



CLERGY SHARED PARENTAL LEAVE (BIRTH) POLICY

1. About This Policy

- 1.1. This policy outlines the arrangements for shared parental leave and pay in relation to the birth of a child. If you are adopting a child please see the Shared Parental Leave (Adoption) Policy instead.
- 1.2. This policy does not form part of any employee's contract of employment and we may amend it at any time.

2. Frequently Used Terms

- 2.1. The definitions in this paragraph apply in this policy.
 - i. Expected week of childbirth (EWC): the week, beginning on a Sunday, in which the doctor or midwife expects your child to be born.
 - ii. Parent: One of two people who will share the main responsibility for the child's upbringing (and who may be either the mother, the father, or the mother's partner if not the father).
 - iii. Partner: your spouse, civil partner or someone living with you in an enduring family relationship, but not your sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.
 - iv. Qualifying Week: the fifteenth week before the EWC.

3. What is shared parental leave?

- 3.1. Shared Parental Leave (SPL) gives you and your partner more flexibility in how to share the care of your child in the first year after birth than simply taking maternity and paternity leave. Assuming you are both eligible, you will be able to choose how to split the available leave between you, and can decide to be off duty at the same time or at different times. You may be able to take leave in more than one block.

4. Entitlement to SPL

- 4.1. You are entitled to SPL in relation to the birth of a child if:
 - i. you are the child's mother, and share the main responsibility for the care of the child with the child's father (or your partner, if the father is not your partner);

- ii. you are the child's father and share the main responsibility for the care of the child with the child's mother; or
- iii. you are the mother's partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).

4.2. The following conditions must also be fulfilled:

- i. you must have been continuously in office with us for at least 26 weeks by the end of the Qualifying Week, and still be in office with us in the week before the leave is to be taken;
- ii. the other parent must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC and had average weekly earnings of at least £30 during 13 of those weeks; and
- iii. you and the other parent must give the necessary statutory notices and declarations as summarised below, including notice to end any maternity leave, statutory maternity pay (SMP) or maternity allowance (MA) periods.

4.3. The total amount of SPL available is 52 weeks, less the weeks spent by the child's mother on maternity leave (or the weeks in which the mother has been in receipt of SMP or MA if she is not entitled to maternity leave).

4.4. If you are the mother you cannot start SPL until after the compulsory maternity leave period, which lasts until two weeks after birth.

5. Opting in to Shared parental Leave and Pay

5.1. Not less than eight weeks before the date you intend your SPL to start, you must give the Archdeacon Pastor a written opt-in notice which includes:

- i. your name and the name of the other parent;
- ii. if you are the child's mother, the start and end dates of your maternity leave;
- iii. if you are the child's father or the mother's partner, the start and end dates of the mother's maternity leave, or if she is not entitled to maternity leave, the start and end dates of any SMP or MA period;
- iv. the total SPL available, which is 52 weeks minus the number of weeks' maternity leave, SMP or MA period taken or to be taken;
- v. how many weeks of the available SPL will be allocated to you and how many to the other parent (you can change the allocation by giving us a further written notice, and you do not have to use your full allocation);
- vi. if you are claiming statutory shared parental pay (ShPP), the total ShPP available, which is 39 weeks minus the number of weeks of the SMP or MA period taken or to be taken);
- vii. how many weeks of available ShPP will be allocated to you and how much to the other parent. (You can change the allocation by giving us a further written notice, and you do not have to use your full allocation);
- viii. an indication of the pattern of leave you are thinking of taking, including suggested start and end dates for each period of leave (see paragraph 9 and paragraph 10 for information on taking leave). This indication will not be binding at this stage, but please give as much information as you can about your future intentions; and

- ix. declarations by you and the other parent that you both meet the statutory conditions to enable you to take SPL and SSPP.

6. Ending Your Maternity Leave

- 6.1. If you are the child's mother and want to opt into the SPL scheme, you must give us at least eight weeks' written notice to end your maternity leave (a curtailment notice) before you can take SPL. The notice must state the date your maternity leave will end. You can give the notice before or after you give birth, but you cannot end your maternity leave until at least two weeks after birth.
- 6.2. You must also give the CDBF, at the same time as the curtailment notice, a notice to opt into the SPL scheme (see paragraph 5) or a written declaration that the other parent has given their employer an opt-in notice and that you have given the necessary declarations in that notice.
- 6.3. The other parent may be eligible to take SPL from their employer before your maternity leave ends, provided you have given the curtailment notice.
- 6.4. The curtailment notice is binding and cannot usually be revoked. You can only revoke a curtailment notice if maternity leave has not yet ended and one of the following applies:
 - i. if you realise that neither you nor the other parent are in fact eligible for SPL or ShPP, in which case you can revoke the curtailment notice in writing up to eight weeks after it was given;
 - ii. if you gave the curtailment notice before giving birth, you can revoke it in writing up to eight weeks after it was given, or up to six weeks after birth, whichever is later; or
 - iii. if the other parent has died.
- 6.5. Once you have revoked a curtailment notice you will be unable to opt back into the SPL scheme, unless you revoked it in the circumstances in paragraph 6.4(ii).

