

## **FAQs on the guidance on supporting clergy and ordinands who become parents**

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

This applies to all clergy office holders (curates, vicars, rectors, priests in charge, cathedral clergy, archdeacons and bishops) and to those training for ordained ministry who have not yet been ordained (ordinands).

Self-supporting clergy are entitled to maternity, paternity, adoption and shared parental leave but not to maternity (and other) pay.

### **What are they entitled to currently under the law?**

See the section on the legal entitlements of clergy office holders

Clergy office holders have the same legal entitlement to maternity, paternity, adoption, and shared parental leave and pay as employees. This is 6 weeks paid leave at 90% of average weekly earnings and 33 weeks at lower rate Statutory Maternity Pay (SMP) (currently £148.68), plus 13 weeks of unpaid leave.

However, in order to be eligible to receive the statutory minimum, it is necessary to have worked for 26 weeks before the 15<sup>th</sup> week before the date on which the baby is expected to be born. As long as clergy have 26 weeks' stipendiary service on the national payroll, the service does not need to be in one appointment or even one diocese. Training for ordination does not count as work for the purposes of qualifying for statutory maternity (and other) pay.

Dioceses are required to pay SMP (where someone is eligible and has 26 weeks' stipendiary service by the 15<sup>th</sup> week before the expected date of childbirth). They have discretion to provide maternity pay at an enhanced level (and this is in line with good employment practice).

Ordinands receive discretionary means-tested grants to help them with living costs while training for ordination. There is no legal entitlement to this support, whether someone is in training or on absent from training for parental reasons.

### **What is the minimum legal right for shared parental leave?**

Currently employees and office holders who meet the conditions for shared parental leave and pay, which are the same as those for SMP, may share the mother/main adopter's entitlement to 50 weeks of leave, of which 37 is paid. The ACAS guidance states that it is at the employer's discretion whether to pay shared parental/adoption pay at the statutory minimum level or at the enhanced level provided for women on maternity leave or main adopters.

Current rules are that if a woman on maternity leave opts to share parental leave/pay, it is paid by the spouse's employer, who would make the decision whether to enhance or not.

So a woman married to a male priest might opt to go back to work and transfer some of her paid leave to the man, and it would be for the diocese to decide whether to pay the shared pay at the enhanced rate.

But if a woman priest married to a man decided to go back to work and transfer some of her paid leave to her husband, it would be for her husband's employer to decide whether to enhance or not.

92% of the SMP element remains recoverable whether the pay is shared or not.

### **Why has new guidance been issued?**

Diocesan provision has varied, which gives rise to perceptions of inconsistency and unfairness. We hope that having some clear recommendations will lead to greater consistency of practice.

The recommendations also provide clarity about what provision to make if someone is not entitled to SMP, either because they have been in stipendiary office for less than 6 months, or because they have been training for ordained ministry, and in receipt of discretionary grants, which is not regarded as work for the purpose of claiming SMP.

### **What changes is this guidance recommending to pay and grants?**

The guidance

- recommends a minimum level of enhanced maternity (and other) pay that dioceses should pay in addition to the statutory minimum, (26 weeks on full pay and 13 weeks on SMP £148.68 per week) which will help to reduce inconsistencies between dioceses;
- removes an uncertainty among dioceses by making it clear that clergy are eligible for SMP if they have held stipendiary office for at least six months by the 15<sup>th</sup> week before the due date, even if some of that service was in a previous office or in a previous diocese, and recommends that these clergy should also receive enhanced maternity pay;
- recommends that shared parental pay should be paid at the enhanced rate;
- recommends that enhanced maternity pay should also be paid where someone is not eligible for SMP for example, if a curate has been in a paid post for less than six months by the 15<sup>th</sup> week before the due date;
- recommends that ordinands should continue to receive discretionary means-tested maintenance grants during any period of maternity or adoption related absence for up to one year to enable them to resume their studies and accommodation should continue to be provided;
- provides for this support to be included in the existing pooling arrangements which share the cost of training between dioceses;
- recommends flexible support for ordinands who become pregnant after completing training in order to enable them to be ordained and start in a curacy;
- encourages those providing training to respond positively to the needs to ordinands who become parents; and

- reassures ordinands that they can expect to continue to receive support during any period of parental absence.

