

A family-friendly Diocese

Those called to public ministry are also called to other vocations. These vocations enrich ordained ministry. There are times when clergy and ordinands may need some flexibility or support, in order that their family life and, consequently, their ministry, may flourish. It is important that clergy, and ordinands, know that they will be properly supported and that they feel able to ask about the options available to them and that chaplaincies are aware of their responsibility to care for their ministers.

Family-friendly policies concern those who are, or are about to become, parents, as well as those who may need to take time off to care for a dependent, whether a spouse or a parent, or a child, or to work flexibly in order to balance professional and family responsibilities.

Given the different national jurisdictions within the Diocese, while this guidance is based on legal requirements in the European Union at the time of writing, individuals should always check what are the specific provisions applicable in the country in which they are based. A conversation with your Archdeacon (or, if you are in training, your DDO) can be a helpful starting point.

The aim of this document is to point you to

- the entitlements and responsibilities an individual may have,
- the responsibilities that a chaplaincy may have, and some of the things to think about.

Early discussion is advisable. It enables those responsible for supporting your ministry to help you to plan and make the necessary arrangements. There can be legal requirements to follow, for example, with regard to claiming maternity or paternity pay or benefits, and it is important to ensure that you understand what is required in order that procedures are followed correctly and on time.

These guidelines are without prejudice to national law (including collective agreements, where applicable). Clergy and chaplaincies are strongly advised to check with the relevant national authorities regarding applicable leave and/or flexible working arrangements, pay or other forms of compensation, and any procedural steps that are required to be followed, in particular (but not limited to) steps related to ensuring that compensation is paid. Outlines of some of the applicable schemes at EU and national level are available at the links below (information correct at the time of writing).¹ If a chaplaincy is able to be more generous than the law requires, so much the better.

These guidelines contain the following sections:

- A. Maternity / birth-giving leave
- B. Adoption leave
- C. Paternity / Non-birth giving parent or second parent leave
- D. Parental leave
- E. Carers' leave
- F. Right to request flexible working arrangements
- G. Right not to be subject to discrimination or unequal treatment

¹ <u>https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/698892/EPRS_ATA(2022)698892_EN.pdf</u> <u>https://institutdelors.eu/wp-</u> content/uploads/2022/07/IJD_Info_Conge%E2%95%A0us_Parents_UE_EN_A4.pdf



A - Maternity/Birth-Giving Leave

1. Introduction

This section includes information, some practical guidance, and a checklist to help work through the various things to think about as the pregnancy continues. It applies to all clergy and clergy-in-training regardless of their length of service.

Clergy should inform their appropriate senior member of clergy (usually the Archdeacon) as soon as possible of their pregnancy. This person will support them to obtain information and advice regarding their entitlement to maternity leave and pay and advise of any appropriate health and safety assessments that might be helpful. It is recognized that some clergy may not wish to announce their pregnancy publicly during the early stages. Confidentiality will be always maintained.

2. Ante-natal care

Clergy have the right to paid time off to attend ante-natal medical appointments.

3. Maternity/Birth-giving leave entitlements

Clergy are entitled to maternity / birth-giving leave. The period of leave will depend on the law applicable in the country where the officeholder is based. **EU** law provides for a minimum entitlement of **14 weeks'** leave. Many countries provide for longer entitlements, while other countries provide for a mix of entitlements labelled as maternity leave, parental leave, or other schemes. It is important that individuals check what is available in the country in which they are based.

4. Arranging cover for the period of leave

Once an individual has decided when they wish to commence maternity leave, they may wish to make local arrangements for cover where this is appropriate. They should discuss how this will work in practice with colleagues and the Archdeacon. In doing so, they should be aware of national provisions regarding the date on which maternity leave can start. This is usually a period of specific number of weeks or days before the expected date of childbirth.

Chaplaincies may wish to consider whether they will need to have a locum during the period of leave. This should be discussed with the Archdeacon together with the officeholder.

5. Pay

Individuals have the right to receive pay during maternity leave. The rate of pay depends on the applicable law or collective agreement in the country in which the officeholder is based. Maternity leave is compensated at least at the level of sick pay, but the rate of pay may be higher than that depending on the provisions in your country.

