

Clergy Policy		
CP-001	Clergy Maternity Leave and Pay Policy	Dec-24



## Clergy Work-Life Balance

### Maternity 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 Maternity Leave and Pay Request Form Clergy Paternity Leave and Pay Policy Clergy Adoption 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 to comply with 2020 guidance.

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## 1. Policy Statement

This policy outlines the rights and responsibilities of office holders who are pregnant or have recently given birth and sets out arrangements for antenatal care, pregnancy related sickness, health and safety and Maternity Leave pay.

This policy gives details of the enhanced Diocesan Maternity 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 pregnancy will be treated confidentially, unless the expectant mother 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.

This policy is written as though it is being read by female clergy.

For the latest Church of England guidance:

[Church of England Parental Leave](#)

And for official government guidance on statutory rights:

[Maternity pay and leave: Overview - GOV.UK](#) (www.gov.uk)

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 Maternity Leave regardless of the length of service but not Statutory Maternity 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 Maternity 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 SMP is concerned.

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### 3. Definitions

The definitions based on employment law which apply in this policy:

**Additional Maternity Leave (AML):** This is the right to an additional period of Maternity Leave immediately following the end of Ordinary Maternity Leave for a period of a further 26 weeks. There is no qualifying period of employment for AML. That part of AML which is beyond 39 weeks is unpaid.

**Compulsory Maternity Leave:** This is a period of leave imposed by law on all female employees which prohibits a return to work for a period of 2 weeks from the date of childbirth.

**Expected Week of Childbirth (EWC):** The week in which the childbirth occurs. "Week" means the week beginning with midnight between Saturday and Sunday in which the doctor or midwife expects that the child will be born.

**Maternity Allowance (MA):** Payments to be made by the Department for Work and Pensions to female employees taking Maternity Leave who do not qualify for statutory maternity pay.

**Occupational Maternity Pay (OMP):** Enhanced maternity pay arrangement funded by the employer as an employee benefit. Qualifying periods and restrictions apply.

**Ordinary Maternity Leave (OML):** This is the right of all female employees to a period of 26 weeks Maternity Leave regardless of length of service but provided they comply with certain notification requirements. The allowances payable are Statutory Maternity Pay (SMP) or Maternity Allowance (MA) and the paid period extends into part of the additional Maternity Leave period.

**Statutory Maternity Leave:** This is a leave entitlement of 52 weeks and is made up of Ordinary Maternity Leave – the first 26 weeks and Additional Maternity Leave – the last 26 weeks.

**Statutory Maternity Pay (SMP):** Compulsory pay payable to all female employees taking Maternity Leave provided they satisfy certain criteria.

#### **Other definitions:**

**NDBF:** Norwich Diocesan Board of Finance

**DDO:** Diocesan Director of Ordinands

### 4. Notification Requirements

To qualify for Maternity Leave you must advise your Archdeacon (or the Director of Ordinands if you are a curate) **and** both NDBF HR Manager and Finance Officer in writing by completing the Clergy Maternity Leave and Pay Request Form. This is available on the website. Church Commissioners require notification no later than the 15th week before the expected week of childbirth (EWC) (Qualifying Week). To comply with this requirement the completed form will need to be provided to NDBF HR Manager and Finance Officer at least a week before that. If there are reasons why this is not possible, notice will need to be provided as soon as is reasonably practical. Maternity Leave cannot start before the beginning of the 11th week before the expected week of childbirth (EWC) unless the baby is born prematurely before that date i.e. if your baby arrives early, Maternity Leave will start automatically on the day after the birth.

The form will need to state:

- Your full name and place of work.
- That you are pregnant.
- The expected week of childbirth (EWC)
- The date on which you would like to start Maternity Leave (intended start date).

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- Be accompanied by the MAT B1 form (this can be submitted when available if notifying earlier than the 20<sup>th</sup> week before the expected week of childbirth).

The MAT B1 form is provided by your doctor or midwife from the 20th week before the expected week of childbirth. No statutory maternity pay will be payable without this certificate or an acceptable alternative.

The NDBF Finance Officer will forward the Clergy Maternity Leave and Pay Request Form and MATB1 to the Church Commissioners for stipend payment purposes.

You have the right to change your Intended Start Date, and this will depend on being able to make adequate local arrangements and giving appropriate notice:

- You can postpone your Intended Start Date by informing us in writing at least 28 days before the original Intended Start Date, or if that is not possible, as soon as reasonably practicable.
- You may bring forward your Intended Start Date by informing us at least 28 days before the new start date, or if that is not possible, as soon as reasonably practicable.

