

CLERGY TERMS OF SERVICE

MATERNITY LEAVE AND PAY

The policy of the Church in Wales is to comply with the law as it relates to the rights of pregnant women. To this end its aim is to inform all female clergy of their entitlement to statutory maternity rights and to ensure that these rights are understood by female clergy who qualify.

The following provisions are applicable to female clergy with an expected week of childbirth on or after 1 April 2007.

General

Clergy who are pregnant are encouraged: -

- 1) To seek information concerning the applicability of these maternity provisions at the earliest opportunity. Advice can be obtained from either the HR Department or Stipends Section at the Representative Body of the Church in Wales.
- 2) To advise their Area Dean or Archdeacon of their pregnancy at the earliest opportunity so that arrangements for cover can be made.

Procedure and Rules

To qualify for maternity leave and pay, you must: -

- 1) Inform the Stipends Section at the Representative Body of the Church in Wales and the Area Dean/ Archdeacon.
- 2) Provide the Stipends Section at the Representative Body of the Church in Wales with a maternity certificate MAT BI which will state the expected week of childbirth. This certificate can be obtained after the 20th week of pregnancy from the GP or midwife.
- 3) Give notice (see form) to the Stipends Section at the Representative Body of the Church in Wales of when the maternity leave will commence. This notification **MUST** be given by the end of the 15th week prior to the expected week of childbirth. If a cleric changes her mind at a later date, she is entitled to do so, but must inform the Stipends Section of the revised start date at least 28 days before the date in question.
- 4) In case of premature birth, a cleric must advise the Stipends Section of the fact as soon as is reasonably practicable and, produce a certificate MATB2 form which can be obtained from the GP or midwife.
- 5) Pregnant clergy may continue working as close to the expected week of childbirth as they wish provided they continue to be capable of undertaking full normal duties. Where it is felt that the cleric's health or that of her unborn baby are suffering as a result of her continuing to work then the Church in Wales may require the cleric to be examined by the Occupational Health Doctor.

Maternity Leave

All women who are working are entitled to 52 weeks maternity leave i.e. 26 ordinary maternity leave and 26 weeks additional maternity leave.

A woman may not start ordinary maternity leave before the 11th week before the expected week of childbirth unless the baby is born before then.

If a woman is unable to work for a pregnancy related reason within the last four weeks before the baby is due, or she gives birth before she intended to go on leave, then maternity leave will start automatically. Both ordinary and additional maternity leave count as continuous service.

Maternity Pay

Clergy who intend to return to the stipendiary ministry following pregnancy and maternity leave will qualify for occupational and statutory maternity pay provisions as follows: -

Weeks 1-18 inclusive: The equivalent of full Stipend, which incorporates statutory maternity pay.

Weeks 19-39 inclusive: In accordance with the statutory Maternity Pay Regulations.

Weeks 40-52 inclusive: No entitlement to S.M.P.

Returning to Duty

No woman is allowed to return to duty during the first two weeks after giving birth.

If a woman decides to take her full entitlement to maternity leave i.e. 52 weeks, she will not need to give advance notice of her return and should simply come back on the date notified to her by the Stipends Section. It would however be helpful if contact with the Archdeacon were maintained on the likely date of return.

If a woman decides to return early before the end of her maternity leave she must give 8 weeks notice of early return (See form).

If a woman is returning to duty after 26 weeks ordinary maternity leave she is entitled to return to the same office on the same terms of service as if she had not been away.

If a woman is returning to duty after taking full maternity leave (52 weeks) she is entitled to the same office on the same terms of service unless it can be shown that it is not reasonably practicable to do so. Should it not be practicable to return to duty in the same office then the Archdeacon will be responsible for discussing alternative options with the cleric concerned such options being on no less favourable terms of office.

If a woman is unable to return to duty following maternity leave because of illness then she is required to inform her Area Dean/Archdeacon of the reason and the procedure relating to the Incapacity of Clergy will apply.

Contact during Maternity Leave

New regulations, under the Work and Families Act 2006, introduce “keeping in touch” days for women whose expected week of childbirth is on or after 1 April 2007.

The new regulations allow a woman during maternity leave, if it is acceptable to the Church in Wales, to work for up to 10 days during her maternity leave without the risk of losing her entitlement to maternity leave or maternity pay.

If clergy wish to work during maternity leave then this arrangement must be discussed and agreed with the Archdeacon.

Stillbirth and Miscarriage

This is a particularly emotive area and special provisions apply should a woman have a stillbirth or miscarriage. For the purposes of the Regulations childbirth is defined to include the birth of a living child (however premature) or a child living or dead after 24 weeks pregnancy. In these circumstances the woman will be entitled to the same leave and statutory maternity leave, as she would have received had her baby lived.

If however a woman loses her child before reaching the 25th week of her pregnancy then she is not entitled to maternity leave or maternity pay. Her absence should then be treated as sickness in accordance with the provisions for clergy incapacity.

Cover During Maternity Leave

During maternity leave cover for services and pastoral care will be treated as in an Interregnum.

Advice and Guidance

Advice on the application of these provisions can be obtained from the following:

HR Department 39 Cathedral Road Cardiff CF11 9XF
Stipends Section 39 Cathedral Road Cardiff CF11 9XF
Archdeacon

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