



Family Leave for clergy

1. Who does this guidance apply to?

This guidance covers family friendly leave for clergy office holders in the Diocese of Canterbury that receive a stipend. It aims to answer questions that clergy and those working with them might have when they wish to take family friendly leave.

2. What type of family friendly leave do we mean?

- Maternity
- Paternity
- Parental
- Adoption
- Shared Parental

3. What statutory rights to family friendly leave do clergy have?

Pay – Clergy office holders have a right to statutory maternity, paternity and adoption pay because of their National Insurance Contributions.

Leave – Entitlement to maternity, paternity, parental and adoption leave is conferred by the Ecclesiastical Offices (Terms of Service) Directions 2010. These Directions gave clergy holding office under Common Tenure the rights in respect of maternity, paternity, parental and adoption leave that applied to employees on the date the Directions came into force (31 January 2011). Whilst there is no specific legal entitlement to leave for Clergy officeholders on Freehold, the Diocese of Canterbury has agreed that the same entitlements will apply as to those on Common Tenure.

The Diocese of Canterbury offers enhanced benefits for family friendly leave.

4. What is the pay and leave for each aspect of family friendly leave in the Diocese of Canterbury?

The Diocese of Canterbury offers in excess of statutory entitlements. Appendix 1 details the amount of leave and pay that clergy can expect to receive in the following family situations:

- Maternity
- Paternity
- Parental
- Adoption
- Shared Parental

5. What are my rights and obligations while on family friendly leave?

As detailed in advice issued by the Archbishops Council, 'holding of office is distinct from employment in a number of ways that affect consideration of office holders' entitlements in connection with

maternity, paternity, parental and adoption leave. 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.’

6. Who do I need to inform initially about my need for family friendly leave?

You should inform your Incumbent (if you are in training), Archdeacon and Bishop in writing as soon as reasonably practical of your intended leave. You may also find it helpful to inform your Bishop’s Adviser for 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.

Notification should be no later than 15 weeks before the expected week of confinement (EWC). For maternity leave, 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 Diocesan Human Resources Manager at Diocesan House, Lady Woottons Green, Canterbury CT1 1NQ.

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

At this point it should be agreed with the Archdeacon/Bishop (and confirmed in writing) 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 paper. If you are in a training post, this will always include your training incumbent.

7. 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 their 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.

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.

8. What are the boundaries whilst I am on family friendly leave?

Worshipping in the parish or remaining actively involved whilst on leave will feel important to some people, 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 with the appropriate people to discuss preferences and how they might be accommodated.



- Meeting with 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.

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, will I redirect people?

It should be noted though that for the purposes of maternity, adoption and shared parental leave, 'working' whilst on leave means that you would lose the equivalent of a week's pay, unless the work is specifically allocated as a KIT or SPLIT day (see paragraph 12).

9. 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 (as stated at paragraph 6).

If you are an incumbent, 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' (Archbishops Council Guidance). Of course this may vary from role to role but in practice this means that;

- When any type of family leave is requested you should meet with the appropriate people (as agreed at paragraph 6) to discuss how cover can best be provided.
- Discuss which party is going to be responsible for maintaining cover whilst leave is being taken.
- Cover can take many different forms; a fixed term appointment or ad hoc cover. This is something to be discussed with the appropriate person, being aware that there may be financial implications.

10. What happens if I am in a title post but now wish to take family friendly leave?

The length of a training post may be extended to take account of leave. Details of this should be explicitly agreed with your Bishop and Archdeacon when you are arranging the leave.

11. What happens to the cost of housing for those that are on family friendly leave?

The overall aim is that an individual should not be in a housing situation where they are 'worse off' as a result of taking family friendly leave. However, we recognise that this can place a financial pressure on a PCC if they are bearing the cost of accommodation. Whilst there are no hard and fast rules, the following principles should be considered:

- Where the Diocese is already paying for the housing, it will continue to do so,
- Where the PCC is providing the housing the ideal situation is that they will continue to do so,

- If this is not possible, the Archdeacon will explore other options to help resolve the issue,

PCCs who may have difficulty meeting the cost of housing should approach their Archdeacon in the first instance.

