

Guidance for clergy office holders about to 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.

This guidance (based on material from the Diocese of London produced in 2018) aims to give dioceses a basis for providing their own guidance and policies and to enable them to answer questions that clergy office holders and those working with them might have when they wish to take Maternity (or other) Leave. It therefore needs to be read by clergy in conjunction with the relevant diocesan policy.

Open and timely communication with DDOs and dioceses about family plans (even though these may not always work out as expected) is likely to be helpful. Discussions about your intentions will make it easier for the diocese to offer you the support that you need.

You must check with your diocese how much notice they require of the date from which you want to start receiving your Maternity, Paternity or Shared Parental Pay. If you fail to provide the appropriate notice, the diocese will not be able to recover it from the Government, as it needs to inform HMRC at least 28 days' notice of the date from which you want to start receiving your Maternity, Paternity or Shared Parental Pay.

1. What statutory rights do I, as a clergy office holder, have to maternity (and other) leave and pay?

See **Guidance note on the legal entitlements of clergy office holders who become parents**, which sets out the somewhat complex legal position (including the fact that different criteria are used to establish eligibility for maternity (and other) leave and eligibility for statutory maternity (and other) pay. Your diocese may offer more than you are legally entitled to, and so you should check with your diocese what its policies are in this regard.

2. What are my rights and obligations while on maternity (and other) leave?

As detailed in the guidance note on legal entitlements, holding office is distinct from employment in a number of ways that affect consideration of office holders' entitlements in connection with maternity (and other) leave and pay. 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.

3. Whom do I need to inform initially about my need for maternity (and other) leave and pay?

If you are claiming statutory maternity, adoption or paternity pay, you must check with your diocese when you need to give notice of the date you want to start receiving it, as the diocese will need to give at least 28 days' notice in advance to HMRC. If you fail to provide the appropriate notice, the diocese will not be able to recover it from the Government.

You should inform your Incumbent and/or Bishop in writing as soon as reasonably practical of your intended **leave** (for example after a 12 week scan). Women clergy may also find it helpful to inform their Dean of Women's Ministry who might be a helpful contact and who could put you in touch with others who have been through the same leave process in their parish for support and guidance.

Additionally, curates in training (in title post) should inform their IME Phase 2 Officer.

For **maternity leave**, notification should be no later than 15 weeks before the expected week of childbirth (EWC). The MATB1 form (which is issued by your GP or Midwife after the 20th week of pregnancy) will also need to be given to the Diocese for payroll and statutory payment purposes.

For **shared parental leave**, you will need to confirm your eligibility entitlement to shared parental leave and pay, the curtailment of the maternity leave and pay (for mother) and notification that the partner is intending to take shared parental leave (for father). The relevant form that will need to be completed and returned to your [Incumbent and] Bishop can be found [on the ACAS website here](#). Alternatively, the diocese may have its own form.

In the case of **adoption leave**, notification to your Incumbent and/or Bishop should be within 7 days of your being notified of a match. A copy of the placement certificate needs to be also given to the diocese once received (it is recognised that this may not be until the first day that the adoption takes place).

You should consult your diocesan policy about who is to be **the appropriate person** with whom you liaise regarding the different decisions, responsibilities and actions laid out in the remainder of this guidance. If you are in a training post, this will always include your training incumbent.

4. Am I entitled to time off for Ante-Natal Care or adoption appointments?

Expectant mothers are entitled to paid time off to keep antenatal appointments (including parenthood and relaxation classes), whatever the length of service and hours of work. Fathers and partners have the right to take unpaid time off work to accompany expectant mothers to up to 2 antenatal appointments. In practice, clergy office holders should normally be able to make arrangements to attend without needing to take unpaid time off.

For adoption, the main adopter will be able to take paid time off for up to five adoption appointments. The secondary adopter will be entitled to take unpaid time off for up to two appointments.

5. What are the boundaries whilst I am on maternity (and other) leave?

Clergy on maternity (and other) leave are advised to set very clear boundaries during leave, both for their own protection and so that parishioners know where they stand and are clear what the boundaries are. This is particularly important, as clergy may continue to work and maintain contact with the parish and the diocese during maternity (and other) leave without losing their right to statutory maternity (and other) pay. As a result, they do not need to arrange Keeping in Touch Days. See paragraphs 18-19 of the **Guidance note no on legal entitlements** and paragraph 10 (g) of the **Guidance note to dioceses on policies to support clergy office holders who become parents**.

You should therefore think carefully about arrangements before you go on maternity (and other) leave, so that the parish understands that you are on leave and are not working, and for these arrangements to be in writing.

This does not mean that you should have no contact with the parish whatsoever during your leave, but that you may wish to ensure that contact is primarily social, not least as it can cause difficulty if you are drawn into intervening in things whilst on leave after you have made arrangements to delegate the responsibility elsewhere.

As well as arranging cover (see below), you may find it helpful to make it clear to whom issues should be referred while you are on maternity (and other) leave. If you are an ex officio trustee of a charity, and/or a chair of the school governors, you will need to agree any appropriate arrangements with the charity or school. You may also wish to make arrangements for managing your responsibilities in relation to matters such as graveyards while on maternity (and other) leave.