7. Ending Your Partner's Maternity Leave or Pay

- 7.1. If you are not the mother, and she is still on maternity leave or claiming SMP or MA, you will only be able to take SPL once she has either:
 - i. returned to duty;
 - ii. given her employer a curtailment notice to end her maternity leave;
 - iii. given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not maternity leave); or
 - iv. given the benefits office a curtailment notice to end her MA (if she is not entitled to maternity leave or SMP).

8. Evidence of Entitlement

8.1. You must also provide on request:

- i. A copy of the birth certificate (or if you have not yet obtained a birth certificate, a signed declaration of the child's date and place of birth); and
- ii. The name and address of the other parent's employer (or a declaration that they have no employer).

9. Booking Your SPL Dates

- 9.1. Having opted into the SPL system you will need to give a period of leave notice telling us the start and end dates of your leave. This can be given at the same time as your opt-in notice, or it can be given later, as long as it is given at least eight weeks before the start of your leave. You must also state in your period of leave notice the dates on which you intend to claim ShPP, if applicable.
- 9.2. If your period of leave notice gives dates for a single continuous block of SPL you will be entitled to take the leave set out in the notice.
- 9.3. You can give up to three period of leave notices. This may enable you to take up to three separate blocks of SPL (although if you give a notice to vary or cancel a period of leave this will in most cases count as a further period of leave notice; see paragraph 11).

10. Procedure for Requesting Discontinuous Periods of SPL

- 10.1. In general, a period of leave notice should set out a single continuous block of leave. We may, in some cases, be willing to consider a period of leave notice where the SPL is split into shorter periods (of at least a week) with periods of work in between. It is best to discuss this with the Archdeacon Pastor and HR in good time before formally submitting your period of leave notice. This will give us more time to consider the request and hopefully agree a pattern of leave with you from the start.
- 10.2. You must submit a period of leave notice setting out the requested pattern of leave at least eight weeks before the requested start date. If we are unable to agree to your request straight away, there will be a two-week discussion period. At the end of that period, we will confirm any agreed arrangements in writing. If we have not reached an agreement, you will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in your notice (for example, if you requested three separate periods of four weeks each, they will be combined into one 12-week period of leave). Alternatively, you may:
 - i. choose a new start date (which must be at least eight weeks after your original period of leave notice was given), and tell us within five days of the end of the two-week discussion period; or
 - ii. withdraw your period of leave notice within two days of the end of the two-week discussion period (in which case it will not be counted and you may submit a new one if you choose).

11. Changing the Date or Cancelling Your SPL

- 11.1. You can cancel a period of leave by notifying us in writing at least eight weeks before the start date in the period of leave notice.

- 11.2. You can change the start date for a period of leave, or the length of the leave, by notifying us in writing at least eight weeks before the original start date and the new start date.
- 11.3. You do not need to give eight weeks' notice if you are changing the dates of your SPL because your child has been born earlier than the EWC, where you wanted to start your SPL a certain length of time (but not more than eight weeks) after birth. In such cases please notify us in writing of the change as soon as you can.
- 11.4. You can change the end date for a period of leave by notifying us in writing at least eight weeks before the original end date and the new end date.
- 11.5. You can combine split periods of leave into a single continuous period of leave by notifying us in writing at least eight weeks before the start date of the first period.
- 11.6. You can request that a continuous period of leave be split into two or more discontinuous periods with periods of work in between. We will consider any such request as set out in paragraph 10.
- 11.7. A notice to change or cancel a period of leave will count as one of your three period of leave notices, unless:
 - i. the variation is a result of your child being born earlier or later than the EWC;
 - ii. the variation is at our request; or
 - iii. we agree otherwise.

12. Shared Parental Pay

- 12.1. Statutory ShPP of up to 39 weeks (less any weeks of SMP or MA claimed by the mother) may be available provided you have at least 26 weeks' continuous employment with us at the end of the Qualifying Week and your average earnings are not less than the lower earnings limit set by the government each tax year. Statutory ShPP is paid at a rate set by the government each year.
- 12.2. Effective (*date to be agreed*), as approved by Bishop's Council, the Diocese of Coventry has agreed that, clergy may receive Enhanced Shared Parental Pay (ShPP), irrespective of whether they qualify for ShPP or have held office in the diocese for any length of time. This is available to clergy who will return to their role at the end of SPL
- 12.3. The CDBF will pay ShPP at an enhanced rate of 26 weeks full pay and 13 weeks Statutory Pay.
- 12.4. A parent who is a Diocesan Officer will be entitled to enhanced SPL but only during the first 26 weeks following the birth of the child minus the number of weeks of the SMP or MA period taken or to be taken, the remaining 13 weeks will be at the statutory rate. The number of weeks of the maternity pay period or the maternity allowance period that has already elapsed will be deducted from the first 26 weeks enhanced entitlement and then the remaining 13 weeks statutory entitlement.
- 12.5. Failure to return to your office after receiving enhanced Shared Parental Pay:

Office holders are advised that the CDBF reserves the right to reclaim the non-statutory element of Shared Parental Pay (ShPP), if the office holder fails to return to duty and to continue in office for at least three months following each period of Shared Parental Leave (SPL). These three months are in addition to any accrued leave during the paid time off. Therefore when returning from leave, if any accrued leave is taken, they will be required to duty further 3 months to qualify for the enhanced ShPP.

