

## Guidance to dioceses on policies to support clergy office holders who become parents

Note: references to *maternity (and other) leave* will, according to the context, also refer to: adoption leave, shared parental leave or shared adoption leave, and unpaid parental leave; and references to *(statutory or enhanced) maternity (and other) pay* will, according to the context, also refer to: (statutory or enhanced), adoption pay, shared parental pay or shared adoption pay. Where appropriate, the references to *and other* will also include paternity pay and leave.

### *Introduction*

1. It is important that those whom God has called to positions of authorised ministry have confidence that the Church will support them properly and enable them to continue in ministry if they become parents.
2. This guidance is provided to help dioceses have policy in place so that clergy can refer to a diocesan policy along with **Guidance note on the legal entitlements of clergy office holders who become parents** and **Guidance note to clergy office holders about to become parents**.

### *Who is covered by this advice?*

3. This advice is intended to provide guidance for dioceses when determining their own policies on supporting clergy office holders who become parents. Each diocese may set its own policies in relation to any maternity, paternity, adoption and shared parental pay and leave provision for stipendiary office holders provided that it includes or exceeds their statutory entitlements. For these, see **Guidance note on legal entitlements**.
4. There is a separate **Guidance note to dioceses and TEs on policies for ordinands about to become parents**.
5. This advice does not apply to clergy employees who have the same statutory rights to pay and leave as other employees<sup>1</sup>, and whose entitlement to enhanced pay during any period of statutory maternity (and other) leave will be determined by their employment contract.
6. Office holders have a separate legal entitlement to request time off work or an adjustment to the duties of the office to care for a dependant, whether a child, spouse or elderly relative. These rights and how they should be exercised are explained in separate guidance which also provides further information about special leave which can be granted by the bishop. This can be found at <https://www.churchofengland.org/sites/default/files/2019-04/Requesting%20time%20off%20or%20adjustments%20to%20care%20for%20a%20dependant%20April%202019.pdf>

---

<sup>1</sup> Clergy who have a period of ministry as employees will come off the Commissioners' payroll and will thus have a break in continuous service as far as their right to SMP is concerned.

*Recommended provision for dioceses*

7. Non-stipendiary office holders are already entitled to statutory maternity leave regardless of length of service. See paragraph 4 of **Guidance note no 2**.
8. Clergy receiving maternity or other pay will continue to earn pension as usual. If they pay voluntary contributions, these also continue but can be reduced or stopped. If clergy take unpaid leave, this is not pensionable.
9. The Archbishop's Council recommends that dioceses should adopt the following minimum provision for clergy office holders who are due to become parents or adopt *regardless of legal entitlement*.
  - Stipendiary office holders should receive Enhanced Maternity or Adoption Pay during maternity and adoption leave (i.e. pay in excess of the statutory minimum level), with the recommended level of Enhanced Maternity or Adoption Pay being 26 weeks on full stipend plus 13 weeks at the level of statutory maternity pay<sup>2</sup>;
  - They should receive Enhanced Maternity or Adoption Pay, irrespective of whether they qualify for Statutory Maternity or Adoption Pay or have held office in the diocese for any length of time<sup>3</sup>;
  - Stipendiary office holders should receive two weeks' Paternity Pay at full stipend, irrespective of whether they qualify for Statutory Paternity Pay or have held office in the diocese for any length of time;
  - Stipendiary office holders should receive Shared Parental Pay on the same basis and at the same rate as Enhanced Maternity Pay<sup>4</sup>.
10. This minimum recommended provision is in order to
  - ensure that stipendiary office holders are not disadvantaged (if, for example, they do not have a statutory entitlement to statutory maternity or adoption pay because their maternity or adoption leave starts shortly after commencing their curacy);
  - provide adequate support to clergy and their families;
  - demonstrate that the Church is serious about providing good care and support for its clergy when they have family responsibilities; and
  - address a perception of unfairness resulting from different policies being adopted by different dioceses.

---

<sup>2</sup> Pension contributions will continue to be paid at the same rate even if clergy receive SMP rather than full stipend.

<sup>3</sup> If an office holder is not eligible for SMP from their current office, check whether they may be eligible for all/part of the SMP to be paid by a previous employer or if they are eligible for Statutory Maternity Allowance, which is claimed directly from HMRC by the beneficiary.