12. What are 'Keeping in Touch' (KIT) days?

It is possible to work for up to 10 days or 'occasions' during maternity/adoption or 20 days or 'occasions' during shared parental leave (known as Shared Parental Leave in Touch days 'SPLIT days') without losing the entitlement to pay for the week in which the work is undertaken.

An example of where a KIT or SPLIT day would be useful is if the PCC and you agree that it would be a good idea for you to attend the APCM. In this instance the 2 hour meeting would count as one of your 'occasions'. If at this stage you have chosen to take the additional 13 weeks off as unpaid, you will receive a stipend payment for the equivalent of 2 hours.

There is not an obligation to use these days and again it would need to be agreed in advance with the appropriate person but some people find it beneficial to be in touch. You may use the days for normal work duties, meetings (e.g. a PCC meeting) training or any other activity that has the purpose of keeping in touch with the parish and your duties, as long as it is agreed in advance with the relevant person. The days do not need to be taken consecutively. They may not be taken within two weeks of childbirth.

If it is agreed that KIT/SPLIT days are to be taken and you are within a period of unpaid leave (i.e. the last 13 weeks of maternity/adoption or Shared Parental Leave) it is important that the Diocesan Assistant Accountant is informed in order for your stipend/salary payments to be adjusted if necessary.

13. 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.

If you suffer a stillbirth in or after the 25th week of pregnancy, you have the right to maternity leave and maternity pay as outlined in Appendix 1.

Disrupted adoption: 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 tragically, 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.

14. Can I return to my post after leave?

An office holder has never left their post. They therefore return to their post as if they have never left it. By default, therefore, there is no 'right' to be found an equivalent post on return from any kind of family friendly leave.

To confirm, training curacies may be extended to take account of leave.

15. How do I return to work after family friendly leave?

You should give 8 weeks' notice of your return to work date to the Bishop or appropriate person of your intention to return to work. A return to work 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.

It is not unusual for someone to feel they may need different working arrangements or a phased return after family friendly leave, for example, part-time working with a reduction in responsibilities. In employment this need is responded to using a 'flexible working request'. This concept also exists for clergy and is fully detailed in Appendix 2.

However, in parochial office, there is often already flexibility about how work is 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.

If this is the case, the following principles should be adopted;

- The flexibility being adopted should be expressly discussed with the appropriate person as outlined in paragraph 6, as well as the Bishop where necessary, so that all parties are clear about expectations and obligations.
- As officeholder, you remain responsible for arranging appropriate cover if you are taking time off.
- In order to ensure that your stipend payments are correct, the Diocesan Assistant Accountant, as well as the Bishop or delegated person, should be informed in writing at least 8 weeks before the end of your leave that you plan to return to work and whether that is on a full or part time basis.

16. What if I need more than 'flexibility within role' and feel that part time work with a reduction in responsibility is the way forward?

The Archbishops Guidance provides a process for requesting this; the full guidance is attached as Appendix 2.

17. What if the PCC, Bishop, Area Dean, Archdeacon and/or I feel the flexibility is not working?

It is important that the flexibility works for all stakeholders in the arrangement. Unresolved issues around this can cause problems and so the situation should be responded to as soon as the issue is identified. All situations will, by their nature, need a different response.

The key principles are

- Raise concerns as they arise
- Establish a mechanism for exploring concerns (perhaps a meeting for relevant parties – together or separately)
- Identify a way for each party to feel supported in exploring their concerns (perhaps by being accompanied to a meeting)
- Consider whether someone independent is needed to facilitate the meeting
- Ensure resolutions are recorded in some way (minutes/memo/letter) and that they include a mechanism for reviewing outcomes after a period of time
- Take into consideration what might need to happen if any party feels the outcome is not satisfactory



Appendix 1 – Pay and Leave

The benefits offered by the Diocese of Canterbury exceed the statutory requirements as detailed below:

Maternity Pay and Leave

Clergywomen and licensed lay workers who express an intention to return to work and who have completed at least one year's service at the beginning of the 14th week before the Expected Week of Childbirth (EWC), should receive 39 weeks' paid maternity leave on full stipend. They may also wish to take an additional 13 weeks' unpaid maternity leave after the end of the period of paid maternity leave.

