

DIOCESE OF LICHFIELD GUIDELINES FOR CLERGY MATERNITY LEAVE APRIL 2007

Please note this paper represents a summary of the guidelines, the full document is available on request from the diocesan office and is downloadable at <http://intranet.lichfield.anglican.org/finance>

These guidelines apply for Clergy and Licensed Lay workers and cover maternity pay, maternity leave, paternity pay, paternity leave, adoption pay, adoption leave and parental leave.

Maternity Pay

1. The diocese follows the Central Stipends Authority guidelines on maternity leave and pay - these are in fact more generous than the statutory provisions.
2. If a woman deacon or priest wishes to return to work after the baby is born, she is entitled to receive full pay for thirty nine weeks with a further thirteen weeks unpaid leave.
3. **To qualify for Paid Maternity Leave, a woman must:**
 - a) be in paid service at the time her maternity leave begins and have completed at least 1 year's continuous service at the 14th week before the "expected week of childbirth" (EWC)
 - b) stop work at the earliest 11 weeks before the expected week of confinement (EWC) .
 - c) give notice to the diocesan office in writing of the intention to take maternity leave before the end of the 15th week before EWC. The diocese or the Church Commissioners should then confirm the date in writing, including the date when the individual is expected to return to work. The individual can change their mind about the dates but should give 8 weeks notice of any change, which again will be confirmed in writing by either the diocese or the Church Commissioners.
 - d) state that she intends to return to work after the birth,.
 - e) still be pregnant at the 11th week before EWC or have had the baby. Women whose babies are stillborn, or who miscarry, after the 24th week of pregnancy still qualify for the full scheme terms.
4. **Maternity Pay:**
 - a) will be paid as full pay for 39 weeks for the period of continuous absence before and after confinement.
 - b) can start from the 11th week before the baby is due" .

- c) must start from the date the baby is born if it has not already done so.
- d) is a weekly payment, but the week can start from any day of the week. This will allow the Maternity pay to align with the start of the maternity leave in all cases. Maternity pay is payable for whole weeks.
- e) is not payable in a week, if any work is undertaken in that week, unless the work is undertaken as a "Keeping in Touch" day
- f) is liable for both Income Tax and National Insurance deductions.
- g) where the individual receives Heating, Lighting and Cleaning (HLC) Allowance, this will continue throughout the Maternity Pay. In isolated cases where the HLC exceeds £5,200.00, the allowance will be reduced accordingly during the period of the lower rate SMP and will naturally cease during the period of unpaid leave.
- h) where the individual has worked for less than one year, she needs to be in employment at the qualifying week (15 weeks before the EWC) and have completed 26 weeks work. The SMP is then 90% for the first six weeks and then the lower SMP for twenty weeks.
- i) the diocese must be given at least 28 days' notice of the date of starting maternity pay and provide medical evidence of pregnancy (form MATB1 from GP, midwife or clinic) to the diocesan office.

5. Additional Unpaid Maternity Leave (AML) of up to 13 weeks is available for those who express an intention to return to work after maternity leave, following on from the 39 week period of paid maternity leave.

Clergywomen or licensed lay workers wanting to return to work after maternity leave will find it advantageous to state the intention of doing so at the outset. An employee who resigns either before, during or after her maternity leave, but later changes her mind, has no absolute right to return, although every effort should be made to find a suitable post.

6. At the end of the Maternity Leave, the post temporarily vacated must have remained available for the woman to return to. Where both parties are clergy and one party is moved to another area within the Diocese, the only obligation is the post vacated by the woman remains open. If an identical post, can be found in the new location, equivalent hours and status, i.e. curate, priest in charge, team vicar or Incumbent, then this may be offered as an alternative. If a suitable replacement post can not be found then the woman must return to her former post.

A curate or team vicar may wish to re-negotiate their working arrangements when they return from maternity leave. If this is mutually agreed with the training

incumbent, or the team rector (and has the approval of the area bishop) the clergy stipend is adjusted pro-rata to reflect the reduced hours.

For example, if a full stipend was £21,000 and a five-day working week is negotiated, the reduction in stipend is one seventh, i.e. to £15,000.

7. With the reduced stipend in (7) above, there is also a corresponding downward adjustment in pensionable entitlement.
8. Once a deacon or priest ceases to be full-time, they lose all the Heating, Lighting and Cleaning allowance. However, she will be able to claim the so-called "Study Allowance". The Church Commissioners, who make the necessary adjustments to stipend, indicate the net effect is only marginally less favourable because the former concession is taxable as a benefit in kind.

