

# Clergy Shared Parental Leave Policy

## 1. About this Policy

The purpose of this policy is to ensure that clergy are clear about entitlements to shared parental leave (SPL) and shared parental pay (ShPP) as well as the process which should be followed for arranging leave. Its purpose is to give parents more flexibility in considering how to best care for their new child.

The Diocese recognises and respects the rights of new parents to take time away from their ministry in connection with their new child. No one will be subjected to a detriment for exercising their right to take SPL or ShPP, or for seeking to do so.

This is a statement of policy and does not form part of clergy Statement of Particulars. We may amend this policy at any time at our discretion.

## 2. How much shared parental leave is available

The amount of SPL entitlement will depend on when the maternity period ends. Office holders may take up to 50 weeks SPL during the child's first year in their family. The number of weeks available is calculated using the mother/adopter's entitlement to maternity leave, which allows them to take up to 52 weeks' leave (the first 2 weeks post birth is a legal requirement and cannot be shared). If maternity/adoption leave entitlement is reduced, then they and/or their partner may opt-into the SPL system and take any remaining weeks as SPL. Leave must be taken in blocks of one week.

A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before their full entitlement of 52 weeks has been taken or they may give notice to curtail their leave at a specified future date.

## 3. Eligibility

All office holders are eligible to take SPL if they are sharing the main childcare responsibility at the time of the birth/adoption.

## 4. Notice Requirements

Office holders who want to take SPL will be required to give their Incumbent/Bishop written notice of no less than 8 weeks before the intended period of SPL.

There are three types of notice required:

- **Maternity Leave Curtailment Notice** from the mother/adopter, setting out when she intends to end her maternity/adoption leave and or maternity pay period.
- **Notice of Entitlement and Intention** of an initial non-binding indication of each period of SPL that the clergy member is requesting.
- **Period of Leave Notice** setting out the end dates of each period of SPL that is being requested.

Notification must be in writing and requires each of the following:

### **Maternity Leave Curtailment Notice**

- The name of the clergy member (mother/adopter) wishing to take SPL;
- The name of the other parent;
- The start and end dates of any maternity/adoption leave or pay or maternity allowance taken in respect of the child and the total amount of SPL available;

### **Notice of Entitlement and Intention**

The office holder, whether the mother or partner, must provide their Incumbent/Bishop with a non-binding notice of entitlement and intention. It should be provided in writing at least 8 weeks before the start date of the first period of SPL to be taken and must set out the following information:

- Their name,
- The name of the other parent,
- Start and end dates of maternity leave taken, or to be taken, by the mother,
- The date on which the child is expected to be born and the actual date of birth or in the case of adoption, the date on which the office holder was notified of having been matched with the child and the date of placement for adoption,
- The total amount of SPL available,
- How much SPL that the mother and partner intend to take,
- A non-binding indication of when the office holder expects to take leave,
- Declaration that the office holder satisfies the eligibility requirements to take SPL,
- Declaration that the information given is accurate,
- Declaration that the office holder will inform their Incumbent and/or Bishop immediately if he/she ceases to care for the child,
- If the office holder is not the mother/adopter confirmation that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter.

In addition, the notice of entitlement must include a declaration from their partner confirming:

- Their name, address and national insurance number (or a declaration that they do not have a national insurance number);
- That they are the mother/adopter of the child, or they are the father of the child or are the spouse, civil partner or partner of the mother/adopter;
- That they consent to the amount of leave that office holder intends to take;
- That they consent to the Diocese of London processing the information contained in the declaration form; and
- (in the case where the partner is the mother/adopter), that they will immediately inform their partner should they cease to satisfy the eligibility conditions.)

An Incumbent and/or Bishop may, within 14 days of the SPL entitlement and notification being given, request:

- The name and business address of the other parent's employer (where the office holder's partner is no longer employed or self-employed their contact details may be given instead)

- In the case of biological parents, a copy of the child's birth certificate (or if the child has not been born, a copy of the birth certificate within 14 days of the birth – if the birth certificate is yet to be issued after this period a signed declaration stating the date and location of the child's birth will suffice)
- In the case of adoption, documentary evidence of the name and address of the adoption agency, the date on which you were notified of having been matched with the child and the date on which the agency expects to place the child for adoption.

In order to be entitled to SPL, office holders must produce this information within 14 days of the request.

### Period of Leave Notice (Booking Leave)

Office holders must also give notice of what SPP and ShPP to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL.

Clergy have the right to submit three notifications (per pregnancy) specifying leave periods they are intending to take. Each notification may contain either:

- a) A single period of weeks of unbroken leave (**Continuous leave**), or;
- b) Two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave (**Discontinuous leave**)

SPL can only be taken in complete weeks (can begin on any day of the week.)

The correct notification of at least eight weeks before the date on which the clergy member wishes to start the leave, and if applicable, receive ShPP, must be given.

