

## CLERGY WORK-LIFE BALANCE

### Adoption Leave Policy

Policy Approver(s)	Bishop of Exeter and his Senior Team
Policy Owner(s)	Bishop of Crediton Archdeacon of Totnes Diocesan Director of People and Safeguarding
Revised By	Diocesan Director of People and Safeguarding
Next Revision Date	1 January 2024
Related Documents	Diocese of Exeter: Clergy Maternity Leave Policy Diocese of Exeter: Clergy Paternity Leave Policy Diocese of Exeter: Clergy Parental Leave Policy Diocese of Exeter: Clergy Shared Parental Leave Policy
Scope	<p>This Policy applies to all persons beneficed, licensed or otherwise authorised by the Bishop for ministry in the Diocese of Exeter. This includes all clergy holding office under Common Tenure, Qualified Common Tenure and Freehold and applies equally to a Cathedral Clergy, Archdeacons and Bishops.</p> <p>The Diocese of Exeter reserves the right to amend this policy at its discretion at any time.</p>
Extensions	Individuals identified in Paragraph 2.
Exclusions	Individuals identified in Paragraph 2.

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## 1. Policy Statement

This policy outlines the rights and responsibilities of office holders who are planning to adopt a child or have been matched with a child and sets out arrangements for antenatal care, pregnancy related sickness, health and safety and Adoption Leave.

Adoption Leave is a 'day one' right and there is no qualifying period.

This policy also outlines the enhanced Diocesan Adoption Pay provision for qualifying office holders in the Diocese of Exeter.

In the event that (*under Regulation 23 of the 2009 Regulations which confers on office holders the same legal entitlement to statutory maternity, paternity, adoption and shared parental leave as employees are entitled to under the Employment Rights Act 1996*) changes are made to the Employment Rights Act 1996 (or any regulations made under it) to the rights of employees in respect of maternity, paternity, adoption and shared parental leave, these changes will automatically apply to office holders and take precedence over this policy.

All matters relating to an office holder's adoption will be treated confidentially, unless the adopter wishes otherwise, and apart from when disclosure is needed to agree measures related to covering the office holder's duties during the period of leave.

The latest national Church of England guidance can be found here:

[Legal Entitlements of clergy office holders who become parents March 2020](#)

[Guidance note no 3 to clergy office holders about to become parents](#)

This policy is effective from 01 December 2020 and shall not apply to any actions that occurred prior to this date.

## 2. Who is Covered by the Policy?

This policy applies to all stipendiary office holders both full time and part time including stipendiary cathedral office holders, archdeacons and bishops.

Non stipendiary office holders are entitled to Statutory Adoption Leave regardless of the length of service but are not entitled to Statutory Adoption Pay.

This policy does not apply to clergy employees who have the same statutory rights to pay and leave as other employees, and whose entitlement to enhanced pay during any period of statutory paternity leave will be determined by their employment contract. Clergy employed by EDBF enjoy the same enhanced paternity pay as provided by this policy

Clergy who have a period of ministry as employees will come off the Commissioners' payroll and will thus have a break in continuous service as far as their right to SMP is concerned.

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### 3. Definitions

The definitions below apply in this policy:

**Qualifying Week:** The week, starting on a Sunday, in which you are notified in writing by an adoption agency of having been matched with a child.

**Expected Placement Date:** The date on which an adoption agency expects that it will place a child into your care with a view to adoption.

**Ordinary Adoption Leave (OAL):** A period of up to 26 weeks' leave available to all employees who qualify for Adoption Leave under point no 4 below.

**Additional Adoption Leave (AAL):** A further period of up to 26 weeks' leave immediately following OAL.

**Statutory Adoption Pay (SAP):** is a weekly payment you get from your employer to help take time off work when you adopt a child.

### 4. Notification Requirements

We recognise that some individuals may not wish to let people know about their adoption plans until they are quite far along the adoption process. However office holders should inform their Archdeacon of their formal intention to adopt a child as soon as they feel able or as soon as possible after beginning the formal adoption process in order to receive further information and advice regarding their entitlement to Adoption Leave and pay.

As the adoption process can take a long time with specifically intense and stressful periods the Diocese will seek to do all we can to offer practical and pastoral support.

