

Clergy Policy		
CP-003	Clergy Adoption Leave and Pay Policy	Dec-24



Clergy Work-Life Balance

Clergy Adoption Leave and Pay Policy

Policy Approver(s)	Bishop's Staff
Policy Owner(s)	HR Manager
Written/Revised By	HR
Next Review Date	December 2026
Related Documents	Clergy Adoption Leave and Pay Request Form Clergy Maternity Leave and Pay Policy Clergy Paternity Leave and Pay Policy Clergy Parental Leave Policy Clergy Shared Parental Leave Policy
Scope	<p>This policy applies to all clergy licensed by the Bishop for ministry in the Diocese of Norwich. This includes all clergy holding office under Common Tenure, Qualified Common Tenure and Freehold and Archdeacons.</p> <p>The Diocese of Norwich reserves the right to amend this policy at its discretion at any time.</p>

Version Control Summary			
Version Number	Previous Revision Date	Review Date	Summary of Change/s
1.0		Dec-2024	New Policy

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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 for access to it.

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

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.

For the latest Church of England guidance:

[Church of England Parental Leave](#)

And for official government guidance on statutory rights:

<https://www.gov.uk/adoption-pay-leave>

This policy is effective from 1 December 2024 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 archdeacons.

Self-supporting 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 who are employees of Norwich Diocesan Board of Finance (NDBF), who have the same statutory rights to pay and leave as other employees of NDBF, and whose entitlement to enhanced pay during any period of Statutory Adoption Leave will be determined by their employment contract.

A member of the Clergy who has a period of ministry as an NDBF employee will come off the Commissioners' payroll and will thus have a break in continuous service as far as their right to SAP 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, you should inform your Archdeacon of your formal intention to adopt a child as soon as you feel able or as soon as possible after beginning the formal adoption process to receive further information and advice regarding your 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 you can demonstrate that you have been matched with a child through an authorised adoption agency. We may require you to provide us with a copy of your matching certificate, or other equivalent documentation as appropriate, at this time. Once you have decided the date on which you wish to commence your Ordinary Adoption Leave, you must give notice in writing to your Archdeacon and both the NDBF HR Manager and Finance Officer, by completing the **Clergy Adoption Leave and Pay Request Form** (available on the diocese website).

You must give us notice in writing of:

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

You may also give notice of an intention to curtail your Adoption Leave to create Shared Parental Leave. See Shared Parental Leave Policy for further guidance.

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

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Church Commissioners require at least 28 days' notice before the Intended Start Date, therefore for NDBF to meet this notice requirement, please provide notice to NDBF an additional 7 days' notice i.e. 35 days before the Intended Start Date (or, if this is not possible, as soon as you are able to), you 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 date you were notified of the match.
- The Expected Placement Date
- Written confirmation that you intend to take statutory adoption pay and not statutory paternity pay (or if eligible, the enhanced Diocesan pay provision).

You have the right to change the date you wish to commence your Adoption Leave. However, you must give a reasonable period of notice and discuss with your Archdeacon about cover arrangements.

Ordinary Adoption Leave may commence on the date the child is placed with you, 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 you adopt a child from overseas you must have received notification that the adoption has been approved by the relevant UK authority (Official Notification). You must give us notice in writing of:

- Your intention to take Adoption Leave.
- The date you received Official Notification.
- The date the child is expected to arrive in Great Britain.
- The intended start date of your Adoption Leave

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

Confirmation

The HR Manager will acknowledge your request in writing and within 28 days of receiving the notice and will confirm:

- The intended start date of the Adoption Leave
- That you intend 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).

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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.

You are entitled to Adoption Leave if you meet all the following conditions:

- An adoption agency has given written notice that it has matched you with a child for adoption and tells you the Expected Placement Date.
- You are the person with the main care of the child.
- You have notified the agency that you agree to the child being placed with you on the Expected Placement Date.
- Your 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 you have been notified of the placing of a child with you and/or you have parental responsibility for the child.

Where a couple adopt jointly, only one member of the couple is entitled to Adoption Leave (the couple must choose which of them will take Adoption Leave). The other may consider their rights under paternity leave and paternity pay subject to the paternity leave conditions. If more than one child is adopted at the same time, only one period of Adoption Leave can be taken.

If you are entitled to Adoption Leave, then you 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. You should let your Rural Dean/Archdeacon know when you 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 you 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 Norwich’s enhanced adoption pay. This is an enhanced rate, in line with the enhanced maternity pay which is above the statutory maternity pay rate.