Some clergy may choose to worship in another church whilst on leave, but others may wish to continue to attend services and socialise with parishioners. If you decide to worship in your church, you may find it helpful not to wear a dog collar or robes, and to avoid taking any additional part in services such as reading lessons, making the intercessions, or reading the notices. It may be useful to delegate giving consent in your capacity as incumbent (for example to changes to memorials).

Worshipping in the parish or remaining actively involved whilst on leave will feel important to some, whilst others will want to have time away. This may differ or change according to the length of leave taken. Different approaches are valid, and it should be the intention of all parties to work out in advance how everyone's needs can be accommodated.

The following actions may be helpful in establishing these boundaries:

- Establishing with those close to you what you feel the boundaries need to be in your particular situation;

- Meeting the appropriate people to discuss preferences and how they might be accommodated;
- Meeting your PCC to express your preferences in this regard and how they may be accommodated. Whatever you agree, confirm agreements in writing to be referred to in your absence;
- Making arrangements with funeral directors about who should be contacted in your absence.

Some questions you might like to consider when thinking about keeping boundaries:

- Do I want to worship in the parish or would I like to be elsewhere?
- Would I like to have regular contact meetings, or would I like to be less 'in touch' for a while? Are there decisions that I would like to be involved in e.g. changes of personnel, major incidents?
- What will happen to work emails and answerphone messages that go into my account whilst I am on leave?
- Would I like the congregation to be in touch socially?
- How will I respond if people knock on the vicarage door? Will I deal with matters, or will I redirect people?

Times when you might wish to work during maternity (and other) leave include

- if the PCC and you agree that it would be a good idea for you to attend the APCM
- other meetings (e.g. a PCC meeting, or deanery or diocesan synod)
- training
- any other activity that has the purpose of keeping in touch with the parish and your duties.

When considering this, you are encouraged to take advice and consult the Churchwardens, as it is important to ensure that parishioners know where they stand and whom to contact and that you do not end up in a position where you have effectively returned to work before you are ready.

6. How do I address the issue of cover?

Depending on the role, issues of cover should be raised as early as possible with the appropriate person.

If you are an incumbent or priest in charge, it is envisaged that you will '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'. Of course, this may vary from role to role but in practice this is likely to mean that:

- meet the appropriate people to discuss how cover can best be provided; and
- consider who is going to carry out your responsibilities of office whilst you are on leave.

Cover can take many different forms, including a fixed term appointment to cover authorised absence or arranging a rota in advance with specific named cover for each Sunday. This is something to be discussed with the appropriate person, being aware that there may be financial implications for the parish.

7. What happens if I am in a title post but now wish to take maternity (and other) leave?

The length of your training post (curacy) may be extended to take account of leave. Details of this should be agreed with your Bishop, when you request the leave.

8. What happens with housing?

Clergy are provided with housing for the better performance of the duties of their office.

Office holders remain in office during any period of maternity leave and therefore are entitled to remain in the provided house.

9. What happens to my pension?

While you are receiving statutory maternity (or other) pay, you will continue to accrue pensionable service. The pension contributions are made at the same rate even if you are receiving SMP rather than full stipend. If you pay your own voluntary contributions, these also continue but you can reduce or stop these. If you take unpaid leave, this is not pensionable.

10. What about 'Keeping in Touch' (KIT) days?

Clergy office holders do not lose their entitlement to statutory maternity (and other) pay if they carry out work during their leave. As a result, they are not eligible for KIT days but can still keep in touch with the diocese and the parish. 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 should arrange to have an additional day's leave following their return to work. See paragraph 28 of note 1.

11. Stillbirth or disrupted adoption

In the event of a stillbirth or miscarriage in the first 24 weeks of pregnancy, you should contact your Bishop to arrange a period of sick leave and/or compassionate leave as appropriate. The Bishop's primary concern will be for your welfare and support, but it may be helpful to know that your legal entitlements are as follows.

If you suffer a stillbirth in or after the 25th week of pregnancy, you have the right to maternity leave and maternity pay.

If your Adoption leave has started but you are then notified that either 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, your 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 your leave and/or pay would have ended earlier in any event.

12. Can I return to my post after leave?

An office holder remains in office during any period of leave, and therefore resumes their office on return as they have never left it. By default, therefore, there is no 'right' to be found an equivalent post on return from maternity (and other) leave.

13. How do I resume carrying out the duties of my office after maternity (and other) leave?

At the point of requesting maternity (and other) leave, it will be helpful, where possible, if you could indicate when you expect you might return from leave.

Where you have not been able to do so, you should give no less than 8 weeks' notice of the date on which you are intending to start carrying out the duties of your office again to the Bishop or appropriate person. A return to ministry interview should be organised in liaison with the appropriate person to discuss intentions and to give updates on what has been happening at the parish.

In parochial office, there is often already flexibility about how duties are carried out and so clergy may not feel they need a formalised request to work flexibly but can accommodate this within their current role. Flexibility in this context means working in a full-time role flexibly, i.e. in a different working pattern but continuing all responsibilities.

Please see the relevant guidance from the Archbishops' Council for the procedure on how to need different working arrangements or a phased return after maternity (and other) leave, for example, part-time working with a reduction in responsibilities. <https://www.churchofengland.org/sites/default/files/2019-04/Requesting%20time%20off%20or%20adjustments%20to%20care%20for%20a%20dependant%20April%202019.pdf>

Any queries about this guidance should be referred to your diocesan office.

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