<sup>4</sup> 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.

### *Adjustments and flexibility to support clergy office holders with young families*

11. The additional investment and adjustments that may be required during and after maternity (and other) leave should be seen as an investment that will help clergy office holders to resume fruitful ministry (whether immediately on return from leave or after period out of ministry).
12. Particular issues that affect clergy office holders, which need to be acknowledged and understood, include the following.
  - a) In order to be eligible for Statutory Maternity Pay (SMP) (or Statutory Adoption Pay or Shared Parental Pay) from HMRC, someone needs to have been in paid office for 6 months prior to the 15<sup>th</sup> week before the Expected Week of Childbirth. This means that clergy whose curacy has only just started are unlikely to be able to claim SMP. As a result, there will be curates who need financial support from the diocese, which the diocese will not be able to recover because Dioceses will not be able to claim 92% of SMP as the clergy are not eligible to claim SMP<sup>5</sup>.
  - b) Clergy office holders remain in the provided house during maternity (and other) leave. In the case of curates, this may result in additional costs, either because of income foregone on housing that could have been rented out or because the parish or diocese is paying rent in order to provide the curate with a house. If this is being funded by the parish, this is likely to seem a considerable additional cost. Dioceses may wish to consider in these circumstances whether some additional support might be given to the parish.
  - c) In the case of a training curacy, maternity (and other) leave will result either in the curacy being extended (with an increase in costs) or less thorough training being provided. Extending the curacy to take account of maternity (and other) leave or allowing someone to complete their curacy on a part time basis where they requested it, might result in additional costs (particularly housing). Both of these are recommended as sensible investments in someone's ministry. (See paragraphs 13-15 on training curacies.)
  - d) Some parishes may incur additional costs (such as travel and casual duty fees) in order to cover a period of maternity or shared parental leave.
  - e) Training curacies are sometimes locally funded by the parish, which may find challenges in having to fund the cost of housing and other support during a period of maternity leave, especially if it is not possible to recover 92% of

---

<sup>5</sup> If clergy have been paid during the six months before as a result of holding a previous office, this will count towards their entitlement. See Paragraph 10 of Guidance Note no 2.

SMP (or for the curate to claim SMA direct from the government) if the curate is not eligible. This may result in pressure to keep a curacy as short as possible and not to do any of it part-time.

- f) Normally there would be an expectation that someone would resume ministry after maternity (and other) leave, particularly if this would enable them to complete their training curacy. Dioceses are recommended to think carefully before making enhanced maternity (and other) pay conditional on a return to work for a particular period or on having served a period of ministry in the diocese. It is likely that a priest who has taken maternity (and other) leave will wish to resume ministry, even if she or he does not necessarily do so right away.
- g) Unlike employees, clergy office holders do not lose SMP if they stay in touch with the parish or diocese or carry out some of the duties of their office during their maternity leave. Therefore, Clergy office holders do not arrange Keeping in Touch (“KIT”) days, as they do not lose stipend when they keep in touch with parishioners or the diocese<sup>6</sup>. However, clergy will need to think through in advance quite carefully what arrangements they want to make for keeping in touch during any period of maternity (and other) leave, as they may wish to set out clear boundaries. See **Guidance note to clergy office holders about to become parents**.
- h) Dioceses need to give at least 28 days’ notice to HMRC in order to recover Statutory Maternity (and other) Pay. Dioceses should state clearly in their policies how much notice they require clergy to give them in order to enable them to meet this deadline.

### *Training curacies*

- 13. The length of the curacy may need to be extended to take account of any period of maternity (and other) leave in order to ensure that full training is provided. Dioceses will need to consider how, when, and by whom this is looked at to ensure a balance between the personal needs of the curate, their training requirements, obtaining a first incumbency and the overall needs of the diocese.
- 14. Clergy returning to work after maternity (and other) 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. See the procedure at <https://www.churchofengland.org/sites/default/files/2019-04/Requesting%20time%20off%20or%20adjustments%20to%20care%20for%20a%20dependant%20April%202019.pdf>

---

<sup>6</sup> It is suggested that clergy on unpaid maternity (and other) leave who find that they have worked for a day during a period of unpaid leave and need to be paid for it should arrange to have an additional day’s leave following their return to work. See paragraph 29

15. It is also important to be aware that the end of a curacy will be a particularly stressful time, as it is a time-limited office and there will be a need to find a new post and move to a new home. Training curacies may be extended for up to one year in order to help someone find a post. This applies to all training curacies whether or not maternity (and other) leave has been taken.

