

ADDITIONAL PATERNITY LEAVE AND ADDITIONAL STATUTORY PATERNITY PAY

ADVICE ISSUED BY THE ARCHBISHOPS' COUNCIL

This advice is issued by the Archbishops' Council for information and to assist in the development of good practice and does not constitute formal guidance under the Ecclesiastical Offices (Terms of Service) Measure 2009.

It should be read in conjunction with that provided in January 2011 on maternity, paternity, parental and adoption leave, maternity, paternity and adoption pay and the right to request time off work or adjustments to the duties of the office to care for a dependant.

1. The Additional Paternity Leave Regulations 2010 give fathers (and adoptive partners) the right to up to six months' paternity leave which can be taken once the mother (or other adopter) has returned to work. Some of this leave may be paid if taken during the maternity or adoption pay period.
2. Under the Ecclesiastical Offices (Terms of Service) Directions 2010, office holders are entitled to maternity, paternity, parental and adoption 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, or any regulations made under that Act that have effect at the time when the Directions came into force on 1 January 2011. This includes additional paternity leave (APL) and additional statutory paternity pay (ASPP). Clergy on contracts of employment also have an entitlement to APL and ASPP, as provided by their employer.
3. Clergy office holders on common tenure therefore have the right to APL and ASPP if their spouses or civil partners
 - are due to give birth on or after 3 April 2011 (or they receive notification on or after this date that they have been matched with a child for adoption) and
 - return to work.
4. Different conditions attach to leave and pay.
5. Additional paternity leave (APL)
 - may be taken even if the mother has no maternity leave remaining when she returns to work;
 - is for a maximum of 26 weeks;
 - may not start until 20 or more weeks after the child's birth or placement for adoption;

- must have ended by the end of the 52nd week after the child's birth or placement for adoption;
 - is subject to the requirement at paragraph 2(2) of the Ecclesiastical Offices (Terms of Service) Directions 2010 for the office holder to use all reasonable endeavours to make arrangements for the duties of the office to be performed by another person or person during the periods of leave.
6. Additional statutory paternity pay (ASPP) may be paid
- in addition to ordinary statutory paternity pay (OSPP);
 - only if the mother has returned to work without exhausting her entitlement to statutory maternity pay (SMP) or adoption pay(SAP), or maternity allowance(MA);
 - only if there are at least two weeks of SMP, SAP or MA remaining;
 - only for periods of at least one week during which no work (other than a Keeping in Touch Day) is done;
 - at the level of SMP, SAP or MA;
 - at a higher level than the statutory amount, but only if the diocese agrees to fund the additional amount.
7. Those wishing to take additional pay or leave need to comply with additional notification requirements as set out below.
8. Eight weeks before office holders wish their APL or ASPP to start, they must provide the Diocesan Office with:
- (a) a leave notice in writing specifying
- the expected week of birth and/or placement for adoption
 - the date of birth or placement for adoption
 - the start and end date of their APP
 - the arrangements they have made to provide cover for the duties of their office to be carried out
 - the date on which they want any ASPP to start;
- (b) a declaration signed by the parent taking the leave stating that
- the purpose of leave is to care for the child
 - the parent is
 - either the father
 - or married to or the partner or civil partner of the mother but is not the child's father

- the parent has or expects to have the main responsibility for the upbringing of the child apart from any responsibility of the mother;
- (c) a declaration from the mother or other adoptive parent stating:
- their name and address
 - their date of intended return to work
 - their National Insurance Number
 - that the parent taking the leave is:
 - either the father
 - or married to or the partner or civil partner of the mother or other adoptive parent but is not the child's father
 - has or expects to have the main responsibility for the upbringing of the child apart from any responsibility of the mother
 - is, to the mother's knowledge, the only person exercising the entitlement to additional paternity leave in respect of the child
 - that the mother or other adoptive parent consents to the DBF/Payroll services processing the information in the declaration.

April 2011