancy, for you to both continue to benefit from any enhanced maternity pay and not repay the non-statutory element of maternity pay you must agree to return to duty for a longer period of time than three months i.e. three further months for each consecutive maternity leave.

Please note that this repayment requirement will apply if you opt to take a 'career' break immediately following maternity leave. It will not apply if you opt to take parental leave immediately following maternity leave, providing you return to duty for a three-month period following the parental leave.

The bishop may consider requests for additional support separate to this policy strictly on a case by case basis. This would be entirely at the bishop's discretion.

Support and advice

For any questions about this policy and your entitlements, please contact the Head of People based in the Diocesan Office.

For pastoral advice and support, please contact the Bishops Adviser for the Ministry of Ordained Women.

Your Archdeacon and Area Dean will also be able to provide you with advice, guidance and support.