

Pregnancy and Maternity Rights

There is a statutory entitlement to maternity, paternity, parental and adoption leave, and leave to receive ante-natal care, under the Ecclesiastical Offices (Terms of Service) Directions 2010. This is set at the level of the minimum entitlement for employees, currently as follows:

Ante-Natal Care

Reasonable time off work for pregnant office holders to attend ante-natal care at appointments made on the advice of a registered medical practitioner, registered midwife or registered health worker. If requested, a certificate of pregnancy and an appointment card must be provided.

Statutory Maternity Pay (SMP)

On stopping work and meeting all of the following conditions an office holder is entitled to receive SMP. She must:

- have been the office holder for at least 26 weeks ending with the 15th week before the Expected Week of Childbirth (EWC).
- have average weekly earnings of not less than the figure set by the Government for the payment of National Insurance contributions
- still be pregnant at the 11th week before the EWC or have given birth by that time
- give at least 28 days' notice that she intends to stop work
- provide medical evidence of the EWC.

For the first six weeks SMP is payable at the earnings related rate (equivalent to 90% of earnings) and for the remaining 33 weeks at the statutory rate as set by the Government.

Maternity Leave

If an office holder stops work no earlier than the 11th week before the EWC, and meets the following conditions, she is entitled to 52 weeks' maternity leave. To comply she must notify the parish (in writing if requested) by the 15th week before the EWC unless that is not reasonably practicable, of the following:

- that she is pregnant (preferably by submitting a MAT B1 form);
- the EWC;
- the date on which she intends her ordinary maternity leave to start; and
- if requested, provide medical evidence of the EWC.

The parish will confirm in writing the date upon which the 52 week maternity leave period will end.

The office holder must not work during the 2 weeks immediately after the birth; this is known as the "compulsory maternity leave period" and is considered part of the ordinary maternity leave period.

If an office holder gives birth before the intended maternity leave start date, the maternity leave will start automatically on the day after the birth of the child.

If the office holder wishes to return to work before the end of the 52 week period of maternity leave she must give at least 8 weeks' notice of her intended date of return.

If she decides to return to work early and this is during or at the end of ordinary maternity leave, she is entitled to return to the post she was in before the absence. If she returns to work during or at the end of additional maternity leave, she may be able to return to her original post (or another post which is suitable and appropriate).

St James' Maternity Pay (as per Ely Diocesan Policy)

Subject to the eligibility below, 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), will receive 39 weeks' paid maternity leave on full stipend. The payment of St James' Maternity Pay includes any entitlement to SMP.

To qualify for St James' Maternity Pay all the conditions required for entitlement to SMP must be satisfied and it is necessary to:

- a) have one year's continuous service at the beginning of the 14th week before the EWC;
- b) be in paid service at the time maternity leave begins;
- c) stop work at the earliest after the start of the 11th week before the EWC;
- d) give notice to the St James' office in writing of the intention to take

maternity leave before the end of the 15th week before the EWC. The Incumbent or Chair of the PCC will then confirm the date in writing, including the date when the clergywoman or licensed lay worker is expected to return to work. The clergywoman / licensed lay worker can change her mind about the dates but should give 8 weeks notice of any changes, which should again be confirmed by the Incumbent or Chair of the PCC in writing;

- e) give an undertaking of the intention to return to work after the birth;
- f) be pregnant at the 11th week before the EWC, or have had the baby.

2. Statutory Paternity Leave (SPL) and Statutory Paternity Pay (SPP)

a) Statutory Entitlement

Office holders are entitled to choose to take either one week or two consecutive weeks' paternity leave (not odd days), subject to the following conditions:

- The office holder must have been the office holder for at least 26 weeks continuously by the end of the 15th week before the expected week of childbirth (EWC).
- He must be, or expected to be, responsible for the upbringing of the child.
- He must be the child's biological father or married to or the partner of the child's mother.
- The leave must be taken for the purpose of caring for the child or supporting the mother.
- The leave, can start on any day of the week on or following the child's birth but, must be completed within a period of 56 days beginning with either the child's birth or the first day of the EWC, whichever is the later. The parish will allow up to two weeks to be taken in one period if that is more convenient.

b) Notice and Evidence Requirements

Notice must be given of the intention to take paternity leave in or before the 15th week before the EWC.

Note: If, after providing this notice, the office holder has a change of mind as to the commencement date or the amount of leave to be taken, further notice of at least 28 days must be provided (or, in cases where this is not reasonably practicable, as soon as is reasonably practicable).

A self-certificate must be provided stating the EWC, the date upon which paternity leave is anticipated to begin and whether one or two weeks leave is to be taken.

