

## **Diocesan Guide to Family Friendly Leave for Clergy**

This diocese is committed to family friendly working, and therefore to flexibility of working patterns during curacy and incumbency. It is our intention to encourage young women and men to offer themselves for ordination, and to support and keep the clergy we have trained if they start a family. Support is available from the Bishops, Archdeacons, Dean of Women's Ministry, Rural Deans and the Director for Apostolic Life.

### **1. Who does this guidance apply to?**

This guidance covers family friendly leave for clergy office holders in the Diocese of Chichester that receive a stipend. It also includes clergy that are employed by Chichester DBF in clergy roles and are not office holders (e.g. chaplains). 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?**

This guidance covers the following types of leave:

- Maternity
- Paternity
- Parental
- Adoption
- Shared Parental

### **3. What rights to family friendly pay and leave do clergy have?**

**Pay** – All stipendiary clergy office holders have a right to statutory maternity, paternity, shared parental and adoption pay because of their National Insurance Contributions.

**Leave** - Entitlement to maternity, paternity, parental, shared parental and adoption leave is conferred by the Ecclesiastical Offices (Terms of Service) Directions 2010. These Directions give clergy holding office under Common Tenure the rights in respect of maternity, paternity, parental, shared parental and adoption leave that apply to

employees.

Whilst there is no specific legal entitlement to leave for Clergy officeholders on Freehold, the Diocese of Chichester has agreed that the same entitlements will apply as to those on Common Tenure.

The Diocese of Chichester 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 Chichester?**

The Diocese of Chichester 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
- Adoption

For Parental and Shared Parental Leave, and in situations where clergy are not entitled to the enhanced Diocesan benefits, statutory entitlements apply, and advice on these can be obtained from the HR consultants at Church House, Hove.

#### **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 about my need for family friendly leave?**

You should inform your Incumbent (if you are in training) and the Bishop in writing as soon as reasonably practical of your intended leave.

You may also find it helpful to inform the Dean of 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. If you are in training, you should also inform the Director for Apostolic Life.

At this point it should be agreed with the 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.

For maternity leave, you should tell the HR Department at Church House, Hove at least 15 weeks before your due date:

- when the baby is due
- when you want to start your maternity leave.

You will also need to tell them the date when you want your maternity pay to start at least 28 days beforehand and give them the MATB1 form (which is issued by your GP or Midwife after the 20th week of pregnancy). This should be sent to them at Diocesan Church House, 211 New Church Rd, Hove, BN3 4ED.

For paternity leave you should tell the HR Department at Church House, Hove at least 15 weeks before the week the baby is expected:

- the baby's due date
- when you want your leave to start, e.g. the day of the birth or the week after the birth.

If you want to change the start date, you should give the HR Department at least 28 days' notice.

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

### **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 the 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 section 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 (see section 6). The parish is not responsible for paying for cover when someone is on maternity or paternity leave. This will be dealt with by the diocese in the same way as during an interregnum. If you suffer badly with sickness or other pregnancy symptoms, which impact your ability to carry out your ministry, help and advice can be sought from the Archdeacon or Dean of Women's Ministry, and finances will be available if you need extra cover at particular times. You should contact your Archdeacon or the Diocesan Accountant about finance.

If you are an incumbent or priest-in-charge, 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 (see section 6) to discuss how cover can best be provided.
- You should discuss who 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 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 discussed with the Director for Apostolic Life and agreed in writing with the Bishop when you are arranging the leave.

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

For clergy occupying parsonage houses or houses owned or rented by the Diocese, the Diocese will continue to bear any costs and include them in parish ministry costs in the same way as during an interregnum. Where clergy are occupying a parish owned house, the PCC should continue to bear any costs. However, it is recognized that where a training curate is occupying a parish owned house and the training curacy is extended following family friendly leave, this can place a financial pressure on the PCC. If this pressure is too great for the PCC, the Archdeacon will explore whether the Diocese can find resources to resolve or ameliorate the issue.

#### **12. What are KIT and SPLIT days?**

It is possible to work for up to 10 days or 'occasions' during maternity/adoption leave (known as Keeping in Touch days or 'KIT days') or 20 days or 'occasions' during shared parental leave (known as Shared Parental Leave in Touch days or 'SPLIT days') without losing the entitlement to family friendly 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 appropriate 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 Stipends Administrator 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 23 weeks of pregnancy, you should contact the Bishop to arrange a period of sick leave and/or compassionate leave as appropriate.