Subject to the qualifying requirements above, individuals continue to receive full pension entitlements throughout the period of leave.

Paternity Leave and Paternity Pay

Clergy and licensed lay workers who have at least 26 weeks' service by the beginning of the 14th week before EWC, should receive 2 weeks' paternity leave on full stipend following the birth of their child. Paternity leave can be taken at the time of the birth or in the following weeks.

Subject to the qualifying requirements above, individuals continue to receive full pension entitlements throughout the period of leave.

In order for the Church Commissioners to reclaim Statutory Paternity Pay from the HMRC on our behalf, a "SC3" Certificate needs to be completed and returned to the Diocesan Assistant Accountant at least 28 days before the leave starts. Please contact the Finance Office directly for a copy of the Certificate.

Those with less than the required level of service do not have an entitlement to paternity leave or pay.

Adoption Leave and Adoption Pay

Clergy and licensed lay workers with one year's continuous service or more should receive up to 39 weeks' adoption leave on full pay. They may also wish to take a further period of 13 weeks unpaid adoption leave after the period of paid adoption leave. Either partner may receive Adoption Pay, but not both.

Subject to the qualifying requirements above, individuals continue to receive full pension entitlements throughout the period of leave.

Shared Parental Leave

From April 2015, if they choose to do so, an eligible mother can end her maternity leave early and, with her partner or the child's father, opt for Shared Parental Leave instead of Maternity Leave. If they both meet the qualifying requirements, they will need to decide how they want to divide their Shared Parental Leave and Pay entitlement.

Any period of shared parental leave would be paid at full pay up to 37 weeks in total (39 weeks excluding the first two weeks of compulsory maternity leave). A further period of 13 weeks unpaid statutory parental leave is available.

Adopters will have the same rights as other parents to Shared Parental leave and pay.

Subject to the qualifying requirements above, individuals continue to receive full pension entitlements throughout the period of leave.

Accrual of Annual leave

If you are due to take a prolonged period of leave, you should try to take any accrued annual leave before commencing the leave.

Whilst on leave, holiday entitlement continues to accrue. If you are unable to take all of your annual leave in the year it accrues due to being on family friendly leave only, you will be allowed to carry it over into the next year. You will need to discuss arrangements for taking that leave with the appropriate person. You can't take annual leave during family friendly leave.

The Church Commissioners reclaim Statutory Maternity Pay and Statutory Paternity Pay from the Government on behalf of the Diocese and deduct what they receive from the monthly stipend cost.



Appendix 2 – Flexible working request – Guidance from Archbishops Council

“Where office holders need to vary their duties in order to care for a dependant (for example reducing a post from full time to part time with a commensurate reduction in stipend), they...have a right to...”

Make a request – and have the request properly considered. The request may be refused if there is no other reasonable way of meeting the pastoral needs of the parish and the requirements of the office.

The Archbishops’ Council has agreed that the procedure for making a formal request should be as follows, and that the office holder should:

- make the request in writing
- set out the date of the request
- make no more than one request during a twelve month period
- state that the request is being made under the Ecclesiastical Offices (Terms of Service) Directions 2010
- set out the reasons for needing an adjustment to the duties of the office
- set out the change requested
- state whether they have made any previous requests in their current post
- identify the effect the proposed change will have on the provision of ministry to the parish



