Date: April 30th, 2024

Maternity leave Policy

This policy outlines the rights and responsibilities of office holders who are pregnant or have recently given birth and sets out arrangements for antenatal care and Maternity Leave pay. This policy gives details of the Diocesan Maternity Pay provision for qualifying office holders in the Diocese of Portsmouth. Under the Ecclesiastical Offices (Terms of Service) Directions 2010 an office holder shall be entitled to maternity, paternity, parental and adoption leave for the same periods and subject to the same conditions as apply in the case of a minister under the Employment Rights Act 1996 or any regulations made under that Act.

All matters relating to an office holder’s pregnancy will be treated confidentially, unless the expectant parent wishes otherwise, and apart from when disclosure is needed to agree measures related to covering the office holder’s duties during the period of leave.

# Who is Covered by this Policy

This policy applies to all stipendiary office holders both full-time and part-time, archdeacons and bishops.

Non-stipendiary office holders are entitled to Statutory Maternity Leave regardless of the length of service but not Statutory Maternity Pay. This policy does not apply to clergy employees who have the same statutory rights to pay and leave as other employees of the Diocese of Portsmouth, and whose entitlement to enhanced pay during any period of Statutory Maternity Leave will be determined by their employment contract. Clergy employed by the Diocese of Portsmouth enjoy the same enhanced maternity pay as provided by this policy.

# Length of Leave

Regardless of length of service a minister who is expecting to give birth is entitled to 52 weeks leave which consists of:

* 26 weeks’ ordinary maternity leave
* 26 weeks’ additional maternity leave

Both ordinary and additional maternity leave can be taken from the time of childbirth.

It is a legal requirement to take at least two weeks’ compulsory maternity leave, which commences with the day on which childbirth occurs and forms part of the ordinary maternity leave period.

# Time off for Antenatal Care

Ministers have the right to paid time off to receive antenatal care, providing evidence is given. Partners also have the right to time off to attend antenatal appointments.

# Notification requirements

A minister must notify their Archdeacon (in writing) by the end of the 15th week before the expected week of childbirth, or as soon as reasonably practicable, of the following facts:

* that they are pregnant
* the expected week of childbirth (by means of a medical certificate, usually known as an MATB1)
* the date they are intending to commence maternity leave (which can be no earlier than the 11th week before the expected week of childbirth)

The start date can be varied provided 28 days’ notice is given (in writing) or as soon as reasonably practicable thereafter.

Commencement of maternity leave will be triggered automatically if a minister:

* Is absent from office within the 4 weeks before the expected week of childbirth for a pregnancy-related reason; or
* gives birth prematurely.

In which case they should give the required notice as soon as reasonably practicable thereafter.

The Archdeacon will acknowledge in writing a minister’s notice and confirm:

* the intended start date for maternity leave;
* that they are expected to return to office at the end of the leave; and
* the required date of return; the date on which a minister should return to their office will be the first working day after the end of the additional maternity leave period.

The Archdeacon will also ensure that the minister has made arrangements to cover the duties of their office during her absence with suitable other persons.

# Return to Office

In respect of both ordinary and additional maternity leave, no notice of return is required unless a minister wishes to return early (see below). The date of return will be the date notified by the Archdeacon.

If a minister does not wish to return to office after maternity leave they must give the Archdeacon notice of termination as detailed in her Statement of Particulars.

# Early return to Office

A minister must give eight weeks’ notice if they intend to return to office before the expiry of additional maternity leave. Failure to give the correct notice entitles the Archdeacon to postpone a return until eight weeks have elapsed following receipt of the notice.

# Postponement of return

The Archdeacon cannot postpone return to office after additional maternity leave and similarly a minister cannot postpone return to office after additional maternity leave by forwarding a medical certificate. If a minister is ill, normal rules on sick leave will apply, as detailed in the Clergy handbook.

# Right to return to the same office

When returning from ordinary maternity leave a minister has the right to return to the same office, as if they had not been absent (even where they also took a period of parental leave of four weeks or less immediately following the ordinary maternity leave period).

When returning from additional maternity leave (regardless of whether a minister also took a period of parental leave) they have the right to return to the same office, as if they had not been absent.

# Maternity Pay

The Board will provide qualifying ministers with their full stipend for 39 weeks which is inclusive of any entitlement to Statutory Maternity Pay (SMP), any further period thereafter would be without stipend.