#### Formal Notification of Intention to Take Leave

Leave arrangements can begin once an office holder can demonstrate that they have been matched with a child through an authorised adoption agency. Once an individual has decided the date on which they wish to commence their Ordinary Adoption Leave, they must give notice in writing to the Archdeacon and to the Diocesan Office.

The office holder must give us notice in writing of:

- Their full name and place of work
- Their intention to take Adoption Leave
- The Expected Placement Date.
- The intended start date for Adoption Leave (Intended Start Date).

The office holder may also give notice of an intention to curtail their Adoption Leave to create Shared Parental Leave with the father of the child. See Shared Parental Leave Policy for further guidance.

This notice is to be given not more than **seven days** after the individual is notified by the agency in writing that they have been matched with a child.

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At least 28 days before the Intended Start Date (or, if this is not possible, as soon as possible), the individual must also provide us with:

- A Matching Certificate from the adoption agency confirming:
  - The agency's name and address.
  - The name and date of birth of the child.
  - The name and date of birth of the child.
  - The date you were notified of the match.
  - The Expected Placement Date
- Written confirmation the individual intends to take statutory adoption pay and not statutory paternity pay ( or if eligible, the enhanced Diocesan pay provision).

An individual has the right to change the date they wish to commence their Adoption Leave. However, they must give a reasonable period of notice and discuss with their Archdeacon about cover arrangements.

Ordinary Adoption Leave may commence on the date the child is placed with the office holder, or from a predetermined date no more than 14 days before the expected date of placement (within the UK for UK related adoptions).

### **For Overseas Adoptions**

Where an overseas adoption is taking place leave may begin from the date of the child's entry into the UK or from a predetermined date up to 28 days after that.

If an office holder adopts a child from overseas, the following will apply:

- The individual must have received notification that the adoption has been approved by the relevant UK authority (Official Notification).

The office holder must give us notice in writing of:

- The individual's intention to take Adoption Leave.
- The date the individual received Official Notification.
- The date the child is expected to arrive in Great Britain.

This notice should be given as early as possible but in any case within 28 days of receiving Official Notification (or, if you have less than 26 weeks' service with us at the date of Official Notification, within 30 weeks of taking up office).

You must also give us at least 28 days' notice in writing of your Intended Start Date. This can be the date the child arrives in Great Britain or a predetermined date no more than 28 days after the child's arrival in Great Britain.

You must also notify us of the date the child arrives in Great Britain within 28 days of that date.

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We may also ask for a copy of the Official Notification and evidence of the date the child arrived in Great Britain.

The Finance Officer for Clergy Payroll will acknowledge in writing and within 28 days of receiving the office holder's notice and will confirm:

- The intended start date of the Adoption Leave
- That the office holder intends to return to office at the end of the Adoption Leave period.
- The return date (the first working day after the end of the Additional Adoption Leave period).

## 5. Entitlement to Statutory Adoption Leave

Statutory Adoption Leave is 52 weeks and is made of:

- 26 weeks Ordinary Adoption Leave (OAL)
- 26 weeks Additional Adoption Leave (AAL)

Entitlement to Adoption Leave is from "day one" therefore any office holder is entitled to 52 weeks of Adoption Leave regardless of length of service.

Adoption Leave is only available if adopting through a UK or overseas adoption agency. It is not available if there is no agency involved, for example if formally adopting a stepchild or other relative, or becoming a special guardian or kinship carer.

An office holder is entitled to Adoption Leave if they meet all the following conditions:

- An adoption agency has given written notice that it has matched the individual with a child for adoption and tells you the Expected Placement Date.
- Be the person with the main care of the child.
- The individual has notified the agency that they agree to the child being placed with them on the Expected Placement Date.
- The individual's spouse will not be taking Adoption Leave with their employer (although they may be entitled to take paternity leave).

We reserve the right to request sight of evidence that an office holder has been notified of the placing of a child with them and/ or has parental responsibility for the child.

Where a couple adopt jointly, one member of the couple (the couple must choose which of them will take Adoption Leave) is entitled to Adoption Leave. The other may consider their rights under paternity leave and paternity pay subject to the paternity leave conditions.

Only one person in a couple can take adoption leave. The other partner could get Paternity Leave instead. If more than one child is adopted at the same time, only one period of Adoption Leave can be taken.

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If an office holder is entitled to Adoption Leave, then they also have the right to take paid time off work to attend 5 adoption appointments after being matched with a child. This includes introduction meetings and further meetings with appropriate social workers. Individuals should let their Rural Dean/Archdeacon know when they are planning to take introduction time off and provide any evidence that may be required.