## 5. Continuous Leave Notifications

If the office holder submits a request for a continuous period of leave, he/she will be entitled to take that period of leave, so long as the required eight weeks' notice is provided, and that it does not exceed the total number of weeks of SPL available to the individual (specified in the notice of entitlement).

## 6. Discontinuous Leave Notifications

Office holders may submit a period of leave notice requesting two or more occasions of discontinuous leave, which means requesting a set number of weeks of leave over a period, with breaks between the leave where the clergy member returns to their office holding (for example requesting 6 weeks of SPL and working alternate weeks for a period of 12 weeks).

Where there is uncertainty or concern over accommodating the notification, the Incumbent/Bishop may seek to arrange a meeting to discuss the notification with a view to coming to an agreement on an arrangement that meets both the needs of the parish and office holder.

The Incumbent/Bishop will consider a discontinuous leave notification but has the right to refuse it or to propose an alternative.

If the office holder chooses to take the leave in a single continuous block, they have until the 19<sup>th</sup> day from the date the original notification was given to choose when he/she wants the leave period to begin. The leave cannot start sooner than the eight weeks from the date the original notification was submitted. If a start date is not specified, then the leave will begin on the first leave date requested in the original notification.

## **7. Response to a Shared Parental Leave notification**

Once an Incumbent/Bishop receives the Period of Leave Notice, it will be dealt with as soon as possible, and a response will be provided no later than 14 days after the leave request was made. All notices for continuous leave will be confirmed in writing.

All requests for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

The office holder will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14<sup>th</sup> day after the leave notification was made. The request may be granted in full or in part.

If a discontinuous leave pattern is refused, then the office holder may withdraw the request without detriment on or before the 15<sup>th</sup> day after the notification was given; or may take the total number of weeks in the notice in a single continuous block.

## **8. Variations to Shared Parental Leave**

Office holders may vary or cancel an agreed/booked period of SPL providing they advise their Incumbent/Bishop in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than 8 weeks from the variation request.

Any variation or cancellation notification, including notice to return to work early, will usually count as a new notification reducing the right to book/vary leave by one. However, a change due to a child being born early, or because the Parish/Diocese requested a change (with clergy consent), will not count as further notification. Any variation will be confirmed in writing by the Incumbent/Bishop.

## **9. Shared Parental Pay**

Office holders are entitled to receive up to 37 weeks full stipend. This must be shared between both partners, i.e., one parent may take 30 weeks and the other 7. Any additional time taken will be unpaid.

## **10. Rights during Shared Parental Leave**

Office holders will not be treated less favourably, suffer detriment, or be dismissed because they request/take SPL.

During SPL, all terms and conditions outlined in individual Statement of Particulars, except stipend payments, will continue (see section 9). For example, housing, use of parish laptops, annual leave accrual, and pension contributions will continue as usual.

## **11. Annual Leave**

Office holders are reminded that, wherever possible, holiday should be taken in the year that it accrued. Where a SPL period overlaps two leave years the office holder should consider how their annual leave entitlement can be used to ensure that it is not undertaken at the end of the holiday year.

## **12. Keeping in Touch during Shared Parental Leave**

The Incumbent and/or Bishop LDF reserves the right to maintain reasonable contact with clergy during shared parental leave. This may be to discuss the plans for their return to work, to discuss special arrangements to be made to ease their return to work, or to update on developments within the parish during his/her absence.

Clergy can agree to work for up to 20 days during Shared Parental Leave, without bringing that period of shared parental leave and pay to an end. These are known as 'shared-parental-leave-in-touch days' or SPLIT days. Any work undertaken, and the amount of stipend paid for any work done on SPLIT days, will be the clergy's normal hourly payment rate.

Office holders, with the agreement of their Incumbent/Bishop, may use SPLIT days to work part of a week during SPL or to effect a gradual return to work towards the end of a long period of SPL or to trial a possible flexible working solution.

## **13. Returning to work following shared parental leave**

If there are no changes to the return date no further action is required, however, office holders should speak with their Incumbent/Bishop if an earlier or later return is envisaged offering at least 8 weeks' prior written notice of the new date. If an extended time is sought office holders you should either:

- request ordinary parental leave
- request to take annual leave in accordance with their Statement of Particulars.

If sickness prevents an office holder returning on the planned date, then the normal policy relating to sickness absence will apply.

If office holders decide not to return to work at all then they must give notice of resignation in accordance with their statement of particulars.

## **14. Data protection (GDPR)**

When managing clergy SPL and ShPP, the Diocese processes personal data collected in accordance with its data protection/processing special categories of personal data policies. Data collected from the point that SPL is announced is held securely and accessed by, and disclosed to, individuals only for the purposes of managing leave and pay. Inappropriate access or disclosure of data constitutes a data breach and should be reported in accordance with the Dioceses' data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.