

## Shared Maternity Leave

<b>Contact Name and Details</b>	The Revd Dr Jonathan R Hustler Ministerial Coordinator for Oversight of Ordained Ministries hustlerj@methodistchurch.org.uk
<b>Action Required</b>	The Council is asked to approve the guidance and policy.
<b>Resolutions</b>	72/1. The Council receives the report.  72/2. The Council adopts the guidance and policy.  72/3. The Council adopts the Policy on Maternity Leave - Shared under SO 807A.

### Summary of Content

<b>Subject and Aims</b>	To introduce the policy on Shared Maternity Leave under SO 807A.
<b>Main Points</b>	<ol style="list-style-type: none"> <li>1. The Response to the M10 (2015)</li> <li>2. The Guidelines to circuits and ministers taking maternity leave</li> <li>3. The policy on shared maternity (parental) leave</li> </ol>
<b>Consultations</b>	Stationing Committee and Human Resources and Development Law and Polity Committee (pending)

### Summary of Impact

<b>Standing Orders</b>	SO 807A was revised in 2015
<b>Legal including impact on other jurisdictions</b>	The policy will need to apply in those parts of the Connexion which are not subject to UK law and where statutory provision on maternity leave may differ

**The Conference of 2015 agreed a reply to a memorial from the North Shields and Whitley Bay Circuit:**

### **M10 Maternity leave**

The North Shields and Whitley Bay (20/5) Circuit Meeting (Present: 29; Voting: unanimous) draws the attention of the Conference to Standing Order 807A (Maternity Leave). Whilst the Circuit Meeting fully affirms and endorses this Standing Order, it is concerned about the lack of guidance that is provided for those experiencing a maternity leave. This should include:

- Help for Circuit and Local Churches in both preparing for the term of absence and ensuring there is adequate cover during that absence.
- Provision of appropriate levels of pastoral care and support for the individual concerned, both ante- and post-natal.

The North Shields and Whitley Bay Circuit Meeting, noting the helpful guidance that is provided around sabbaticals (Standing Order 744), including the District responsibility to ensure that a Sabbatical Support Group is formed, asks the Conference to instruct that a document be created which outlines good practice and offers models of such practice so that Circuits may be better prepared and those on maternity leave better supported.

## Reply

The Conference thanks the North Shields and Whitley Bay Circuit Meeting for its memorial and notes the importance of appropriate arrangements for maternity, paternity, adoption and parental leave. The Conference notes changes in April 2015 to legislation regarding maternity leave and the subsequent revisions to Standing Orders 807, 807A, 807B and 807D considered by this Conference (Agenda, report 17).

The request for guidance made in this memorial was considered by the Stationing Committee at its meeting in March 2015. The committee agreed that a set of guidelines should be developed and then presented to the Methodist Council for approval prior to its publication, to ensure that any such connexional guidelines are in keeping with recent changes to legislation.

The Conference therefore accepts the memorial, noting that the Stationing Committee is already undertaking this work, and will present proposed guidelines for Circuits and churches regarding arrangements for maternity leave to the Methodist Council no later than October 2016.

1. This report presents the guidelines (Appendix 1) that have been agreed by the Stationing Committee. These guidelines need to be read and used in conjunction with the relevant Standing Orders and the Council's policy on shared maternity leave. That policy is presented here (Appendix 2), having been revised from the Policy on Shared Parental Leave for lay employees.
2. As the Standing Orders make clear, there are different sorts of leave that parents can take. This paper refers to Maternity Leave (SO 807A). The provisions of SO 807B make it clear that there is an entitlement to paternity leave in addition to any shared leave taken under SO 807A. It is important not to confuse leave taken under SO 807A which is sometimes called 'Shared Parental Leave' with the entitlements under SO 807D ('Parental Leave'). For the sake of clarity, the proposed policy here is titled 'Shared Maternity Leave under SO 807A'.
3. The Human Resources and Development Team has produced a policy ('Shared Parental Leave') for lay employees of the Church which sets out the legal position and the responsibilities of both employer and employee. The position of a minister is not that of an employee and changes have been made to the policy with that in mind. The Law and Polity Committee may wish to ask for further work to be done.
4. There are two sorts of matter that need to be considered whenever a minister takes maternity leave:
  - Those that concern the wellbeing of the minister to ensure that s/he is free to concentrate on the challenges of life with a young family, and
  - Those that concern the circuit or other appointment in which the minister serves and how the duties may be appropriately covered.
5. The proposed support group established would have oversight over both these areas. The reflections of a minister who has taken shared leave under SO 807A indicate that we need to ensure that there are appropriate forms for ministers to complete in order that the necessary arrangements for the continued receipt of stipend can be made and that the Church has the necessary information about the minister's partner's position and intention. We will arrange with the Finance Office that suitable paperwork is in place.