Adoption Leave only applies to foster parents under a “fostering for adoption” placement by which the office holder may qualify for Adoption Leave and statutory adoption pay before the actual adoption.

## 6. Enhanced Adoption Pay

**All qualifying stipendiary office holders regardless of their length of service are eligible for the Diocese of Exeter’s enhanced adoption pay. This is an enhanced rate, in line with the enhanced maternity pay which is above the statutory maternity pay rate. This enhancement to adoption pay has been extended to include qualifying office holders with less than 12 months continuous service.**

These payments are administered in exactly the same way as Statutory Maternity Pay as outlined below.

The enhanced provision is:

- **First 26 weeks: the office holder is paid their full rate of normal pay, inclusive of SAP.**
- **Followed by 13 weeks: SAP paid at the Prescribed Rate which is set by the Government for the relevant tax year, or the Earnings-Related Rate if this is lower.**

To claim the enhanced Adoption Pay complete the form at Appendix 1 and give to the Finance Officer for Clergy Payroll. Please also complete the Adoption Leave Application form.

To be entitled to the enhanced adoption pay the office holder must:

- Have been matched with a child to be placed with them by a UK adoption agency.
- Have notified the agency that they agree that the child should be placed with them and on a date of placement.
- Have served continuously for the Diocese for a year into the week in which they are notified of having been matched with a child.
- Give the Archdeacon at least 28 days’ notice before the date they want it to begin; and
- Have average weekly earnings at or above the lower earnings limit for National Insurance over the eight weeks ending with the date on which they are notified of the match
- Have ceased work

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## 7. Statutory Adoption Pay

Statutory Adoption Pay is paid by the Church Commissioners via the normal stipend arrangements and is paid for 39 weeks in total. The rate of pay is 39 weeks at the prescribed rate set by the Government each tax year or 90% of the individual's normal weekly earnings whichever is the lower.

After the 39 weeks the individual is entitled to a further 13 weeks unpaid leave which brings the leave up to the 52 weeks available through maternity leave provision. Either partner may receive Statutory Adoption Pay, but not both. The other partner may be entitled to receive Shared Parental Leave and Pay.

To qualify for SAP the office holder:

- Must be the child's adopter
- Must have been in continuous service for at least 26 weeks ending with the week the adopter is notified of being matched with a child.
- Must have agreed the date of placement with the adoption agency
- Must, over the 8 weeks ending with the date on which the adopter is notified of the match, the individual must have had normal weekly earnings of at least the LEL
- Must have ceased to work.

## 8. Covering Duties During Adoption Leave

Once an office holder has decided when they wish to commence Adoption Leave, Clause 2 (2) of the Ecclesiastical Offices (Terms of Service) Directions confers a requirement on office holders 'in consultation with a responsible person or authority' to 'use all reasonable endeavours to make arrangements for the duties of the office to be performed by another person or persons during the period of leave'.

This may start with a discussion with the local rural dean (or incumbent if applicable) and the Archdeacon (or the appropriate member of the Bishop's staff) about how best to ensure that cover is provided whilst the office holder is on leave, this may include:

- The office holder making arrangements in advance to cover services during the period of absence and delegating other duties to church wardens.
- Arranging for an appointment under Regulation 29, which allows for someone to be appointed to a post designated as created in order to cover for an office holder's authorised absence from work. This may be held for a fixed term or under terms which provide for the appointment to be terminated on the occurrence of a specified event, such as the return of the original office holder from maternity leave.

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## 9. Working during Adoption Leave (Keeping in Touch days)

KIT days do not apply to office holders as they only apply to work performed “under a contract of service” with an employer. As office holders are not engaged under any form of contract, and KIT days do not relate to work carried out in the performance of the duties of an office, office holders are not entitled to KIT days. However, stipendiary office holders do not lose statutory maternity (or other) pay if they carry out any duties of their office during maternity (or other) leave.

If an office holder wishes to undertake any of their duties of office during leave, they are advised to agree, in writing, with their church wardens and archdeacon/rural dean/incumbent (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.

## 10. Annual leave

The period of absence on Adoption Leave will be counted as “service” for the purposes of annual leave and therefore the office holder will be entitled to accrue paid holiday during Adoption Leave.