There are also different regulations for who is responsible for paying the officeholder during their maternity leave. In some countries, pay will continue as normal during the period of leave, and chaplaincies may be able to recover part or all of the cost from the authorities. In other countries, payments will be made to the officeholder by the



social security authorities. It is therefore important to obtain timely information and advice about entitlements and the procedures for making a claim. Individuals should contact the social security authorities in the country in which they are based. The national equality body responsible for gender equality can also be a useful source of information.

6. Pensions

Pension arrangements during maternity leave will vary depending on the country in which an individual is based. Where the individual is a member of a pension scheme, such as the Church of England Pension Scheme, they should contact them directly to ensure that contributions continue to be paid during maternity leave and to ensure that they are aware of any specific procedures to follow.

7. Pregnancy related-illness before maternity/birth-giving leave commences or birth before the expected delivery date

If an individual is absent from work due to a pregnancy-related illness in the period immediately before the expected week of childbirth, such an absence will usually trigger the start of maternity leave. The period during which such absence triggers the start of maternity leave will vary depending on the country in which the officeholder is based.

Individuals should inform their Archdeacon if their baby arrives before their planned date of commencement of maternity leave, or if maternity leave has started earlier than planned due to pregnancy-related medical absence. The date for their return from maternity leave can then be discussed with the Archdeacon and adjusted where appropriate.

8. Working or keeping in touch during maternity leave

Clergy may want to stay in touch with their chaplaincy and key people (and even be involved in services if they wish) but it is advisable that they make it clear to everyone that they are only available for limited times, in order that they are able to manage their leave appropriately. Chaplaincies and colleagues should be aware there is no obligation for the individual to attend their normal role/work during this time nor is there the obligation for chaplaincies or senior staff to expect, or offer, such opportunities. The Archdeacon is available for advice and support.

Any time worked under this provision does not extend the period of maternity leave. It cannot be used or referred to at the end of maternity leave to extend the period of leave.

9. Returning to work

The maternity/birth-giving leave will end on the date that has been agreed with the individual.

If an individual wishes to return to work before their official return date, then they should discuss this with the Archdeacon so that arrangements can be made, and advice or support can be given.

Where an individual wishes to return to work but with some adjustments, for example to their working pattern or duties, this should be discussed with the Archdeacon prior to any local conversations taking place. The section on flexible working arrangements later in this document will be helpful in this regard.



Curates who are planning to take maternity leave (or parental leave, or flexible working; see the relevant sections later in this document) should discuss with their training incumbent and the Diocesan Director for Ministerial Development how their period of leave (or flexible working) will relate to their period of curacy. Ordinands should discuss with their DDO and their theological college.

Individuals have the right to return to the role that they occupied prior to maternity leave. Where an individual wishes to discuss whether they want to return to that role, this should be discussed with the Archdeacon prior to any local conversations taking place, in order to identify the options.

If an individual decides not to return to work after the maternity leave period, they must inform their Archdeacon of their decision to resign from their post, according to the notice period applicable in their terms and conditions. Any change to the notice period should be discussed and agreed with the Archdeacon.

10. Annual leave

A period of absence for maternity/birth-giving leave will be counted as "service" for the purposes of accruing annual leave. Individuals are advised to take their annual leave before the commencement of their maternity leave. Where it is not possible to take all their annual leave entitlement before the maternity leave period, for example where the baby arrives early, this leave can be taken after the maternity leave period where national laws so provide, or it can be paid out, if that is what is provided for under national laws.

11. Health and safety

Pregnant individuals are entitled to health and safety protection.. The Diocesan Safeguarding Office and the Archdeacon can offer advice to help an individual assess specific risks to which they may be exposed, to talk these through and discuss what adjustments may be required. Individuals are encouraged to identify any areas of work or working practices which might adversely affect their health and safety and to raise any concerns with their Archdeacon and the Diocesan Safeguarding Office.

12. Other entitlements during maternity leave

All office holders on maternity leave remain `in office` while they are on leave. This means that they retain the rights and responsibilities that go with that office, for example the right to continue to live in accommodation provided



13. Maternity/Birth-giving leave checklist

The checklist below is for guidance only. It can be adapted for an ordinand, curate or incumbent to complete in the local context.