## 5. Entitlement to Statutory Maternity Leave

You are entitled to 52 weeks' Maternity Leave if you give us the correct notice. If you are pregnant you are covered by the statutory Maternity Leave provision, regardless of your length of service. Statutory maternity pay is payable if you satisfy the qualifying requirements outlined above in section 4. Notification Requirements.

## 6. Attending Ante-natal Appointments

You have the right to take reasonable paid time-off for ante-natal care regardless of your length of service or the number of hours that you work. Appointments made on the advice of a registered medical practitioner, such as relaxation and parent-craft classes that you are encouraged to attend may be included. Where such appointments conflict with the conducting of parish duties please give sufficient notice to the Archdeacon/DDO and/or arrange suitable cover.

We may ask you to provide the following, unless it is the first appointment:

- A certificate from the doctor, midwife or health visitor stating that you are pregnant.
- An appointment card or other documents to show that an appointment has been made.

## 7. Miscarriage, Premature Birth and Still Birth

The death of a baby at any stage of pregnancy is devastating and is usually completely unexpected; and in every case the death of a baby is traumatic. Following the death, the parents go home without the baby they love and have prepared for, and they also face the loss of their dreams, plans, and hopes for the future. For clergy to return to their office can be incredibly challenging even with the love, support and understanding of their fellow clergy and parishes.

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The grief and shock of losing a baby after 14 or 16 weeks of pregnancy can be much the same as following a stillbirth. This can be very hard for parents who want their baby and their loss to be officially recognised. However, for legal purposes, a loss at any stage before 24 completed weeks of pregnancy is called a miscarriage and so the maternity provisions do not apply to an office holder who suffers a miscarriage before the 24th week of pregnancy.

In these unfortunate circumstances, if leave is needed after a miscarriage, Sick Leave and Sick Pay will be given, provided this is covered by a certificate from a GP. We will record this separately from other Sick Leave in order to make sure that there is clarity i.e. no risk of being treated unfavourably because of the miscarriage.

However, if an absence continues for a long time after the miscarriage, it may be arguable that it is no longer pregnancy related. If you are not sick but need time off, consideration will be given to allowing you to take Special Leave. Alternatively, you can ask for unpaid leave.

If the baby is stillborn after the 24th week of pregnancy or if the baby is born alive at any point (even if the baby later passes away), you will be entitled to full maternity rights.

If you experience the loss of a child, through a miscarriage, a still birth or a baby dies after birth, support is available from the Diocesan Counsellor whose details are listed in the [Guidance for Clergy](#) booklet. This service exists to help individuals deal with challenging, emotional issues they face, whether work related or personal, through short-term professional counselling. The service is entirely confidential. There is no charge for this service.

As an office holder you usually have enough flexibility to arrange your duties to be able to attend medical appointments, but additional support will be given to help an office holder attend such appointments caused by the loss of a child, in agreement with your Archdeacon/DDO.

## **8. Health and Safety Considerations While Pregnant**

As a pregnant mother, you need to take care of your health, safety, and wellbeing during this time. The Diocese strongly advises you to be mindful of this and to take responsibility for attending all anti-natal appointments and following any medical guidance provided.

You can discuss with your Archdeacon/DDO/midwife any risks to which you believe you may be exposed in the course of your pregnancy, bearing in mind the risks to new and expectant mothers and their unborn child. You have a responsibility to identify any areas of work practices which might adversely affect your work and your health and safety, and to raise any concerns in order to identify a suitable course of action.

## **9. Covering Duties During Maternity Leave**

Once you decide when you wish to commence Maternity Leave, Clause 2 (2) of the Ecclesiastical Offices (Terms of Service) Directions confers a requirement on you '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'.

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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 Maternity Leave and delegating other duties to church wardens.

## 10. Pregnancy Related-Illness before Maternity Leave commences

Periods of pregnancy-related sickness absence shall be treated like any other period of sickness in terms of pay. You should keep the NDBF HR Manager informed about such absence whenever it occurs. You must also advise the NDBF HR Manager if your baby arrives before you are due to commence your planned Maternity Leave.

Any payment of sick pay in excess of your normal entitlements, as a result of pregnancy related sickness shall be entirely at the discretion of the Archdeacon/DDO.

