



## **CLERGY MATERNITY LEAVE POLICY**

**DATE: 07/22**

Office holders have had an entitlement to maternity 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, since the introduction of Common Tenure in 2011. These rights are conferred on those who hold office under Common Tenure by the Ecclesiastical Offices (Terms of Service) Directions 2010.

### 1. **Stipend and SMP**

Blackburn Diocese has agreed that clergy on maternity leave will receive 6 months' full stipend (which includes any entitlement to Statutory Maternity Pay) followed by 13 weeks of Statutory Maternity Pay as part of an additional 6 months unpaid Diocesan leave.

The Statutory Maternity Regulations are as follows:

Statutory Maternity Leave is for 52 weeks. Clergy may be entitled to receive Statutory Maternity Pay (SMP) for up to 39 weeks of the leave. The minimum level of pay depends on length of service. Clergy with 26 weeks' service are entitled to at minimum, Statutory Maternity Pay for 39 weeks (at 90% of average weekly earnings for 6 weeks followed by lower rate SMP for the remaining 33 weeks) plus 13 weeks' unpaid leave.

If clergy qualify for SMP, it is paid:

- for the first six weeks at 90 per cent of your stipend
- for the remaining 33 weeks at the lower of either the standard rate or 90 per cent of your stipend

### 2. **MATB1**

If you are pregnant, you must notify your Archdeacon and give your MATB1 form to the Head of Support Services at the Diocesan Office, Clayton House.

The MAT B1 form is available from your doctor or midwife after the 20th week of pregnancy and must be forwarded to the Head of Support Services at the Diocesan Office, Clayton House as soon as possible, but no later than three weeks after the start of the Maternity Pay Period (MPP). No Statutory Maternity Pay (SMP) will be payable without this certificate.

Where the MAT B1 is provided late, the HR manager will decide whether or not the clergy member could have provided it earlier and will advise her of their decision to pay SMP.

### 3. **Risk Assessment**

The BDBF will carry out risk assessments to assess any possible risks to new and expectant mothers. Where the BDBF feels there may be a risk, it will do all it can to eliminate that risk and to warn the employee of the potential dangers.

### 4. **Before you leave**

Before a member of clergy goes on maternity leave a meeting will be set up between themselves and an Archdeacon to confirm all arrangements and answer any queries or concerns.

### 5. **Application of Directions to Office Holders**

Holding of office is distinct from employment in a number of ways that affect consideration of office holders' entitlements.

- 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.
- Office holders do not have the right to be found an equivalent post when they return from maternity leave. They have not left their office whilst on maternity/adoption leave and therefore returns to work in the existing post as of right unless they resign or are removed from it.
- Clause 2 (2) of the Directions confers a requirement on office holders 'in consultation with a responsible person or authority' to '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'. This may simply involve a discussion with the archdeacon about how best to ensure that cover is provided whilst the office holder is on leave. A possible option might be to make an appointment under Regulation 29, which allows for someone to be

appointed to a post designated as created in order to cover for an office holder's authorised absence from work. This may be held for a fixed term or under terms which provide for the appointment to be terminated on the occurrence of a specified event, such as the return of the original office holder from maternity leave.

- The DBF will finance paid cover for those holding the office of Incumbent during their maternity leave up to and including two services per week, other occasional offices and essential meetings for up to 12 months.

#### **6. Antenatal Care**

Pregnant employees are entitled to paid time off for antenatal care, however it is requested that arrangements are made for all appointments where possible to be made outside of working hours. Paid time off will be given for antenatal care on production of a medical appointment card.

#### **7. Keeping in touch days**

At the discretion of the Archdeacon keeping in touch days or KIT days may be issued, these allow people on maternity or shared parental leave to work without losing Statutory Maternity Pay or Shared Parental Pay for the week in which the work is done. The days may be for work, training or any other activity that has the purpose of keeping in touch with the workplace. The days do not need to be taken consecutively. They may not be taken within two weeks of childbirth.

10 KIT days are available when on maternity leave and an additional 20 SPLIT days during shared parental leave.

#### **8. Stillbirth**

In the event that a stillbirth occurs you are still entitled to SMP and maternity leave.

A stillbirth occurs when the baby is stillborn after the 24th week of pregnancy. If a baby is born alive but survives only for an instant, this is a live birth and the rules for a live birth will be applied.

In addition, evidence will need to be provided before making payment (for example, a stillbirth certificate issued by the registrar, or a certificate or notification for the registration of a stillbirth issued by the attending midwife or doctor).

#### **9. Death of Baby**

In the event that the baby dies during the SMP pay period, payment will continue as normal.

#### **10. Pension contributions**

Pension contributions when a clergy member is on maternity leave, will continue to be paid based upon their stipend.

If a member of clergy qualifies for SMP, contributions to their pension will continue up to the 39 week period. The contributions a clergy member makes to their pension during maternity leave will be based on their actual earnings during this period which may be lower than their usual payments in any additional 6 months that can be taken.

#### **11. Training posts**

The length of a training post may be extended to where maternity leave has been taken.

#### **12. Postpartum support**

- Once the baby has been born a meeting will take place with the Archdeacon or their representative regarding the process of returning to work. Within this the option for part-time (pro rota stipend) work can be considered at the discretion of the Bishop of Blackburn and the parish with the condition that cover can be found and provided by the clergy member wishing to work part-time.
- Other forms of support can be discussed in line with clergy wellbeing.