It can be a tricky balance managing time whilst on leave for individuals who want to maintain a connection to what is going on in the parish/benefice. It can be helpful in advance to think about whether you want to worship in the chaplaincy, lead a service from time to time, to been seen out and about, and how to manage the expectations of parishioners, callers, and others.

How you feel about all this may change after a baby arrives and you might find that you would like to have a different level of contact time with the chaplaincy than you had envisaged. The questions below are prompts to help think through boundaries, and to plan for what may arise. It can be useful to talk them through with your Archdeacon and/or your incumbent (if you are a curate), your DDO (if you are an ordinand) or Area Dean, as appropriate.

	Checklist	What's next?	Y/N
1	Establish with those close to you what you feel the boundaries need to be in your particular situation.		
2	Meet with the appropriate people to discuss preferences and how they might be accommodated.		
3	Might you want to worship in the Church and remain open to hearing what is going on? Might you want time away for a period, and only be informed of particular things, such as a significant death in the parish, or other important concern? Might you want a key link person/people to keep you in touch, rather than lots of well-meaning people?! How can you manage this well?		
4	Meet with your PCC/Training Incumbent to express your preferences in this regard and how they may be accommodated. Whatever you agree, confirm agreements in writing so there is an ongoing reference point throughout your absence.		



5	Practical arrangements – review your 'out of office' email message, and your voicemail message in order to manage enquiries.	
6	Are there any key social events or activities you want to be involved with while on leave?	
7	What cover arrangements are needed and are there gaps that others may be able to help with?	
8	Will there be a temporary cover person? Are you happy to have catch up meetings or be available for any ad hoc advice needed (or do they know who else to contact)?	
9	How will people visiting you be dealt with or redirected? It might be helpful to have a page on the website and/or a small A5 leaflet that can be handed to any callers setting out what to do for contact re baptism, weddings, funerals or other issues.	
10	Have you ensured that your website is up-to-date and clear about arrangements?	
11	What else might you want to include or think through?	



B - Adoption Leave

1. Introduction

Clergy should inform their appropriate senior member of clergy as soon as possible of their potential adoption, in order to receive information and advice regarding their entitlement to adoption leave and pay. However, it is recognized that some clergy may not wish to let people know about their plans until things are clear. This can be a joyful but also an anxious and stressful time. This section aims to help you think through what you might need or find helpful, also in terms of practical and pastoral support.

2. Time off for introductions

Clergy have the right to time off work without deduction of pay for specific introduction meetings with social workers and children. Clergy who are in the adoption process and wish to make use of this possibility should let their Archdeacon know when they are planning to take introduction time off and provide evidence of appointments.

3. Adoption leave

Leave arrangements can begin once a member of clergy can demonstrate that they have been matched with a child through an authorized adoption agency. Once an individual has decided the date on which they wish to commence their adoption leave, they should discuss this with the Archdeacon.

Regarding the length of adoption leave and payment, individuals need to check with the social security authorities what the legal provisions are in the country in which they are based and what procedures need to be followed to claim any available leave or benefit entitlements. Based on this, the period of adoption leave and pay is to be agreed between the individual, the chaplaincy and the Archdeacon.

The period of adoption leave and pay cannot be less than that which is provided at national level. In order to promote best practice and consistency with other leave entitlements, Chaplaincies are encouraged to take a generous approach and offer a period of adoption leave of no less than the period of maternity leave provided as a minimum under EU law (14 weeks), and a level of pay equivalent to that which is payable during maternity leave.

4. Disrupted adoption

Where adoption leave has started, but an individual is subsequently notified that the placement will not take place, or where the child is returned to the adoption agency after placement or where, tragically, the child dies after placement, the individual's entitlement to adoption leave and pay may continue for a further eight weeks from the end of the week in which the disruption occurred, unless that leave and/or pay would have ended earlier in any event, or unless national provisions applicable in the country in which the individual is based provide otherwise.

5. Other matters: arranging cover, pensions, working during leave, returning from leave, annual leave, other entitlements (such as housing), taking parental leave after adoption leave or flexible working arrangements



For these and other matters, please refer to the preceding section on "maternity / birth-giving leave", or to other relevant sections of this document, for an indication of the issues to consider. Individuals are encouraged to speak to their Archdeacon well in advance of adoption leave starting, in order to think through these issues.