- suggest how such an effect could be mitigated (the office holder may wish to consult colleagues about this first so that he or she is in a position to indicate that the proposed solution might have their support in principle)
- give a proposed start date
- indicate whether the proposed adjustment is intended to be permanent, or, if not, for how long it might be expected to last.
- The bishop, on receiving the request, is required by paragraph 3(5) to consult the PCC(s). The bishop may also wish to consult any of the office holder's colleagues who are likely to be affected by the request.
- Once the bishop has received a reply from the PCC(s), the office holder's request should be considered promptly.
- If the bishop agrees to the request, the office holder and the PCC(s) should be informed in writing of the bishop's agreement.
- If the bishop is not in a position to agree immediately, the bishop should arrange to meet the office holder as soon as possible to discuss the request.
- The office holder may bring a colleague or trade union representative to the meeting.
- In good time after the meeting (normally within 14 days), the bishop should inform the office holder of the decision. If he does not accept the request, he must give the reason in writing and give reasonable time (normally 14 days) for the office holder to appeal. The appeal should be held and the office holder informed of the result within reasonable time (in both cases, normally 14 days).
- A revised statement of particulars should be issued to reflect any changes made, unless they are very temporary and short term. The office holder will need to be informed that this will be a permanent change to the duties of the office, and there is no automatic right to have the duties adjusted back to the original terms at a later point, unless this has been agreed in advance.
- The bishop should not refuse the request simply because the PCC does not support it or the proposed solutions. Potential grounds for refusing a request include:
 - Cost
 - inability to reorganise duties among existing clergy
 - inability to recruit additional clergy
 - potential effect on the office holder's performance of his or her duties.

The bishop may delegate consideration of these requests to the archdeacon.

Appendix 3 – Case Studies

What could each type of leave look like in a hypothetical situation?

Maternity

The Reverend A discovers that she is expecting a baby on 1 August, she is currently 12 weeks pregnant. She is the incumbent of a large parish, with an active PCC and small staff. She makes appointments with both her Bishop and PCC to let them know the good news.

After offering congratulations, the Bishop suggests that she speaks to the Bishop's Adviser of Women's Ministry who might be able to offer further support. The Bishop and Reverend A agree that, in the first instance, she will:

- Take time for antenatal appointments as they arise
- Ensure that any risks for work activities have been considered and associated records and documentation maintained
- Provide the MATB1 form to the Diocesan Assistant Accountant once received



- Consider how she would like cover to be organised whilst she is away (Reverend A later decides to discuss this in more detail with her Area Dean and PCC)
- Think about what boundaries she might like there to be around contact whilst she is on leave, discuss these with the PCC and confirm them in writing
- The Bishop liaises with both the Archdeacon and the Area Dean to clarify their roles and responsibilities.

Once baby has been born and leave has commenced, Reverend A speaks with her Bishop again to talk about how she might return to work. She feels that she is losing touch with her ministry and the parish and is keen to have some contact. The PCC agree that she will have 5 keeping in touch days towards the end of her maternity leave, before she returns to the parish.

Reverend A is also feeling anxious about managing family life with the demands of running a parish full time. She discusses with the Bishop the possibility that some of her morning duties are swapped with the other Clergy in the parish to allow for her to take her oldest child to school and take the baby to the child-minders two mornings per week. She would then cover two evenings of meetings for her colleagues instead.

The Bishop and the PCC discuss this and they agree that they do have enough assistance in the parish to accommodate this on an informal basis, as long as it is agreed in advance and everyone continues to be happy with arrangement. All parties agree to review the arrangement after 3 months to ensure that the arrangement is working.

Reverend A's return to work date is agreed and the Diocesan HR Manager and Assistant Accountant are made aware so that her stipend payments can be organised. The Bishop ensures that the Archdeacon is fully informed.

Paternity

Reverend B is an incumbent. He is going to be a father with the baby expected in 6 months' time. He lets his Bishop and PCC know the good news.

He confirms that he would like to attend antenatal appointments with his wife if possible. Reverend B's statutory entitlement is to attend 2 appointments unpaid, however as there is flexibility in how Reverend B carries out the duties of his office it is locally agreed that he attends all the appointments and is paid at normal stipend.

Reverend B also confirms to the Bishop that he would like to take 2 weeks of paternity leave around the time of the birth, he is not exactly sure when that will be but knows that he won't be able to take the leave until the baby is born. He agrees to keep the Bishop and the PCC regularly informed as to when the leave is likely to start.