6. There are three classes of maternity leave – compulsory (two weeks following the birth), ordinary (up to 39 weeks), and additional (up to 13 weeks). A couple can share ordinary and additional leave in a number of ways – continuously at the same time, continuously and successively, or discontinuously and successively. The policy needs to make clear the limits within which discontinuous leave can be taken; the support group needs to agree with the minister what is most appropriate in the context.
7. Those taking maternity leave fall into three classes:
  - Ministers who are (or are to be) mothers;
  - Ministers whose partner is employed by another body;
  - Ministers whose partner is also a minister.The last category brings particular challenges. Ministerial couples can take shared leave together but would need to work that out carefully with the circuit concerned. The support group would need to be clear about the arrangements made to cover two appointments; the District Chair’s involvement would be critical particularly in smaller circuits where it would be difficult to cover the concurrent absence of two ordained staff. On the other hand, where the couple decide not to take leave at the same time, the support group needs to find ways to ensure that the spouse who is not on leave is not expected to pick up all her/his partner’s duties.
8. This is an area where there will always need to be flexibility as well as clarity of expectation; for that reason early consultation with the HR&D team as to the implementation of the policy and an effective support group are both essential.

**\*\*\*RESOLUTIONS**

**72/1. The Council receives the report.**

**72/2. The Council adopts the Guidelines on Ministers’ Maternity Leave.**

**72/3. The Council adopts the Policy on Maternity Leave - Shared under SO 807A.**

## Appendix 1 - Guidelines on Ministers' Maternity Leave (revised)

Arrangements for maternity leave for presbyters and deacons are set out in SO 807A. The guidance below is offered to Superintendents or other responsible officers under that Standing Order.

1. The responsible officers are informed (in writing) of the qualifying person's intention to take maternity leave and the dates on which they expect that leave to begin under SO 807A(2).
2. The Superintendent (or in the case of a Superintendent taking maternity leave the person who will act as Superintendent during the maternity leave) shall immediately convene a maternity leave support group comprising him or herself, a circuit steward, and a member of each of the churches for which the minister (if a presbyter) has pastoral charge or (if a deacon or presbyteral probationer) exercises pastoral care.
3. The responsible officer shall ensure that the person or persons intending to take maternity leave and those who will comprise the support group are aware of the Policy on Shared Maternity Leave. Where (one or both of) the person(s) intending to take maternity leave is/are (a) probationer(s), the guidance of MCPOC shall be sought.
4. The support group shall meet with the minister (and, if she or he wishes, her or his partner) to agree:
  - a. how and by whom appropriate pastoral care of the minister and her or his family shall be exercised during maternity leave (a conversation that needs to cover, *inter alia*, where the minister will worship or participate in other ways in the life of the church);
  - b. how and by whom the responsibilities of the minister are to be fulfilled during the period of leave (bearing in mind that it may not be possible to cover some duties, having a concern for the workload of other ministerial colleagues, and recognizing the need for appropriate supervisory arrangements for those who will exercise aspects of ministry with which they are unfamiliar);
  - c. what arrangements need to be made for the handing over and taking back of responsibilities;
  - d. procedures to be followed should the minister wish to resume her or his responsibilities under SO 807A (4).
5. Where two ministers intend to share the maternity leave the group shall agree:
  - a. the dates of shared leave;
  - b. the arrangements for cover that ensure that the spouse who is not on leave is not expected to cover her/his spouse's responsibilities;
  - c. the appropriate publishing of times of leave.
6. The support group shall also discuss the work in which the minister(s) is/are engaged up until the point at which maternity leave is taken to identify any additional areas of risk and to ensure that there is adequate time management in place to accommodate, for example, ante-natal appointments (SO 807) and the likelihood of increased tiredness.
7. The support group shall oversee the 'keeping in touch' days, recognizing that the minister(s) and her/his/their family may choose to worship in (one of the) minister's church(es) and that there needs to be clarity between those forms of contact and times that are specifically about keeping in touch with areas of pastoral responsibility.
8. During the period of maternity leave, the support group shall meet regularly to ensure
  - a. that appropriate pastoral care for the minister(s) and her/his/their family is in place;

- b. that as far as possible the responsibilities of the minister(s) are being fulfilled;
- c. that appropriate arrangements for the minister(s) to resume the fulfilment of her/his/their responsibilities are in place.