As part of the above certificate a declaration must be signed that the conditions of entitlement to statutory paternity leave and statutory paternity pay are fulfilled.

c) Ordinary Statutory Paternity Pay (OSPP)

If an office holder is entitled to SPL he will also qualify for OSPP provided that his normal weekly earnings are not below the lower earnings limit applying to NI contributions, and, he gives at least 28 days' written notice of the date liability to pay OSPP is expected to begin.

OSPP will be at the rate determined by the Department of Social Security or 90% of weekly earnings (calculated at an average of the eight weeks preceding the Qualifying Week), whichever is the lower.

d) St James' Ordinary Paternity Leave at full pay

The Parish will give 2 weeks paternity leave on full stipend, subject to the same conditions and eligibility criteria as apply to Statutory Paternity Pay and Leave set out above. This payment will include any entitlement to Ordinary Statutory Paternity Pay.

3. Additional Paternity Leave and Additional Statutory Paternity Pay

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.

Clergy office holders on common tenure 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.

Different conditions attach to leave and pay.

a) 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.

b) 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

Additional Paternity Leave will be paid at full pay if the office holder has at least one year's continuous service by the end of the qualifying week..

c) Procedure

Those wishing to take additional pay or leave need to comply with additional notification requirements as set out below.

- Eight weeks before office holders wish their APL or ASPP to start, they must provide the St James' 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 Parish Administrator/Cambridge Acre Payroll services processing the information in the declaration.

4. Adoption Leave and Adoption Pay

There is a statutory entitlement to adoption leave and adoption pay when adopting a child, providing certain qualifying conditions are met.

However, the Parish will give clergy and licensed lay workers who intend to return to work up to 39 weeks adoption leave on full stipend, followed by a further period of unpaid additional adoption leave, subject to the conditions and eligibility criteria.

An office holder who is planning to adopt should discuss this with the relevant Archdeacon.

Where both adoptive parents are either office holders or employees, then they must choose which of them is to benefit from Adoption Leave, or agree how it is to be shared.

5. Parental Leave

a) The Entitlement

If an office holder has a baby or adopts a child and has completed one year's continuous qualifying service by the time he / she wishes to take the leave the office holder is entitled to Parental Leave. Qualifying service is full or part-time stipendiary service.

The objective of Parental Leave is to enable office holders with parental responsibility 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 18 weeks for each child and can be taken by both mothers and fathers. Leave taken with a office or employment counts towards the maximum entitlement.

b) When leave may be taken

Leave must normally be taken in blocks of one week or more, up to a maximum of four weeks in a year for each child. However, parents of disabled children can take leave in blocks or multiples of one day.

An office holder can choose to take Parental Leave at any time up until the child's 5th birthday, or in adoption cases within 5 years of the child being placed with the family for adoption (or until the child's 18th birthday if that comes first). In the case of a child with a recognised disability, parental leave may be taken up until the child's 18th birthday.

c) Making Application for Leave

21 days notice must be given of a request for Parental Leave. Such an application should be addressed to the Bishop.

If Parental Leave is required immediately after the birth or adoption of the child, then 21 days notice must be given before the beginning of the expected week of childbirth. In the case of adoption, 21 days notice of the expected week of placement must be given, wherever possible.

d) Postponement of Leave

Except in the circumstances set out in the paragraph immediately above any leave requested may be postponed by the parish for up to six months from the date requested where it is considered that the absence would be unduly disruptive. Examples of such situations are:

- Seasonal peak work requirements
- Where the absence of a key office holder at a particular time would unduly harm the ministry of the deanery.

If, because of postponement, the period of Parental Leave falls after the child's 5th birthday then the office holder would be entitled to take leave after that date.

e) Evidence of Entitlement

The parish reserves the right to request sight of evidence that the office holder requesting leave is the parent of a child or has parental responsibility for the child. Examples of what might be suitable evidence are:

- Information contained on the child's birth certificate

- Papers confirming a child's adoption or the date of placement in adoption cases

In the case of a disabled child, suitable evidence would be the award of disability living allowance for the child.

f) Right to return to the same or similar post

At the end of any Parental Leave of up to four weeks duration, the office holder is guaranteed the right to return to the same post as before.

If the leave is for a longer period than four weeks, there is an entitlement to return to the same post, or if that is not reasonably practical, to a similar post.

If Parental Leave follows additional Maternity Leave and it would not have been reasonably practical for the woman to return to her previous post, and it is still not reasonably practical at the end of Parental Leave, she is entitled to return to a similar post.