

CLERGY MATERNITY LEAVE POLICY

Office holders have had an entitlement to maternity 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.

1. Stipend and Statutory Maternity Pay

Blackburn Diocese has agreed that clergy on maternity leave will receive 6 months' full stipend (which includes entitlement to Statutory Maternity Pay(SMP) and Enhanced Maternity Pay(EMP) followed by 13 weeks of Statutory Maternity Pay as part of an additional 6 months unpaid Diocesan leave.

The Statutory Maternity Regulations are as follows:

Statutory Maternity Leave is for 52 weeks. Clergy may be entitled to receive SMP for up to 39 weeks of the leave. The minimum level of pay depends on length of service. Clergy with 26 weeks' service are entitled to at minimum, SMP 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. If clergy qualify for SMP, it is paid:

- for the first six weeks at 90 per cent of your stipend
- for the remaining 33 weeks at the lower of either the standard rate or 90 per cent of your stipend

2. Enhanced Maternity Pay(EMP)

The Diocese offers an enhanced scheme where all stipendiary office holders (including curates in training) are entitled to maternity pay irrespective of whether they qualify for SMP or have held office in the diocese for any length of time if you:

- have given the correct notice as detailed above in point 2 below and
- are still pregnant 11 weeks before the EWC or have already given birth.

In order to get EMP, even if you do not meet the qualifying criteria for SMP(i.e., haven't held your office within the Diocese under common tenure for at least 26 weeks), you must complete an SMP1 form and apply for [Maternity Allowance \(MA1 claim form\)](#). Send a copy of the decision letter for your claim to the HR Adviser at Clayton House, if your claim is successful, the Diocese will recover the amount of maternity allowance awarded from your stipend. Please also note that in order for the diocese to reclaim 90% of SMP Pay, the diocese is required to give at least 28 days' notice to HMRC.

To qualify for EMP, an office holder who is either a clergy or a licensed lay worker must return to their licensed ministry within the Diocese of Blackburn for at least one year after maternity leave. Failure to do so will require reimbursement of the difference between SMP and EMP to the Diocese. Whereas an office holder who is a training curate is expected to return to licensed ministry within the Church of England for at least one year after maternity leave

3. MATB1

If you are pregnant, you must notify the diocesan HR Adviser. The MAT B1 form is available from your doctor or midwife after the 20th week of pregnancy and must be forwarded to the HR Adviser at the Diocesan Office, Clayton House as soon as possible, but no later than the 15 week before the Expected Week of Confinement(EWC). You should also provide the date on which you intend your maternity leave to start and if requested medical evidence of the EWC. No SMP can be payable without this certificate.

Where the MAT B1 is provided late, the HR manager will inform the clergy member whether SMP can be paid.

Self-supporting ministers have the same entitlement to maternity leave as other clergy, but are not entitled to receive maternity pay as they do not receive stipend.

4. Ordinands

Ordinands in training have no legal entitlement to remuneration or pensionable service as they have a different legal status to office holders. Ordinands who have been studying full-time are unlikely to be eligible for statutory benefits. However, the Diocese of Blackburn supports ordinands who become parents to complete their training and start their ministry.

Ordinands are either training for ordination on a part-time or full-time basis. Academic fees for part-time and full-time ordinands are paid for in full. Full-time ordinands may also be eligible to receive a means-tested maintenance grant in accordance with the national ministry team guidance.

Pregnant ordinands can take up to one year of maternity leave from training and continue to be assessed for a means-tested maintenance grant and are also entitled to paternity leave.

In circumstances where an ordinand has completed their ordination training and has accepted a stipendiary title post within the Diocese but is on or due to go on maternity leave, will be entitled to EMP providing the notification requirements are followed.

Ordinands (students) who have been working part-time may qualify for statutory maternity allowance or statutory maternity pay because of part-time employment.

5. Risk Assessment

The BDBF will carry out risk assessments to assess any possible risks to new and expectant mothers. Where the BDBF feels there may be a risk, it will do all it can to eliminate that risk and to warn the employee of the potential dangers.

6. Before you leave

Before a member of clergy goes on maternity leave a meeting will be set up between themselves and an Archdeacon to confirm all arrangements and answer any queries or concerns.

7. Application of Directions to Office Holders

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.
- Office holders do not have the right to be found an equivalent post when they return from maternity leave. They have not left their office whilst on maternity/adoption leave and therefore returns to work in the existing post as of right unless they resign or are 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.
- The DBF will finance paid cover for those holding the office of Incumbent during their maternity leave up to and including two services per week, other occasional offices and essential meetings for up to 12 months.

8. Antenatal Care

Pregnant employees are entitled to paid time off for antenatal care, however it is requested that arrangements are made for all appointments where possible to be made outside of working hours. Paid time off will be given for antenatal care on production of a medical appointment card.

9. Keeping in touch days

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

If an office holder wishes to undertake any of their duties during leave, they are advised to agree, in writing, with their churchwardens and archdeacon/area dean (as appropriate) what these duties will be and when they will be undertaken. This will enable the office holder to set clear boundaries to protect their leave which can be communicated to the PCC.

Any duties during leave must be by agreement and cannot be forced. These days do not need to be consecutive but should be used for any activity including retreats, attending training or diocesan meetings.

An Incumbent and/or Archdeacon may also make reasonable contact with an office holder during their leave, for example, to discuss return to their duties.

We would recommend that clergy carefully think through in advance what arrangements they want to make for keeping in touch during any period of maternity (and other) leave and communicate these with parishioners, churchwardens, other colleagues and as appropriate, area deans, associate archdeacons/archdeacons, bishops to ensure clear boundaries are set out and understood.

10. Stillbirth, Miscarriage

In the event of a stillbirth or miscarriage in the first 24 weeks of pregnancy, office holders such contact their incumbent or Archdeacon so that appropriate support can be provided.

If someone suffers a stillbirth in or after the 25th week of a pregnancy , she has the right to maternity leave and maternity pay.

In the above cases appropriate pastoral support will be provided to help the office holder resume the duties of the office or recommence training

11. Pension contributions

The Clergy Pension Scheme ensures that Office holders pensions contributions are paid during paid maternity leave. If an office holder wishes to pay pension contributions during for the unpaid part of their leave they may do so and must contact the Diocesan HR Adviser.

12. Postpartum support

Once the baby has been born a meeting will take place with the Archdeacon or their representative regarding the process of returning to work. Within this the option for part-time work can be considered at the discretion of the Bishop of Blackburn with the condition that cover can be found and provided by the clergy member wishing to work part-time.

13. Annual Leave

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 on Maternity leave. Where it is not possible to take holiday in the year that it accrues(due to maternity leave) it will be carried over into the next year. All holidays in the next year including any carry over must be taken by the year end.

14. General Data Protection Regulation

When managing clergy maternity leave and pay the Diocese processes personal data collected in accordance with its data protection policies.