If you are absent from work, for a pregnancy-related illness, during the four weeks before the Expected Week of Childbirth, this absence will trigger the start of your Maternity Leave.

Whilst you are on Maternity Leave you are not entitled to receive sick pay.

## 11. Starting Maternity Leave

Maternity Leave can start on any day of the week but the earliest date you can start Maternity Leave is 11 weeks before the Expected Week of Childbirth.

You must notify the Archdeacon/DDO and both the NDBF HR Manager and Finance Officer of your Intended Start Date, as previously advised in Section 4. Notification, and the HR Manager will then write to you within 28 days to inform you of the date we will expect you to return to service if the full entitlement to Maternity Leave is taken (Expected Return Date).

You may postpone your Intended Start Date by informing us in writing at least 35 days before the original Intended Start Date, or if that is not possible, as soon as reasonably practicable.

You may bring forward your Intended Start Date by informing us at least 35 days before the new start date, or if that is not possible, as soon as reasonably practicable.

Maternity Leave shall start on the earlier of:

- Your Intended Start Date (if notified to us in accordance with this policy); or
- The day after any day on which you are absent for a pregnancy-related reason during the four weeks before the Expected Week of Childbirth; or
- The day after you give birth.

If you are absent for a pregnancy-related reason during the four weeks before the Expected Week of Childbirth, you must let us know as soon as possible in writing. Maternity Leave will be triggered under the paragraph above unless we agree to delay it.

If you give birth before your Maternity Leave was due to start, you must let us know the date of the birth in writing as soon as possible.

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Women whose babies are stillborn, or who miscarry after the 24th week of pregnancy, will still qualify for the full scheme terms.

The law prohibits you from working during the two weeks following childbirth.

## 12. Enhanced Maternity Pay Provision – Occupational Maternity Pay

**All stipendiary office holders are eligible for the Diocese of Norwich's Occupational Maternity Pay (OMP) from the start of their deployment; this includes from the first day of ordination. This is an enhanced rate of maternity pay above the statutory maternity pay (SMP) rate.**

These payments are administered in the same way as your normal stipend.

The enhanced provision is:

- First 39 weeks: you are paid your normal stipend, which includes Statutory Maternity Pay or Maternity Allowance.
- Followed by 13 weeks: unpaid leave.

If you leave office for any reason after the start of the Qualifying week, you are still eligible for SMP, but you will not receive the enhanced OMP.

## 13. Statutory Maternity Pay

**In the majority of circumstances, the provisions of section 12 above apply.** If, for any reason, you are not entitled to OMP, then the following will apply:

SMP is payable for up to 39 weeks and is paid at 90% of average earnings for the first 6 weeks, and the lower of 90% of average weekly earnings or SMP for the remaining 33 weeks.

You are entitled to SMP if:

- You have at least 26 weeks' continuous service by the end of the 15th week before the expected week of childbirth and you remain an office holder of this or another Diocese.
- Your average weekly earnings during the eight weeks ending with the Qualifying Week (the Relevant Period) are not less than the lower earnings limit for National Insurance contributions set by the Government.
- You have given at least 28 days' notice (or as much notice as is reasonably practicable) confirming the commencement date of your Maternity Leave to the Archdeacon/DDO and the diocesan office along with a doctor's or midwife's certificate MAT B1 stating the expected week of childbirth.
- You are still pregnant at the 11th week before your baby is due or have had your baby by that time.
- You have ceased to perform your duties.

SMP accrues from the day on which Ordinary Maternity Leave commences and thereafter at the end of each complete week of absence. SMP is paid in the same manner and at the same time as your stipend would normally be paid and is subject to usual income tax, national insurance and pension contributions.



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If for any reason you do not qualify for SMP, you will need to seek advice from the Department of Work and Pensions to identify if you qualify for Maternity Allowance. Entitlement is based on your recent employment and earnings record and is a state benefit paid for 39 weeks. In such cases the Finance Officer will issue a SMP1 form to confirm that no stipend payment will be paid from the Diocese.

SMP will stop being paid if you return to work.

Keeping in touch days are not applicable to office holders and you may agree how you wish to keep in touch with your parish based upon individual circumstances and with agreement of the Archdeacon/DDO.

Previously, if an office holder had less than 26 weeks' stipendiary service, they may not have been entitled to SMP. The diocese has extended the maternity pay provision to qualifying office holders with less than 26 weeks' service providing they meet all of the other qualifying criteria.