The minister (and her or his partner) should be invited without any obligation to attend these meetings.

9. After the minister has given notice of her or his intention to return to work, the support group shall meet with the minister to review arrangements for the resumption of her or his responsibilities. This meeting shall take place sometime in the week before the minister resumes her or his responsibilities.

## Appendix 2 - Maternity Leave Shared under SO 807A

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### 1. What is -Maternity Leave- Shared SO 807D

Changes to the law in 2015 mean that eligible parents can choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. All eligible ministers have are entitled to take Maternity Leave (Shared) referred to under SO 807A.

The Methodist Church recognises that, from time to time, ministers may have questions or concerns relating to their shared parental rights. It is our policy to encourage open discussion with ministers to ensure that questions and problems can be resolved as quickly as possible. Ministers should clarify the relevant procedures with the Human Resources and Development team to ensure that they are followed.

### 2. Who is eligible for Maternity Leave (Shared)?

SML can only be used by two people:

- The mother/adopter **and**
- One of the following:
  - the father of the child (in the case of birth)or
  - the spouse, civil partner or partner of the child's mother/ adopter.

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

### 3. The Shared Maternity Leave entitlement

Eligible ministers may be entitled to take up to 50 weeks SML during the child's first year in their family. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SML system and take any remaining weeks as SML.

A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave

at a specified future date. The mother needs to take compulsory take 2 weeks off for maternity leave, the parents then have 50 weeks that can be shared leave.

SML can commence as follows:

- the mother can take SML after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
- the adopter can take SML after taking at least two weeks of adoption leave
- the father/partner/spouse can take SML immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any SML or ShPP).

Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then the mother/adopter's partner can take leave while the mother/adopter is still using their maternity/adoption entitlements.

SML will generally commence on the minister's chosen start date specified in their leave booking notice, or in any subsequent variation notice.

SML must end no later than one year after the birth/placement of the child. Any SML not taken by the first birthday or first anniversary of placement for adoption is lost.

#### **4. Notifying the organisation of an entitlement to Shared Maternity Leave**

A minister entitled and intending to take SML must give their Superintendent (or District Chair if it is the Superintendent intending to take SML), notification of their entitlement and intention to take to SML, at least eight weeks before they can take any period of SML.

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

- the name of the minister;
- the name of the other parent;
- the start and end dates of any maternity/adoption leave or pay, taken in respect of the child and the total amount of SML available;
- the date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the minister was notified of having been matched with the child and the date of placement for adoption;
- the amount of SML the minister and their partner each intend to take
- a non-binding indication of when the minister expects to take the leave.

The minister must provide a signed declaration stating:

- that they meet, or will meet, the eligibility conditions and are entitled to take SML;
- that the information they have given is accurate;
- if they are not the mother/adopter they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter;
- That should they cease to be eligible they will immediately inform their Superintendent or District Chair.

The minister must provide their Superintendent or District Chair with a signed 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 satisfy the 'employment and earnings test' and had at the date of the child's birth or placement for adoption the main responsibility for the child, along with the minister. This will not apply to partners who are ministers;
- that they consent to the amount of SML that the minister intends to take;
- that they consent to the organisation processing the information contained in the declaration form; and
- (in the case whether the partner is the mother/adopter), that they will immediately inform their partner should they cease to satisfy the eligibility conditions.;

#### **5. Requesting further evidence of eligibility**

The HR and Development team will, within 14 days of the SML entitlement notification being given, request:

- the name and business address of the partner's employer (where the minister's partner is no longer employed or is self employed their contact details must be given instead; where the partner is another minister, the name of the Superintendent)
- in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they 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 SML, the minister must produce this information within 14 days of HR&D's request.

#### **6. Fraudulent claims**

The Methodist Church can, where there is a suspicion that fraudulent information may have been provided or where the organisation has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the Methodist Church's disciplinary procedures.

#### **7. Discussions regarding Shared Maternity Leave**

A minister considering SML is encouraged to contact his/her Superintendent to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the individual to be supported. The Superintendent is encouraged to contact the HR and Development team for advice on the content of discussions.

Upon receiving a *Leave Booking Notice* the Superintendent ~~team~~ will usually arrange a meeting with the minister and set up the support group following the guidance issued by the Stationing Committee.