#### *Self-supporting Ministers*

16. Self-supporting ministers have the same entitlement to maternity (and other) leave as other beneficed and licensed clergy, but are not eligible to receive maternity (and other) pay, as they do not receive stipend.

17. If self-supporting ministers are provided with a house for the better performance of their duties, they have a right to stay in the house during any period of leave, as they remain in office during their maternity (and other) leave.

18. Self-supporting ministers will also need assistance with cover while on maternity or adoption leave (they are unlikely to share leave, as they will not be eligible to receive shared parental pay) and when returning from leave.

#### *Clergy at cathedrals, archdeacons and bishops*

19. This advice applies equally to cathedral clergy, archdeacons and bishops.

#### *Adoption leave and pay*

20. Adoption leave and pay (and shared adoption leave and shared adoption pay) should be handled in the same way as maternity leave and pay (and shared parental leave and pay). It is important to be aware that a placement can happen at short notice after a period of waiting. Those considering adoption need to have done some planning in advance and discussed their intentions and how to handle adoption leave including provision of possible cover with, as appropriate, their DDO, Archdeacon, Training Incumbent, or Dean of Women's Ministry.

#### *Paternity Leave and pay*

21. Those entitled to paternity leave include the spouse or civil partner of the person giving birth or the primary adopter, who will share responsibility for the child's upbringing. It is recommended that fathers (and the other adopting parent, in the case of adoption leave) should be eligible for two weeks of paternity or adoption leave on full pay regardless of length of service.

#### *Shared Parental Leave and pay*

22. It may be helpful to bear in mind that there are a number of possible scenarios around shared parental leave and pay.

- A priest eligible to receive Statutory Maternity or Adoption Pay might decide to transfer some of his or her entitlement to maternity or adoption pay and leave to his or her spouse. This would enable the priest to resume ministry and the

cost of the shared parental pay would be borne by the spouse's employer (although the statutory element would be recoverable from the Government).

- A non-ordained employee or primary adopter might decide to transfer some of his or her entitlement to maternity (and other) leave and/or pay to his or her ordained spouse) in which case the diocese would be required to meet the cost, decide what rate to pay it at (and claim back SMP from the Government).
- Where both parents are clergy and are entitled to maternity (and other) leave and maternity (and other) pay, they are also entitled to shared parental/adoption leave and pay.

23. It will be important to ensure that adequate cover and support are provided not only for clergy who take maternity leave but also for clergy who take shared parental leave.

## **During Leave**

### *Cover*

24. As office holders, clergy (unless they are curates in training) are legally responsible for arranging their own cover for absence for any reason, including maternity, paternity, parental, shared parental, and adoption leave, as they remain in office whilst on maternity (and other) leave. However, in practice, it is important to support clergy in meeting their responsibility.

25. Clergy should discuss cover arrangements before they go on maternity (and other) leave with, as appropriate, area deans, archdeacons, bishops, deans, DDOs and deans of women ministry and churchwardens and other colleagues, and should not be left to feel unsupported before taking maternity (and other) leave.

26. Each case will need to be considered on its own merits and it is important to be fair in order to avoid clergy being left unsupported if they are not part of an established ministry team or there is a shortage of local clergy who are available and willing to provide cover. Proactive offers of additional help in arranging cover can avoid creating additional stress (for example by creating a fixed term post to cover absence or by asking a retired cleric with permission to officiate to provide regular assistance during the period of maternity (and other) leave).

27. Parishes may not always find it easy to flourish in the absence of their incumbent. Ensuring that proper support for the parish (which isn't simply someone to take services on Sundays) is available can be a useful investment for the parish. It will also help to minimise the pressure clergy can feel to return to carry out the duties of their office before they are ready if they know that the parish is being well looked after by another priest while they are on maternity (and other) leave.