You will still be eligible for SMP if you leave office for any reason after the start of the Qualifying Week. In such cases, if your Maternity Leave has not already begun, SMP shall start to accrue in whichever is the later of:

- The week following the week in which holding of office ends; or
- The 11th week before the Expected Week of Childbirth.

#### **14. Working During Maternity Leave**

Keeping in Touch (KIT) days do not apply to you as they only apply to work performed "under a contract of service" with an employer. As you 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 maternity (or other) pay if you carry out any duties of your office during maternity (or other) leave.

If you wish to undertake any of your duties of office during your Maternity 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.

#### **15. Terms and Conditions of Service during Maternity Leave**

You will remain in office while you are on leave which means you retain the rights and responsibilities that go with the office, for example, the right to remain in any accommodation provided for the better performance of your duties and the obligation to ensure that the duties of the office are carried out on your behalf.

#### **16. Maternity Leave and Annual Leave**

The period of absence on Maternity Leave will be counted as "service" for the purposes of annual leave. You are advised to take your annual leave in the current year before the commencement of your Maternity Leave period.

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Where it is not possible to take your annual leave entitlement before the commencement of the Maternity Leave period, for example where the baby arrives early, then this leave can be taken after the Maternity Leave period in consultation with your Archdeacon/DDO.

## 17. Pensions

The Clergy Pension Scheme ensures that office holders pension contributions are paid during paid statutory Maternity 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 NDBF Finance Officer.

## 18. Returning to Office After Maternity Leave

Once you have notified the Archdeacon/DDO in writing of your Intended Start Date for Maternity Leave, we will confirm in writing within 28 days your Expected Return Date. If the start of Maternity Leave is changed, we will write to you to confirm a revised Expected Return Date.

Under current regulations, unless you inform the Archdeacon/DDO otherwise in writing, we will assume the Maternity Leave will end at the dates which were agreed, and you will return to the duties of your office on the Expected Return Date.

When you return, you have the right to return to the clergy role in which you were, prior to the Maternity Leave period. This is on condition that you have not left your office whilst on maternity leave.

In the exceptional circumstances where a return to post is not practical or advisable, the Archdeacon/DDO will discuss any available options or alternatives with you. By default, therefore, there is no right to be found an equivalent post on return from Maternity Leave.

As it is most likely that you will have kept in touch with your Rural Dean/Archdeacon/DDO 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 Maternity Leave, you are able to confirm 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/DDO/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/DDO in order for arrangements to be made and advice given. You are required to give eight weeks' prior notice in writing. Failure to give eight weeks' notice may result in the Bishop postponing your return until eight weeks' have lapsed following receipt of your notice.

### 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 21 days; or

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- Request paid annual leave in accordance with the Statement of Particulars, which will be at the Archdeacon/DDO's discretion.

When it has been agreed that an individual can take parental leave immediately following the expiry of Maternity Leave, local arrangements can be discussed with the Archdeacon/DDO.

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.

## 19. 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 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 this should be discussed with the Archdeacon/DDO.

Although such requests will be considered, there is no guarantee they will be agreed. Any decision will be reached in consultation with the Archdeacon/DDO and churchwarden/s or the nominated PCC representative and advice from the NDBF 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'.
- If you are 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 you and the Archdeacon/DDO and documented in a revised Statement of Particulars and Working Agreement and issued by the relevant Archdeacon/DDO.

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 the NDBF Finance Officer for Clergy Payroll regarding the individual's circumstances.

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## 20. Deciding Not to Return

If you are unsure about returning to your duties, it is helpful if this can be discussed with your Archdeacon/DDO as early as possible. If you decide not to return after Maternity Leave, you must inform your Archdeacon/DDO 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 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 you have given notice you will not be returning to 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 SMP.

## 21. Self-Supporting Ministers (SSMs)

If you are a self-supporting minister, you have the same entitlement to Maternity Leave as other beneficed and licensed clergy, but you are not eligible to receive maternity pay, as you do not receive a stipend.

If you are provided with a house for the better performance of your duties, you have a right to stay in the house during any period of leave, because you remain in office.

If you need assistance with cover while on Maternity Leave (you are unlikely to share leave, as you will not be eligible to receive shared parental pay) and when returning from leave you should discuss this with your Archdeacon/DDO.

## 22. Maternity 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 a fixed term basis. Pregnant 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 DDO upon your return from Maternity Leave. However, when the role comes to an end, the SMP rate will apply for the period between the end of post-date and the end date of the paid Maternity Leave.