Once he knows when he is going to be off, he informs the Bishop and the Diocesan HR Manager and completes the SC3 form. He receives full pay for the 2 weeks leave.

Adoption

Reverend C is a curate in a title post who is adopting a child with his wife. He speaks to his incumbent and Bishop early on in the adoption process and is offered support by them both throughout. They are soon matched with a child with a placement date agreed for 5 months' time.



The couple have chosen for Reverend C to be the person that takes the full one year's adoption leave. They understand that he is entitled to 39 weeks full pay and 13 weeks unpaid.

Reverend C confirms that he intends to attend 4 adoption appointments over the coming months, these would be based on full pay. He also agrees with the Bishop that he will

- Send the adoption matching certificate to the Diocesan Assistant Accountant once received
- Consider how he would like cover to be organised whilst he is on adoption leave
- Think about what boundaries he might like there to be around contact whilst he is on leave

Reverend C feels it is important to be part of the church community during the leave period as he wishes for the child to get to know everyone as soon as possible. He discusses this with his training incumbent and the PCC. They agree that he will continue to attend services and be part of the church community but he will not lead the parish or take on responsibilities. These arrangements are confirmed in writing.

He lets the Bishop, Archdeacon, PCC and the Diocesan HR Manager know 8 weeks in advance of his intended return to work date so that arrangements for pay and his return to the parish can be organised.

He agrees with the Bishop and his incumbent that his Title post will be extended to allow further time to complete his Post Ordination Training. He receives an amendment Statement of Particular's from the Diocesan Human Resources Manager.

Flexible Working

Reverend D is a full time incumbent of a small parish. She has just had her 2nd child and is preparing to return to work after a period of maternity leave. Her husband works full time and childcare commitments are such that she will need to take care of the children for two days per week. This means that she now needs to restrict her work in the parish to 4 days per week.

Reverend D appreciates that there may be difficulties with this so speaks to her Bishop about the best way forward. The Bishop discusses this with both the Archdeacon and Area Dean and confirms with Reverend D that she will need to submit a formal flexible working request.

Reverend D makes a full request in writing acknowledging that her full responsibilities as an incumbent could no longer be accommodated into the new 4 day week, so a reduction in hours, pay and responsibilities would be required.

The Bishop, on receiving the request consults with the PCC and Reverend D's colleagues who are likely to be affected by the request and then considers the proposals in discussion with the Archdeacon and Area Dean.

The Bishop meets with Reverend D to discuss the requests and puts forward any issues raised by the PCC. After due consideration, the Bishop refuses the request due to the fact that the parish is small, with no other clergy or administrative support. The Bishop does not feel that they would be able to reorganise the duties and there is no spare money left in the PCC funds to recruit additional clergy. The Bishop confirms the decision in writing, offering Reverend D the opportunity to appeal.

Shared Parental Leave



Diocese of Canterbury

CHANGED LIVES ⇌ CHANGING LIVES

Reverend E wishes to take shared parental leave with his wife. His wife works elsewhere and has agreed that she will take the first 6 months off work to be with baby. Reverend E then wishes to take 3 months leave to be with their baby before formalised child care arrangements are in place.

The Bishop and Reverend E agree that, in the first instance, he will:

- Consider how he would like cover to be organised whilst he is away and that he should discuss this with the Area Dean and PCC
- Think about what boundaries he might like there to be around contact whilst he is on leave, discuss these with the PCC and confirm them in writing

The Bishop discusses the matter with both the Archdeacon and Area Dean and then confirms that Reverend E will receive full stipend for the 3 months leave, as it falls within the 39 week entitlement given by the Diocese. Once the dates of the leave have been agreed, Reverend E informs the Diocesan HR Manager and the Archdeacon.

During the last couple of weeks of his leave, Reverend E asks whether it is possible for him to attend the annual PCC meeting. The PCC agree that this would be helpful so Reverend E uses one of his entitled 'Shared Parental Leave in Touch Days' to attend the meeting.