The "Study Allowance" is a tax allowance that has to be negotiated between the individual concerned and the Inland Revenue in Bradford. It is usually based on 25% of the Heating, Lighting and Cleaning allowance applicable in the current year for that individual.

9. If a woman deacon or priest states they do not intend to return to work, they can not be paid less than 6 weeks at 90% of their current pay followed by a further 20 weeks at the SMP flat rate. This reflects the statutory minimum payment due to an individual who qualifies for SMP.
10. Where Car Loans are concerned provided there are sufficient funds from the monthly stipend less statutory deductions and attachment of earnings, the loan repayments will continue to be deducted in the normal manner. If there are insufficient funds then there are two options:-
 - a) To pay the repayments by cheque or standing orders
 - b) To freeze the loan until there is sufficient monthly income, at which point the loan is reinstated to finish in accordance with the original agreed finish date.

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Notes

Note 1. Ante-natal care

A woman has a legal right to paid time-off to keep ante-natal appointments (including parenthood and relaxation classes).

Note 2. Working while on Maternity Leave – Keeping in Touch (KIT) days

From 01 April 2007 a woman will be able to do a limited amount of work (up to 10 days) under her contract, during the Maternity Pay Period (MPP), for the diocese paying her SMP and retain her SMP for that week. Any work done on that day under her contract will count as a whole KIT day. There are no restrictions on when KIT days can be used for SMP, although Maternity regulations prohibit a woman from working for two weeks after childbirth. It is a matter for the woman and her Area Bishop or Archdeacon how and when KIT days are used during the MPP. Once these days have been used up the woman will lose a week's SMP for any week in which she does any work under her contract of service for the diocese.

Note 3. Paternity Leave and Paternity Pay

For clergy and licensed lay workers, 2 weeks' leave on full stipend, which can be taken at the time of birth, or in the following weeks, whichever is more helpful to the family,

The father is required to complete a SC3 form – available from the Church Commissioners website or from the Diocesan Office. The form must be completed and sent to the Diocesan Office

Note 4. Guaranteed Annuities

Where Guaranteed Annuities are concerned, the clergy continues to receive these in addition to any SMP, and when on unpaid extended leave.

Note 5 Paid Adoption Leave and Adoption Pay

Clergy and licensed lay workers with one year's continuous service or more may take :-

- 39 weeks' leave on full stipend
- 13 weeks' unpaid leave.

Within 7 days of being notified that a child has been matched with them, clergy and lay workers claiming adoption pay should inform the Diocesan Office:

- when the child is expected to be placed
- when the adoption leave is to start
- and should provide a 'matching certificate' from the adoption agency

Either partner may receive Statutory Adoption Pay, but not both. The other partner may receive Statutory Paternity Pay

Leave can be from the date of placement or a fixed date up to 14 days before the expected date of placement.

Note 6. Parental Leave and Time Off for Dependants

The objective of Parental Leave is to enable people with parental responsibility to have time off to spend time with and to look after a child, or to make arrangements for the child's welfare.

Parental Leave, which is unpaid, is for a maximum of 13 weeks for each child and can be taken by both mothers and fathers. Parental Leave can be taken up to the child's fifth birthday, or fifth anniversary of placement date for adoption (or 18th birthday if sooner). (Leave taken with a previous employer counts toward the maximum entitlement.)

In the case of a child with a recognised disability the parents are entitled to take up to 18 weeks' leave a year. Furthermore, Parental Leave may be taken up to the child's 18th birthday.

Clergy and licensed lay workers should notify the diocesan office in writing of their intention to take Parental Leave.

Note 7. Time off for Dependants

Clergy and licensed lay workers should be able to take a reasonable amount of unpaid time off during their working hours to deal with unexpected or sudden problems affecting their dependants and to make any necessary longer-term arrangements for their care.

It is expected that, in most cases, the amount of leave will be less than one day, or one or two days at the most.

Clergy and licensed lay workers should notify the diocesan office in writing as soon as possible that they are about to take or have taken time off to care for their dependants, and let the diocesan office know how long they expect to be away from work.

For the purpose of the right to time off, a dependant is defined as follows:

"A partner, child or parent of the employee, or someone who lives with the employee as part of their family e.g. elderly aunt or grandparent"

In cases of illness or injury, or where care arrangements break down, a dependant may also be someone who reasonably relies on the cleric or lay

worker for assistance. This may be where the cleric or the lay worker is the primary carer or is the only person who can help in an emergency.

Note 8 Pensionable Service

All unpaid Maternity, Paternity, Adoption and Parental leave are pensionable, and pension contributions will continue to be paid during this period, as, under the present rules of the scheme, death in service payments can only be made during pensionable leave.