An individual should take their annual leave in the current year before the commencement of their Adoption Leave. Where it is not possible to take the annual leave entitlement before the commencement of the Adoption Leave period, for example where there are placement difficulties, then this leave can be taken after the Adoption Leave period.

## 11. Pensions

The Clergy Pension Scheme ensures that office holders pension contributions are paid during paid statutory leave absence. If an office holder on their return to work wishes to pay pension contributions for the unpaid part of their statutory leave, they must contact the Finance Officer for Clergy Payroll.

## 12. Disrupted Adoption

If the office holder’s Adoption Leave has started but is then notified that either the placement will not take place, or if the child is returned to the adoption agency after placement or if tragically, the child dies after placement, the entitlement to Adoption Leave and if applicable, adoption pay, will continue for a further 8 weeks from the end of the week in which the disruption occurred, unless the leave and/or pay would have ended earlier in any event.

## 13. Returning to Office After Adoption Leave

Once the office holder has notified the Archdeacon in writing of the Intended Start Date, we will confirm in writing their Expected Return Date. If the start of Adoption Leave was changed we will write to the office holder to confirm a revised Expected Return Date.

Under current regulations, unless the office holder informs the Archdeacon otherwise, senior staff will assume the Adoption Leave will end at the dates which were agreed and the individual will return to the duties of her office on the Expected Return Date.

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When an office holder returns she has the right to return to the clergy role in which she was prior to the Adoption Leave period. The individual has not left her office whilst on Adoption Leave and therefore returns to work in the existing post as of right unless she resigns or is removed from post. In the exceptional circumstances where a return to position is not practical or advisable, the Archdeacon will discuss any available options or alternatives. By default therefore, there is no right to be found an equivalent position on return from Adoption Leave.

As the office holder, has most likely kept in touch with her Rural Dean/Archdeacon and the Church Wardens of their parish/benefice/mission community, even carrying out some duties, it is unlikely there will be any unexpected issues arising on the office holder's return.

It is helpful however if, during the Adoption Leave the office holder is able to confirm they will be returning to office as expected. Shortly before the office holder's Expected Return Date it is advisable to have a return to ministry meeting with the Rural Dean/Archdeacon/Church Wardens about returning to office for an official update about any changes that have occurred and any small changes needed to local arrangements.

### **Returning Early**

If an individual wishes to return before her official Expected Return Date, she should discuss this with her Archdeacon in order for arrangements to be made and advice given. The office holder must give eight weeks' prior notice in writing and failure to give eight weeks' notice, the Bishop may postpone the individual's return until eight weeks' have lapsed following receipt of notice.

### **Returning Late**

If an individual wishes to return to office later than the Expected Return Date, they should either:

- Request unpaid Parental Leave in accordance with our Parental Leave Policy, giving us as much notice as possible but not less than 21 days; or
- Request paid annual leave in accordance with the Statement of Particulars, which will be at the Archdeacon's discretion.

When it has been agreed that an individual can take Parental Leave immediately following the expiry of Adoption Leave, local arrangements can be discussed with the Archdeacon.

If an office holder is unable to return to office due to sickness or injury, this will be treated as sickness absence and our Sickness Absence Policy will apply.

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## 14. Changes to Working Arrangements

Flexible working, as it is understood in the employment context, does not apply to clergy office holders. The Ecclesiastical Offices (Terms of Service) Directions 2010 currently confer a legal entitlement on clergy to make requests to take time off or make adjustments to the duties of the office to care for a dependant, but not for other reasons (see paragraphs 20 -32). When the right to request flexible working was extended to all employees, the view was taken that it was not appropriate to extend it to clergy office holders, as they already had sufficient flexibility.

Where an individual wishes to return to work but on a different basis, the office holder may wish to negotiate new working arrangements / adjustment to duties when they return from Adoption Leave and this should be discussed with the Archdeacon.