The primary consideration in every case is that support should be provided at the appropriate level. Sometimes this will mean going beyond the legal entitlement, for example providing the equivalent of enhanced maternity pay when someone not legally eligible to receive SMP, or by making special arrangements to provide additional cover on a temporary basis

### **What is the guidance recommending about clergy responsibilities during maternity (and other) leave?**

See the guidance for clergy office holders about to become parents

Clergy remain in office during any period of maternity (and other) leave and continue to live in the provided house during their leave. The new guidance

- makes it clear that clergy, as office holders, unlike employees, are required to arrange cover during periods of maternity and paternity related absence, just as they are during other kinds of leave, and recommends that dioceses need actively to support clergy in making these arrangements, for example by providing a named colleague (for example, the area dean or one of the neighbouring clergy) as a point of contact for emergency cover, once clergy have started their maternity (or other) leave ;
- makes it clear that clergy office holders - unlike employees - who do any work during paid maternity leave are not disqualified from SMP (and thus do not need to arrange Keeping in Touch Days);
- encourages clergy on maternity leave, for their own wellbeing, to provide clarity to parishioners about what work, if any, they are willing to do during their leave, and to observe scrupulously any boundaries which they have set.

### **Why is this guidance being issued now?**

It was decided that we needed to update and improve the existing guidance for a number of reasons.

- The Church highly values its clergy and ordinands and their families, places a high priority on their wellbeing, and seeks to support them as much as possible, over and beyond legal requirements where appropriate. The primary reason for doing this is to treat people engaged in ministry or training for ministry as well as we can.
- We are keen to encourage young women to consider the possibility of vocation to ordained ministry , particularly as they are currently under represented among ordinands and the number of young female ordinands dropped by one third last year. Those considering their vocation need to be reassured that the Church will support them if they become parents while training or engaged in ministry.
- A number of issues have recently needed clarification (for example, treatment of clergy and ordinands who are not eligible for SMP, pooling arrangements, and KIT days not applying to office holders). This lack of clarity has been

unhelpful for dioceses deciding what support they need to provide and for ordinands and clergy who become parents and who may be unclear about the level of support they will receive from the Church.

- There is an increasing awareness of the need to help people to stay in ministry and provide timely and appropriate support to enable them to do so. This may involve some additional costs during training and in the early stages of someone's ministry. But this is likely to be a good investment if clergy and ordinands know they are supported during maternity and other leave and feel able to resume their ministry after becoming parents.
- This will help to support clergy wellbeing which has been the subject of conversations in many dioceses as the Church prepares to adopt the Covenant for Clergy Care and Wellbeing at the February Synod.
- It is important for parenthood to be seen as an occasion for rejoicing not as a problem to be solved, and to encourage ordinands and clergy who are about to become parents to feel able to share this news in good time with those responsible for making arrangements to support them.

### **Is this compulsory for dioceses and parishes?**

This guidance clarifies the legal position for clergy office holders, but much of what it recommends is not compulsory. Rather, it recommends an appropriate minimum level of support in cases where there has previously been a lack of clarity and encourages dioceses and parishes to look at the bigger picture. There are already many examples of good practice across the Church of England, and we hope that this guidance will encourage sharing of information and help to spread good practice.

### **What can be claimed back from the state?**

The costs of maternity and other parental leave are easily overstated. If someone is eligible for SMP, 92% of the SMP element is recoverable from HMRC, even if the total pay is at an enhanced rate, provided that clergy inform the diocese in time. This means that dioceses are only having to pay for the enhanced element of maternity pay, unless someone is not eligible for SMP.

The cost of training is already pooled among dioceses and this guidance provides for any costs relating to support provided during periods of maternity related absence to be included within the pooling.

When seen in the context of a lifetime's potential ministry, additional support for clergy and ordinands who become parents is not so much unaffordable as good stewardship. There are also substantial costs if the Church fails to support someone at this significant point in their life, particularly if, as a result, they no longer wish to offer a ministry or to resume training, after significant sums have already been invested in their training.

### **Who is this guidance for?**

This guidance should not be seen as only for female clergy. Both men and women (and potentially their children) will benefit from it, as these recommendations also

cover adoption leave and pay, shared parental leave and pay and paternity leave and pay.

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