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

The enhanced provision is:

- First 39 weeks: the office holder is paid their full rate of normal pay, inclusive of SAP.
- Followed by 13 weeks: unpaid Adoption Leave.

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To claim the enhanced Adoption Pay complete Clergy Adoption Leave and Pay Request Form, as previously referred to in the section 4. Notification.

To be entitled to the enhanced adoption pay you must:

- Have been matched with a child to be placed with you by a UK adoption agency.
- Have notified the agency that you agree that the child should be placed with you and have agreed a date of placement.
- Give the Archdeacon (and NDBF HR Manager and Finance Officer) at least 35 days' notice before the date you 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 you are notified of the match,
- Have ceased work to commence adoption leave.

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

To qualify for SAP you:

- Must be the child's adopter.
- Must have been in continuous service for at least 26 weeks ending with the week you are 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 you are notified of the match, have had normal weekly earnings of at least the lower earnings limit.
- Must have ceased to work.

8. Covering Duties During Adoption Leave

Once you have decided when you 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/DDO about how best to ensure that cover is provided whilst you are on leave. This may include making arrangements in advance to cover services during your Adoption Leave and delegating other duties to church wardens.

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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, you are not entitled to KIT days. However, you do not lose statutory adoption (or other) pay if you carry out any duties of your office during adoption (or other) leave.

If you wish to undertake any of your duties of office during leave, you are advised to agree, in writing, with your church wardens and archdeacon/rural dean/incumbent (as appropriate) what these duties will be and when they will be undertaken. This will enable you to set clear boundaries to protect your 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 you will be entitled to accrue paid holiday during Adoption Leave.

You should take your annual leave in the current year before the commencement of your 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 on your return to work, you wish to pay pension contributions for the unpaid part of your statutory leave, you must contact the Finance Officer.

12. Disrupted Adoption

If your Adoption Leave has started but you are 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 you have notified the Archdeacon in writing of the Intended Start Date, we will write to you to confirm your Expected Return Date, assuming you take your full entitlement to adoption leave. If the start of Adoption Leave was changed, we will write to you to confirm a revised Expected Return Date.

Under current regulations, unless you inform the Archdeacon otherwise, we will assume the Adoption Leave will end at the date which were agreed, and you will return to the duties of your office on the Expected Return Date.

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You have the right to return to the same clergy role in which you were, prior to the Adoption Leave period. You have not left your office whilst on Adoption Leave and therefore you return to work in the existing post as of right unless you resign or are 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 you will have probably kept in touch with their Rural Dean/Archdeacon and the Church Wardens of your parish/benefice/mission community, even carrying out some duties, it is unlikely there will be any unexpected issues arising on your return. It is helpful however if, during the Adoption Leave, you can confirm that you will be returning to office as expected. Shortly before your 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 you wish to return before your official Expected Return Date, you should discuss this with your Archdeacon for arrangements to be made and advice given. You must give eight weeks' prior notice in writing and in the event of failure to give eight weeks' notice, the Bishop may postpone your return until eight weeks' have lapsed following receipt of notice, or to the Expected Return Date if sooner.

Returning Late

If you wish to return to office later than the Expected Return Date, you should either:

- Request unpaid Parental Leave in accordance with our Parental Leave Policy, giving us as much notice as possible but not less than 28 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 you can take Parental Leave immediately following the expiry of Adoption Leave, local arrangements can be discussed with the Archdeacon.

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

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 adjust the duties of the office to care for a dependent, 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.

If you wish to return to work but on a different basis, you may wish to negotiate new working arrangements / adjustment to duties when you return from Adoption Leave and this should be discussed with the Archdeacon.

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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 with advice from the HR Manager, 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 you are receiving a 'housing allowance', the reduction in stipend will come with a proportionate reduction of the 'housing allowance'.
- In cases where you are employed by the parish, then this is a matter between the employer and you. 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 you and your Archdeacon and documented in a revised Statement of Particulars and Working Agreement 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. You are advised to speak to the Finance Officer regarding their individual circumstances.

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

15. Deciding Not to Return

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

Once you have given notice you will not be returning to your office, if you change your mind there is no absolute right to return. However, every effort will be made to find an alternative suitable post, with the agreement of the Bishop.

This does not affect your right to receive SAP.

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16. 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.

17. 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 you have met your obligations in terms of notification requirements, appropriate extensions to the training or other arrangements will be agreed by the Diocesan Director of Ordinands (DDO) upon your 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.