This checklist set out under the preceding section on "maternity / birth-giving leave" may also be useful.



C – Paternity / Non-Birth-Giving Parent or Second Parent Leave

1. Introduction

EU law provides that fathers and second parents have the right to take at least ten working days of paternity leave, with pay, around the time of birth (or adoption) of a child. Some countries provide for longer periods of leave, while others provide for a combination of paternity and parental leave.

Individuals should check the applicable provisions under national law or collective agreements in the country in which they are based.

Individuals should discuss with their Archdeacon and give adequate notice of their intention to take paternity leave and the indicative date on which it will start. Subject to national law or collective agreement, best practice would be at least three months notice. Individuals can nevertheless change the exact date on which their paternity leave starts, for example, when the baby arrives early or late.

2. Pay

Individuals have the right to receive pay during paternity leave. The rate of pay depends on the applicable law or collective agreement in the country in which the officeholder is based. Paternity leave is compensated at least at the level of sick pay, but the rate of pay may be higher than that depending on the provisions in your country.

There are also different regulations for who is responsible for paying the officeholder during their paternity leave. In some countries, pay will continue as normal during the period of leave, and chaplaincies may be able to recover part or all of the cost from the authorities. In other countries, payments will be made to the officeholder by the social security authorities. It is therefore important to obtain timely information and advice about entitlements and the procedures for making a claim. Individuals should contact the social security authorities in the country in which they are based. The national equality body responsible for gender equality can also be a useful source of information.

3. Pensions

Pension arrangements during paternity leave will vary depending on the country in which an individual is based. Where an individual is a member of a pension scheme, such as the Church of England Pension Scheme, they should contact them directly to ensure that contributions continue to be paid during paternity leave and to ensure that they are aware of any specific procedures to follow.

4. Annual leave

A period of absence for paternity leave will be counted as "service" for the purposes of accruing annual leave.

5. Death of mother in childbirth

Where the mother dies at or immediately following the time of childbirth, it is recommended that maternity benefits, notably leave and pay, be granted to the spouse in place of paternity benefits.



D - Parental Leave

1. Introduction

EU law provides for an individual entitlement of a minimum of four months' 'parental leave' per parent, per child. Some countries provide for longer leave entitlements.

All countries have a maximum age for a child in respect of whom an individual can take parental leave. This typically ranges from between eight years old to eighteen years old.

Some countries provide for a minimum length of service (maximum one year) before an individual qualifies for the entitlement to parental leave. Where an individual has any questions about whether previous service in another chaplaincy, diocese, or province of the Anglican Communion can be taken into account, they should contact their Archdeacon.

Individuals should always check the applicable provisions under national law or collective agreements in the country in which they are based.

Individuals should discuss with their Archdeacon and give adequate notice of their intention to take parental leave, the length, form and the date on which it will start. Subject to national law or collective agreement, a period of notice of three months is good practice. In exceptional circumstances, individuals may give a shorter period of notice; they may also give a shorter period of notice where exceptional circumstances mean that they wish to bring forward, postpone or no longer take parental leave.

The Archdeacon may request sight of evidence that the officeholder is the parent of a child or has parental responsibility for a child.

The Archdeacon may request that the officeholder sign a declaration of what parental leave they have already taken and confirming that their individual entitlement to parental leave has not already been exhausted in the course of a previous period or periods of service with another chaplaincy, diocese, or province of the Anglican Communion, or with another employer.

2. Pay

EU law provides that at least two months of parental leave are paid. The period of parental leave that is payable and the rate of pay depends on the applicable law or collective agreement in the country in which the officeholder is based. Parental leave is compensated at least at the level of sick pay, but the rate of pay may be higher than that depending on the provisions in your country.

There are also different regulations for who is responsible for paying the officeholder during their parental leave. In some countries, pay will continue as normal during the period of leave, and chaplaincies may be able to recover part or all of the cost from the authorities. In other countries, payments will be made to the officeholder by the social security authorities. It is therefore important to obtain timely information and advice about entitlements and the procedures for making a claim. Individuals should contact the social security



authorities in the country in which they are based. The national equality body responsible for gender equality can also be a useful source of information.