Although such requests will be considered, there is no guarantee they will be agreed. Any decision will be reached in consultation with the Archdeacon and Church Warden/s or the nominated PCC representative and advice from the Diocesan People Team, and only after having thoroughly explored the details and implications of the request. Such implications of a return to work on a different basis, i.e. part-time include:

- Where a house is provided as an entitlement for the better performances of duties and where the reduction of hours is requested and granted, the entitlements to housing will remain unchanged unless the new agreed working hours fall below the minimum set for entitlement to housing.
- If the individual is receiving a 'housing allowance', the reduction in stipend will come with a proportionate reduction of the 'housing allowance'.
- In cases where the office holder is employed by the parish, then this is a matter between the employer and the individual concerned. However, in cases of 'locally supported ministry' under Common Tenure, the parish may want to follow the same provision as indicated above. These changes will need to be reflected in the 'legally binding agreement'

If approved, the stipend will be adjusted pro rata to reflect the reduced hours. Any permanent changes to working arrangements will need to be formally agreed with the office holder and Archdeacon and documented in a revised Statement of Particulars and Working Agreement and issued by the relevant Archdeacon.

When new working hours are negotiated, there is further impact on other entitlements:

**Pension contributions:** with a reduced stipend, there is a corresponding downward adjustment in pension entitlement

**Heating, lighting and cleaning allowances** will also be impacted when someone moves from a full-time role to a part time role. The office holder is advised to speak to Finance Officer for Clergy Payroll regarding the individual's circumstances.

For advice in cases where **car loans** are concerned, please contact the Finance Officer for Clergy Payroll.

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## 15. Deciding Not to Return

If an office holder is unsure about returning to her duties, it is helpful if this can be discussed with us as early as possible. If an individual decides not to return after maternity leave, she must inform her Archdeacon and the Bishop, stating her decision to resign from her office and giving the appropriate notice period as detailed in the Statement of Particulars. The amount of maternity leave left to run when notice is given must be at least equal to the contractual notice period. Otherwise we may require the office holder to return to office for the remainder of the notice period.

Once an office holder has given notice they will not be returning to their office, if they change their mind there is no absolute right to return. Although every effort will be made to find an alternative suitable post, with the agreement of the Bishop.

This does not affect an office holder's right to receive SAP.

## 16. Redundancy

The only situation when this may occur will be in times of pastoral reorganization. In this case, the clergy/licensed lay worker on Adoption Leave will exercise her rights to information, consultation and entitlement to compensation in the same way as the other clergy are involved in the process.

## 17. Self-Supporting Ministers

Self-supporting ministers have the same entitlement to Adoption Leave as other beneficed and licensed clergy, but are not eligible to receive Adoption Pay, as they do not receive stipend.

If self-supporting ministers are provided with a house for the better performance of their duties, they have a right to stay in the house during any period of leave, as they remain in office during their Adoption Leave.

Self-supporting ministers will also need assistance with cover while on Adoption Leave (they are unlikely to share leave, as they will not be eligible to receive Shared Parental Pay) and when returning from leave.

## 18. Adoption Leave During Curacy or Other Time Limited Posts

Under Regulation 29 of Ecclesiastical Offices (Terms of Service) Regulations 2009, there are several categories where the role is given on fixed term basis. Adopting office holders in these roles have the same rights as those in other roles.

More specifically, for those in curacy roles, provided the office holder has met their obligations in terms of notification requirements, appropriate extensions to the training or other arrangements will be agreed by the Diocesan Director Ordinands (DDO) upon their return from Adoption Leave. However, when the role comes to an end, the SAP rate will apply for the period between the end of position date and the end date of the paid Adoption Leave.

# Appendix 1: Application Form for Enhanced Adoption Pay and Leave – For EDBF Finance Officer for Clergy Payroll

## PARENTAL LEAVE FORM

SURNAME  N.I. No.

CHRISTIAN NAMES  Date of birth

UNIQUE ID

DIOCESE

Tick as appropriate	Leave Start Date (required)	Return to Work Date (if provided)
Paternity Birth <input type="checkbox"/> or Adoption <input type="checkbox"/>		
Maternity <input type="checkbox"/>		
Adoption <input type="checkbox"/>		
Shared Parental L. <input type="checkbox"/>		

DUE DATE

Please tick appropriate form provided

MATB1  Matching Cert

SC3  SC4

Other (please specify)

### DIOCESAN PARENTAL POLICY

Please fill as appropriate

Full pay  Statutory payment only

Number of weeks

**MATERNITY / ADOPTION LEAVE - ONLY**

Is payee taking unpaid leave? Yes  No

How long is unpaid leave for?

Start date of unpaid leave (if applicable)

### OTHER INFORMATION


AUTHORISED \_\_\_\_\_ Date \_\_\_\_\_  
DBF Secretary / Cathedral Administrator / CC