For information, Statutory maternity pay (SMP) is paid to ministers who are: in their post by the end of the 15th week before their baby is due (qualifying week) and where:

* they have 26 weeks’ continuous service at the end of the qualifying week i.e. the 15th week before the expected week of childbirth
* their average weekly earnings are above the National Insurance threshold.
* has given at least 28 days’ notice (or as much as is reasonably practicable) of the date they intend SMP to start
* They are still pregnant 11 weeks before the expected week of childbirth, or have already given birth
* They supply a certificate from a midwife of doctor confirming the date of their expected week of childbirth

A minister who does not have 26 weeks’ continuous service at the 15th week before the expected week of childbirth is not entitled to SMP, but may claim maternity allowance from the government.

There is no SMP payable for the final 13 weeks of additional maternity leave.

The Diocese will also continue to provide housing for the minister during their maternity leave period.

# Neonatal Care

We wish to acknowledge additional time off that may be required for a Minister whose baby is receiving neonatal care. Ministers will be entitled to take up to 12 weeks of neonatal care leave in addition to the existing entitlements, such as maternity leave as outlined in this policy. Ministers will also receive full stipend for up to 12 weeks.

Neonatal care leave is for newborn babies who are hospitalised during their first 28 days of life for 7 days or more. The purpose of this additional leave is to enable parents to spend more time with their babies who are receiving specialist care, without worry of taking unpaid leave or returning to work.

Any period of Neonatal care will be added to the end of your maternity leave.

When the Neonatal Care (Leave and Pay) Act 2023 is in force, this rate will be inclusive of any statutory prescribed rate. While we offer this enhanced pay scheme, the criteria may be subject to change once the Neonatal Care (Leave and Pay) Act comes into effect so that we comply with any statutory obligations.

# Pension contributions

During the period in which maternity pay is being paid to a minister the diocese will also continue to pay contributions into their pension scheme.

# Holiday entitlement

A minister will be entitled to accrue paid holiday leave during maternity leave which shall accrue on a pro rata basis.

# Keeping In Touch (“KIT”) Days

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. 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.

# Fertility Treatment Leave

Ministers undergoing fertility treatment will be entitled to up to continue receiving their full stipend to receive and recover from fertility treatment and attend appointments specifically associated with the process.

# Leave relating to pregnancy loss

The death of a baby at any stage of pregnancy is devastating and is usually completely unexpected and in every case the death of a baby is traumatic.

For clergy to return to their office can be incredibly challenging even with the love, support and understanding of their fellow clergy and parishes. If an individual is unable to return to office after a miscarriage (before 24 weeks) for medical reasons, they will qualify for Sick Leave and Sick Pay, provided a note from the GP is provided.

If the baby arrives early, Maternity Leave will automatically start on the day after the birth. If the baby is stillborn after the twenty-fourth week of pregnancy or if the baby is born alive at any point (even if the baby later passes away), the office holder will be entitled to full maternity rights set out in this policy. If any office holder experiences the loss of a child, through a miscarriage, a still birth or their baby passes away after birth, pastoral support is available to all clergy through the Churches’ Ministerial Counselling Service (CMCS). CMCS exists to help individuals to deal with challenging, emotional issues they face, whether work related or personal, through short term, professional counselling. The service is entirely confidential, and can be accessed anonymously, through self-referral. The Diocese will normally meet the full cost of counselling accessed through the scheme.

# Maternity Leave during Training Curacies

This policy has been agreed to ensure that, when taking Maternity Leave during their curacy, Curates are not disadvantaged and have the opportunity to complete their curacy within an agreed time extension period.

Reasons for this provision include:

* Equal opportunity to prepare for their end-of-title assessment
* Extended flexible time at the end of their curacy for either repeating their assessment or seeking their next post
* Not disadvantaging curates by insisting they stay longer in curacy if they can demonstrate completion of their title outcomes
* Within the 3½ year Curacy term, an 8-month flexible period of time is already in place which allows for additional study time if required with an opportunity of an extension if agreed.

This policy allows for those who take Maternity Leave during their curacy an automatic entitlement to this extension if required.

Curacy Extension Options: Curates who have been on a single maternity leave during the title period (the first 2.5 years of curacy) will automatically have the option to:

* Extend the period prior to end of title assessment for up to the length of time of their agreed leave. For example, 8 months’ maternity leave would trigger the option for end-of-title assessment to happen in August rather than January of the third year. and if requested;
* Have the four-month extension which is usually discretionary (December to April of the fourth year) as an automatic extension if they choose to do so.

Clergy returning to duty 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 procedure at <https://www.churchofengland.org/sites/default/files/2019-04/requesting-time-off-or-adjustments-to-care-for-a-dependant-april-2019.pdf>