3. Transferring parental leave to the other parent

Some countries provide for the possibility for parents to transfer part of their parental leave to the other parent. In order to promote the take-up of parental leave by fathers as well as mothers, EU law provides that at least two out of the four months are non-transferable from one parent to another.

Individuals who wish to transfer part of their parental leave entitlement to the other parent, or who wish to have part of the other parent's leave entitlement transferred to them, should check the specific arrangements for doing so in the country in which they are based and discuss with their Archdeacon.

4. Forms of parental leave

Parents have the right to request taking parental leave in a flexible way, for example, on a part-time basis, as time-credit, or in blocks of shorter periods of leave, rather than taking their full entitlement in one go. The options available will depend on what is provided under national law or collective agreements in the country in which an individual is based.

Subject to applicable national law or collective agreement, best practice would be that where parental leave is taken in blocks, such blocks should be no less than one month at a time (ie not single weeks or days); and that where parental leave is taken on a part-time basis, the resulting reduction in working time should be no less than 10% and no more than 50%.

Parents of children with disabilities may be entitled to additional parental leave and/or to additional flexibility in taking parental leave, depending on what is provided in the country in which they are based.

Individuals who wish to take parental leave in a flexible way should check the specific arrangements for doing so in the country in which they are based and discuss with their Archdeacon. This can be a complex process. Individuals are encouraged to contact the Archdeacon to begin to explore any ideas they may have at an early stage.

5. Timing of parental leave

The start of parental leave can be postponed for a reasonable period of time on the grounds that the taking of parental leave at the time requested would seriously disrupt the good functioning of the chaplaincy. Where parental leave is postponed, the Archdeacon shall provide reasons for the postponement in writing.

6. Pensions

Pension arrangements during parental leave will vary depending on the country in which an individual is based. Where an individual is a member of a pension scheme, such as the Church of England Pension Scheme, they should contact them directly to ask whether contributions will continue to be paid during their parental leave and if there are any specific procedures to follow.



7. Annual leave

Subject to national law or collective agreement, a period of absence for parental leave will not be counted as "service" for the purposes of accruing annual leave.



E - Carers' Leave

1. Introduction

Individuals are entitled to carers' leave in order to provide personal care or support to a relative, or to a person who lives in the same household as the worker, and who is in need of significant care or support for a serious medical reason.

A relative could be a son, daughter, mother, father, spouse or, where such partnerships are recognised by national law, partner in civil partnership.

Such situations could, for example, include significant care or support following a serious accident or medical treatment, or where an elderly relative needs to move from independent living into residential care.

EU law provides for five days of carers' leave per year. Some countries provide for longer leave entitlements. All countries have specific definitions of who is a relative for the purposes of carers' leave and what type or level of care or support is required for the purposes of carers' leave. Individuals should always check the applicable provisions under national law or collective agreements in the country in which they are based.

Individuals should discuss with their Archdeacon and give adequate notice of their intention to take carers' leave, the duration and the date on which it will start. Subject to national law or collective agreement, the period of notice should be at least one month. In exceptional circumstances, individuals may give a shorter period of notice; they may also give a shorter period of notice where exceptional circumstances mean that they wish to bring forward, postpone or no longer take carers' leave.

The Archdeacon may request that the officeholder substantiate a request for carers' leave with evidence of the relationship to the person in need of care and evidence of the medical reasons for which care needs to be provided by the office-holder (for example, a letter from a doctor).

2. Pay

Subject to national law or collective agreement providing otherwise, there is no entitlement for an individual to receive pay during carers' leave. Chaplaincies may nevertheless decide that an individual may continue to receive their usual stipend or pay during a period of carers' leave. Moreover, individuals should always check the applicable provisions under national law or collective agreements in the country in which they are based, to see whether any entitlement to pay or benefits is applicable and the procedures for claiming any such entitlements.

Individuals are encouraged to contact the Archdeacon in order that they can provide advice and support in helping to think through various options.



F - Right to Request Flexible Working Arrangements

1. Introduction

Individuals may wish to balance professional and family responsibilities while continuing to work through possibilities for flexible working, rather than taking a period of leave.