The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the minister is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the minister and the Circuit, and what the outcome may be if no agreement is reached.

Following the meeting, the minister and ~~Superintendents~~superintendent, should also contact the Stipends office.-

Discussions should also take place within the maternity leave support group once notification of the intention to take shared parental leave is granted.

## **8. Booking Shared Maternity Leave**

In addition to notifying the employer of entitlement to shared maternity leave and shared parental pay (SML/ShPP) a minister must also give notice to take the leave.

The minister is able to submit three notifications specifying leave periods they are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where the minister intends to return to work between periods of leave.

SML can only be taken in complete weeks but may begin on any day of the week. For example if a week of SML began on a Tuesday it would finish on a Monday. Where a minister returns to work between periods of SML, the next period of SML can start on any day of the week.

The minister must book SML by giving the correct notification at least **eight weeks** before the date on which they wish to start the leave.

### *Continuous leave notifications*

A notification can be for a period of **continuous leave**, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).

A minister can take right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (specified in the notice of entitlement) and the Circuit has been given at least eight weeks' notice.

A minister may submit up to three separate notifications for continuous periods of leave.

### *Discontinuous leave notifications*

A single notification may also contain a request for two or more periods of **discontinuous leave**,<sup>1</sup> which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the minister returns to work.

Where there is concern over accommodating the notification, the maternity leave support group may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the minister and the circuit.

If the leave pattern is refused, or it is agreed that it is not a suitable arrangement, the minister can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

## **9. Responding to a Shared Maternity Leave notification**

Once the Superintendent or District Chair receives the leave booking notice, it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.

All notices for continuous leave will be confirmed in writing.

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<sup>1</sup> Discontinuous shared parental leave refers to periods of leave of one week or more then return to work, then take a further period of shared parental leave.

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the minister and to the ~~Circuit~~circuit team against any adverse impact to the normal function of ~~circuit~~circuit business.

Each request 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 minister to be granted a similar pattern of SML.

#### **10. Variations to arranged Shared Maternity Leave**

The minister is permitted to vary or cancel an agreed and booked period of SML, provided that they advise the organisation in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than **eight weeks** from the date of the variation request.

#### **11. Stipend during Shared Maternity Leave**

During the period of ~~SPL~~SML the minister will continue to receive their usual stipend. Pension contributions will continue to be made whilst the minister continues to receive their usual stipend.

#### **12. Annual Leave**

SML is granted in addition to any minister's normal annual holiday entitlement. Ministers are reminded that holiday should wherever possible be taken in the year that it is earned.

Where an SML period overlaps two ~~Connexional~~connexional years the minister should consider how their annual leave entitlement can be used to ensure that it is not untaken at the end of the minister's holiday year.

#### **13. Contact during Shared Maternity Leave**

Before a minister's SML begins, the Superintendent or District Chair within the maternity leave support group, will discuss the arrangements for the minister to keep in touch during their leave. The circuit may wish to in any event maintain reasonable contact with the minister from time to time during their SML. This may be to discuss the minister's plans to return to work, to ensure the individual is aware of any possible opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

#### **14. Shared Maternity Leave in Touch days (SPLIT)**

A minister can agree to work for the Church (or attend training) for up to 20 days during SML without bringing their period of SML to an end. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

The Church cannot require the minister to carry out any work, and is under no obligation to offer the minister any work, during the minister's SML. Any work undertaken is a matter for agreement between the Church, the Circuit and the minister. Any SPLIT days worked do not extend the period of SML.

#### **15. Returning to work after Shared Maternity Leave**

The minister will have been formally advised in writing by the **HR&D team** of the end date of any period of SML. The minister is expected to return on the next working day after this date, ministers

must notify the organisation if they are unable to return on this date and gain authorisation by their Superintendent or District Chair otherwise. If they are unable to attend work due to sickness or injury, the Church's normal arrangements for sickness absence will apply.

If the minister wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must provide at least eight weeks' notice of their date of early return. This will count as one of the minister's notifications. If they have already used their three notifications to book and/or vary leave then the Circuit does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

#### **16. Where both parents are ministers in the same circuit**

If the minister's partner is also a minister within the same circuit, then great care must be given in considering block and normal shared parental leave and how this will work effectively in practice. Ministers are entitled to take maternity leave concurrently; where ministers are in the same circuit, the District Chair should be consulted about how this can be managed in the circuit.