If you suffer a stillbirth in or after the start of your 24th week of pregnancy, or your baby dies after being born, you have the right to full maternity and paternity leave and 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 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?**

As indicated above, an office holder does not leave their post during family friendly leave. They therefore return to their post as if they have never taken the leave. By default, therefore, there is no 'right' to be found an equivalent post on return from any kind of family friendly leave.

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 to the Bishop or appropriate person (see section 6) of the date you intend to return to work and must do so if returning before your maternity leave has run its full course. 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.

In order to ensure that your stipend payments are correct, the Diocesan HR office, 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?**

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. The Archbishops' guidance provides a process for requesting this, and it is attached as 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 (see section 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.

**17. What if either the PCC, Bishop, Rural Dean, Archdeacon 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.

## **Appendix 1 – Pay and Leave**

The Diocese of Chichester offers benefits in excess of the statutory requirements to clergy and licensed lay workers who meet the statutory eligibility requirements and any additional requirements set out below. These benefits are detailed below:

### ***Maternity Pay and Leave***

Clergywomen and licensed lay workers who express an intention to return to work for at least 9 months following the maternity leave and who have been on either the NCIs clergy payroll or the Chichester DBF payroll for at least 52 weeks at an annual rate of £5,824 or above at the beginning of the 14th week before the Expected Week of Childbirth (EWC), should receive 39 weeks' paid maternity leave on their full stipend. This can start any time after 11 weeks before the EWC. They may also wish to take an additional 13 weeks' *unpaid* maternity leave after the end of the period of paid maternity leave. It is important to give the required notice described in sections 6 and 15 in order to be entitled to maternity leave and pay.

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

Further advice, including advice on statutory entitlements for those with less than the required level of service, is available from the HR Department at Church House, Hove.

### ***Paternity Leave and Pay***

Clergy and licensed lay workers who have been on either the NCIs clergy payroll or the Chichester DBF payroll for at least 26 weeks at an annual rate of £5,824 or above at the beginning of the 14th week before the EWC and remain on the payroll at the date of the birth, should receive 2 weeks' paternity leave on their full stipend following the birth of their child. Paternity leave must start after the birth and end within 56 days of the birth. It is important to give the required notice described in section 6 in order to be entitled to paternity leave and pay.

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 HMRC on our behalf, a "SC3" Certificate needs to be completed and returned to the Diocesan Stipends Administrator at least 28 days before the leave starts. Please contact the Stipends Administrator directly for a copy of the Certificate.

Further advice, including advice on statutory entitlements for those with less than the required level of service, is available from the HR Department at Church House, Hove.



### ***Adoption Leave and Pay***

Clergy and licensed lay workers who have been on either the NCIs clergy payroll or the Chichester DBF payroll for at least 52 weeks at an annual rate of £5,824 or above by the end of the 'matching week' should receive up to 39 weeks' adoption leave on their full stipend. 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. The other partner could get paternity leave instead. Start dates and notification requirements are the same as those for statutory Adoption Leave and Pay.

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

Further advice, including advice on statutory entitlements for those with less than the required level of service and advice on statutory start dates and notification requirements, is available from the HR Department at Church House, Hove.

### ***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, 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. Parish Ministry Costs remain unchanged, in the same way as in an interregnum.*

## **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/she does not accept the request, he/she 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 suffragan bishop or the archdeacon. It is the practice in the diocese of Chichester to delegate, and for the diocesan bishop to consider any appeal.

## **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; 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 Dean 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
- Provide the MATB1 form to the HR Department 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 Rural 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 Rural Dean to clarify their roles and responsibilities.

Once the 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 department 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 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 department. 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 HR Department 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 department 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 amended Statement of Particulars from the Archdeacon and returns one copy to the HR Department.

### **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 asks the suffragan bishop to discuss this with both the Archdeacon and Rural 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 to the suffragan bishop, 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 suffragan 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 Rural Dean.

The suffragan bishop meets with Reverend D to discuss the requests and puts forward any issues raised by the PCC. After due consideration, the suffragan bishop refuses the request due to the fact that the parish is small, with no other clergy or administrative support. The suffragan 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 suffragan bishop confirms the decision in writing, offering Reverend D the opportunity to appeal to the diocesan bishop.