EU law provides the right for individuals with children, and those who are carers, to request flexible working arrangements for caring purposes. Such arrangements can consist of remote working, flexible working schedules, or reduced working hours. Depending on the type and level of family responsibilities, some clergy may find that there is sufficient flexibility within the role to organize their schedule as needed without specific formal arrangements. However, some individuals, particularly where there is a significant level of family responsibility, may wish to have such arrangements formalized in order to maintain boundaries and manage expectations, for example, when returning after a period of maternity or paternity leave, or in the context of circumstances that would give rise to an entitlement to carers' leave.

Individuals who wish to request flexible working arrangements are strongly encouraged to contact the Archdeacon to begin to explore any ideas they may have at an early stage, before formalizing their request in writing.

EU law requires that such requests must be considered and responded to within a reasonable period of time, but there is no obligation to grant a request which is incompatible with the performance of the duties of an officeholder (for example, a request to work exclusively from home, or to take every Sunday off!)

The conditions for requesting flexible working arrangements vary between countries. All countries stipulate a maximum age for a child in respect of whom an individual is entitled to request flexible working arrangements. This typically ranges from between eight years old to eighteen years old. This does not necessarily prevent an individual whose child is older than the maximum age stipulated from making a request.

Some countries provide for a minimum length of service (maximum six months) before an individual qualifies for the entitlement to request flexible working. Where an individual has any questions about whether previous service in another chaplaincy, diocese, or province of the Anglican Communion can be taken into account, they should discuss with their Archdeacon.

Individuals should check what the available possibilities are under applicable laws or collective agreements in the country in which they are based.

2. Making a request

An individual who wishes to request flexible working should make their request in writing to the Archdeacon. They should specify the following:

- The arrangement requested (work schedule or pattern)
- The date on which the requested arrangement will start (this should be no earlier than three months



from the date of the request, unless there are exceptional circumstances)

• The duration of the requested arrangement

Individuals are encouraged to consider and discuss with their Archdeacon the impact of the requested arrangement on the chaplaincy and options for how this can be managed.

The Archdeacon will consider and respond to a request for flexible working within a period of one month (where there are exceptional circumstances such that the requested start date for the flexible working arrangement is less than one month from the date of the request, a response shall be given, if practicable, within two weeks).

Where a request is refused, or where the duration of the requested arrangement is limited or extended beyond that requested by the individual, or where the start date of the requested arrangement is postponed, reasons must be given for any such refusal, change or postponement.

3. Annual leave, pay and pension

Where the requested flexible working arrangement involves a reduction in working hours, it is usual that the individual's entitlement to annual leave, pay and pension contributions are reduced proportionately.

Some countries provide for a level of pay or income-replacement benefits to compensate an individual working reduced hours in order to care for a child or other dependent. Individuals should check what the available possibilities are under applicable laws or collective agreements in the country in which they are based and any procedural requirements that need to be fulfilled in order to make a claim.

Where an individual is a member of a pension scheme, such as the Church of England Pension Scheme, they should contact them directly to ask what contributions will continue to be paid during a period of reduced working hours and if there are any specific procedures to follow.

4. Return to regular working pattern

When flexible working arrangements are limited in duration, an individual has the right to return to the original working pattern at the end of the agreed period. In exceptional circumstances, an individual has the right to request to return to the original working pattern before the end of the agreed period. They should contact their Archdeacon, who will consider and respond to a request for an early return to the original working pattern, taking into account the needs of both the individual and the chaplaincy.



G - Right Not to Be Subject to Discrimination or Unequal Treatment

EU law provides that individuals are protected from dismissal or other forms of less favourable treatment because they are pregnant, have given birth, or have applied for or taken leave as set out in these guidelines, or because they have exercised the right to request flexible working arrangements for caring purposes as set out in these guidelines.

As a first step, individuals are encouraged to have recourse to the Diocesan grievance procedure, which can be found in the Handbook.

Individuals are encouraged to raise grievances at an early stage and to be aware that they may be time limits for bringing legal claims, whether or not a grievance procedure has been followed.

Review

These Guidelines with be subject to review in the light of experience, three years after their adoption.