### *Other support*

28. It may be helpful for archdeacons or area deans to sit down with a PCC to explain the kind of support that clergy on maternity (and other) leave are likely to need and to help the congregation understand that parenthood might result in changes to clergy availability, both during maternity (and other) leave and afterwards

#### *Boundaries during maternity (and other) leave*

29. As clergy are able to stay in touch without losing SMP, they are not entitled to Keeping In Touch (KIT) days like employees are (see paragraph 10g). Clergy are encouraged for their own wellbeing to provide clarity to parishioners about what work – which includes contact with parishioners - they are willing to do during their leave. It will then be important to observe scrupulously any boundaries that they have set, in order to encourage parishioners to respect them. It may be helpful for the Churchwardens to be the initial point of contact. See also **Guidance note to clergy office holders about to become parents.**

30. Clergy on unpaid maternity (and other) leave should not generally be working, because, if they are, then they should be being paid for it. But if they do find that, for exceptional reasons, they have worked (which might include contact with parishioners that was not purely social or attending a diocesan meeting) for a day during a period of unpaid leave, it is suggested that they arrange to have an additional day's leave following their return to work.

#### *Mentors/companions*

31. It may also be helpful to arrange for a mentor/companion, who has been through the experience of maternity (or other) leave as an ordained office holder, and can provide advice and support.

#### *Support to the Parish*

32. It is suggested that, where the diocese would provide assistance to a parish during an interregnum (for example with the funding of travel and casual duty fees), it should do likewise during any period of maternity (and other) leave. Much will depend on the particular circumstances. In the case of a curate on maternity leave, a parish may not need any additional ministerial support. Other parishes may be able to ask retired clergy for assistance. Sometimes there may be a particular need for support, for example if a training incumbent goes on maternity (and other) leave and someone else is required to help with training a curate.

33. Parishes who are paying for the housing of a curate may also need support with housing costs during a period of maternity (and other) leave.

#### *Housing*

34. Office holders remain in office during any period of maternity and other leave and therefore are entitled to remain in the provided house. Housing or an allowance may sometimes need to be provided for those who are not office holders, for

example someone who has finished training , but not yet started in a parochial office.

### **On return from maternity (and other) leave**

35. There may be a need for additional support and phased return after maternity (and other) leave, when clergy resume carrying out the duties of their office. The period immediately after maternity (and other) leave may be a challenging one and it is important to check that clergy in this position are receiving the support they need.
36. There may be a need for a degree of flexibility from the parish when someone resumes carrying out the duties of their office after maternity leave. Clergy may find that it is not possible to carry out their duties or be available in the way that they were before. They may also need a period of adjustment as they start to combine life as a parent with carrying out the duties of their office. The degree of flexibility that clergy have in how to carry out their ministry should generally help them to manage this transition, but understanding from the parish will help to make it easier.
37. This may be a time to be flexible and creative and consider the possibility of part time stipendiary ministry. Clergy should be able to request a temporary variation in how they carry out the duties of their office if they do not wish to return immediately to full time ministry. See the procedure at <https://www.churchofengland.org/sites/default/files/2019-04/Requesting%20time%20off%20or%20adjustments%20to%20care%20for%20a%20dependant%20April%202019.pdf>
38. It may not always be possible to grant such requests, but it is important to bear in mind that, even if this results in additional costs, this might be better than having to provide the parish with additional support for a longer period during an interregnum if the office holder is not able to continue in ministry.

### **Stillbirth**

39. In the event of a stillbirth or miscarriage in the first 24 weeks of pregnancy, a period of sick leave and/or compassionate leave should be provided as appropriate.
40. If someone suffers a stillbirth in or after the 25th week of pregnancy, she has the right to maternity leave and maternity pay.
41. In these cases it will be vital to ensure that appropriate pastoral support is provided. Helping the parent to resume the duties of their office or recommence training will require particular sensitivity and flexibility.

### **Disrupted adoption**



42. If Adoption leave has started, but the parent is then notified that the placement will not take place, or, if the child is returned to the adoption agency after placement, or if, the child dies after placement, the entitlement to adoption leave (and if applicable, adoption pay) will continue for a further 8 weeks from the end of the week in which the disruption occurred, unless leave and/or pay would have ended earlier in any event.

43. Any queries about this advice should be directed to [hr.clergy@churchofengland.org](mailto:hr.clergy@churchofengland.org)

Archbishops' Council March 2020