

VIII. REGULATIONS ANENT MATERNITY, PATERNITY AND ADOPTION LEAVE AND PAY FOR MINISTERS (AND REPEALING REGULATIONS V 1986 AS AMENDED)

Edinburgh, 22 May 2003, Session 7

Ordained Ministers shall be entitled to maternity, paternity and adoption leave and pay in accordance with the following provisions:

1 Maternity Leave

- (a) These provisions shall apply to ordained female Ministers of the Church of Scotland in recognised appointments where stipend or salary is paid through the centralised Payment of Stipend Scheme.
- (b) The Minister shall continue to carry out ministerial duties up to at least the last working day before the beginning of the eleventh week before the expected week of childbirth.
- (c) The Minister shall cease to undertake ministerial duties during the period of maternity leave. The period of ordinary maternity leave to which the Minister shall be entitled is twenty-six weeks. In addition the Minister shall be entitled to a further period of up to twenty-six weeks additional maternity leave provided that she has been in the Stipend Scheme for at least twenty six continuous weeks by the date of notification to the Presbytery and the Board of Ministry.
- (d) The Minister shall notify in writing her Presbytery and the Board of Ministry of her expected week of childbirth at least fifteen weeks prior to that date (*i.e.* four weeks prior to the first possible date for the commencement of maternity leave). This notification should be accompanied by a certificate from a registered medical practitioner or midwife stating the expected week of childbirth.
- (e) Further written notice to the Presbytery and the Board of Ministry will be required to state the date when she wishes her maternity leave to start. This date cannot be before the eleventh week before the baby is due. Within twenty eight days of such notification the Board of Ministry shall write to the Minister setting out the date on which she is expected to return to duty if she takes her full entitlement to maternity leave. If a Minister wishes to return to duty before the end of her maternity leave she shall give twenty eight days notice in writing to the Presbytery and the Board of Ministry.
- (f) *Note:* It is essential that sufficient liaison is observed with the Minister's own Presbytery in order that arrangements can be finalised *re* the appointment of an Interim Moderator and other pastoral assistance.
- (g) When informing the Presbytery and the Board of Ministry as required in section 5 above the Minister shall also confirm that her absence will be wholly or partly due to her pregnancy or childbirth. She shall also declare her intention to return to ministerial duties on the expiry of her leave for a period of not less than three months.
- (h) The Minister shall not return to ministerial duties before she submits a written certificate from a medical practitioner stating that she is medically fit to return to do so.

2 Maternity Pay

- (a) Maternity leave with pay will be granted to a Minister who satisfies the relevant conditions within these Regulations.
- (b) Payment of full stipend will be maintained for a period of twenty six weeks, *e.g.* eleven weeks prior to the expected date of childbirth and to the fifteenth week after the date of childbirth.

- (c) The period of additional maternity leave shall normally be without payment of stipend. In exceptional circumstances the Board of Ministry may make payment of stipend for some of the period of additional maternity leave.
- (d) It shall be the Minister's own responsibility to claim the appropriate personal benefits from the Department of Work and Pensions. Such benefits as received shall be retained by the Minister for her own personal use.
- (e) The Board of Ministry shall process Statutory Maternity Pay (SMP). Such SMP and any Statutory Sick Pay as are recovered in respect of the Minister will be retained by the Board. The Board will meet in full the costs of interim pastoral expenses, e.g. payments to Locum, pulpit supply fees and related expenses.

3 **Adoption Leave and Pay**

The provisions for adoption leave and pay shall mirror the provisions for maternity leave and pay with the following provisos:

- (a) To qualify for adoption leave and pay a Minister must be newly matched with a child by an approved adoption agency.
- (b) Notice of intention to take adoption leave must be given in writing to the Minister's Presbytery and to the Board of Ministry within seven days of being notified by their adoption agency that they have been matched with a child for adoption. As far as is reasonably possible the Minister shall allow sufficient time for the Presbytery to put in place the necessary pastoral assistance and to appoint an Interim Moderator.
- (c) Ministers giving notice of intention to take adoption leave must furnish the Board of Ministry with a matching certificate from their adoption agency as evidence of their entitlement to Statutory Adoption Pay.
- (d) Only one member of a couple adopting a child is entitled to adoption leave and pay. The other may be entitled to paternity leave and pay.

4 **Paternity Leave**

- (a) A male Minister shall be entitled to two weeks paternity leave around the date of the birth of his child, or the placement of a child newly placed for adoption.
- (b) Paternity leave shall be taken in one block, normally within the first eight weeks of the child's birth or placement.
- (c) A Minister intending to take paternity leave shall inform his Presbytery and the Board of Ministry of his intention at least eight weeks before the expected date of childbirth or placement to allow the Presbytery to make any necessary arrangements for pulpit supply and pastoral cover. He shall also certify that he is entitled to paternity leave. A form for self-certification shall be provided by the Board of Ministry.

5 **Paternity Pay**

- (a) A Minister on paternity leave shall be paid his full stipend.
- (b) The Board of Ministry shall process Statutory Paternity Pay (SPP). SPP recovered in respect of the Minister shall be retained by the Board. The Board shall meet in full the costs of interim pastoral expenses eg pulpit supply fees and related expenses.

Notes

- 1 Where a Minister is to be absent on maternity leave or adoption leave, it is important that the Minister shall not be involved at all in ministerial duties within the Parish, or in the Church at large. It is for the Presbytery, in consultation with the Minister concerned, to consider and arrange for the requirements regarding necessary ministerial support within the Parish during the period of maternity leave.

2 In cases of hardship arising from maternity and adoption leave and pay arrangements, reference should be made to the Board of Ministry who shall have the power to take any action deemed necessary.

6 **Repeal**

The regulations contained herein replace the Maternity Provisions for Women Ministers Regulations of 1986 (as amended by Regulations 1 1991).