If a clergyperson decides not to return to duty after taking SPL, or returns to duty but subsequently decides not to continue in office for a period of at least three months, the CDBF has the right to

reclaim any enhanced ShPP that they received that is in excess of any statutory ShPP that they have received.

Please note that this repayment requirement will apply to clergy who opt to take a career break immediately following Shared Parental Leave. It will not apply to those who opt to take parental leave immediately following Shared Parental Leave, providing the employee returns to duty for a three-month period following the parental leave.

13. Other Terms During Shared Parental Leave

- 13.1. Your terms and conditions of office remain in force during SPL, except for the terms relating to pay.
- 13.2. Annual leave entitlement will continue to accrue at the rate provided in your Statement of Particulars. If your SPL will continue into the next holiday year, any holiday entitlement that cannot reasonably be taken before starting your leave can be carried over and must be taken immediately before returning to duty unless the Archdeacon Pastor agrees otherwise. You should try to limit carry over to one week's holiday or less. Carry over of more than one week is at the Archdeacon Pastor's discretion. Please discuss your holiday plans with the Archdeacon Pastor in good time before starting SPL.
- 13.3. If you are a member of the pension scheme, we will make employer pension contributions during any period of paid SPL, based on your normal stipend, in accordance with the pension scheme rules. Any employee contributions you make will be based on the amount of any shared parental pay you are receiving, unless you inform Church of England Pensions Department that you wish to make up any shortfall.

14. Boundaries during Shared Parental Leave

- 14.1. We may make reasonable contact with you from time to time during your SPL although we will keep this to a minimum. This may include contacting you to discuss arrangements for your return to duty.
- 14.2. While there is no expectation that clergy will undertake ministry or training during maternity leave, some many choose to keep in touch with parish and/or CDBF in various ways during their leave.
- 14.3. Unlike employees, clergy office holders do not lose ShPP if they stay in touch with the parish or CDBF or carry out some of the duties of their office during their maternity leave. Therefore, Clergy office holders do not arrange Keeping in Touch ("KIT") days, as they do not lose stipend when they keep in touch with parishioners or the CDBF.
- 14.4. However, for their own well-being, if an office holder wishes to undertake any of their duties of office during leave, they are encouraged to agree, in writing, with their church wardens and archdeacon/area dean (as appropriate) what these duties will be and when they will be undertaken. This will enable the office holder to set clear boundaries to protect their leave which can be communicated to the PCC.
- 14.5. When planning leave, the clergyperson needs to be encouraged to think about how they might take these days, and the parish will need to understand their context, particularly if it is the responsibility of the clergyperson to ensure that the churchwardens, parish officers and congregation are aware of the nature and scope of these days. It will then be important to observe scrupulously any boundaries that they have set, in order to encourage parishioners to respect them. It may be helpful for the Churchwardens to be the initial point of contact. See also Guidance note to clergy office holders about to become parents.
- 14.6. Clergy on unpaid maternity (and other) leave should not generally be working, because, if they are, then they should be being paid for it. But if they do find that, for exceptional reasons, they have

worked (which might include contact with parishioners that was not purely social or attending a diocesan meeting) for a day during a period of unpaid leave, they should arrange to have an additional day's leave following their return to duty.

15. Returning to Duty

- 15.1. If you want to end a period of SPL early, you must give us eight weeks' written notice of the new return date. If you have already given us three periods of leave notices you will not be able to end your SPL early without our agreement.
- 15.2. If you want to extend your SPL, assuming you still have unused SPL entitlement remaining, you must give us a written period of leave notice at least eight weeks before the date you were due to return to duty. If you have already given us three periods of leave notices you will not be able to extend your SPL without our agreement. You may instead be able to request annual leave or ordinary parental leave (see our Parental Leave Policy), subject to the ministry needs.
- 15.3. You are normally entitled to return to duty in the position you held before starting SPL, and on the same terms of employment. However, if it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:
 - i. if your SPL and any maternity or paternity leave you have taken adds up to more than 26 weeks in total (whether or not taken consecutively); or
 - ii. if you took SPL consecutively with more than four weeks of ordinary parental leave.
- 15.4. If you decide you do not want to return to duty you should give notice of resignation in accordance with your Statement of Particulars.