

Appendix 1 – Draft Parental Leave Policy

Introduction

This Policy sets out Members' entitlement to maternity, paternity, shared parental and adoption leave and allowances.

This policy is to ensure that insofar as possible Members are able to take appropriate leave at the time of birth or adoption, both parents are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for portfolio-holders and others in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.

Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of local authority councillors.

It will also assist with retaining experienced councillors – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it. The Parental Leave Policy constitutes best practice and will be reviewed in line with changes to national legislation.

Leave Periods Maternity Leave

Members giving birth are entitled to up to 6 months maternity leave from the due date, with the option to extend up to 52 weeks by agreement of Council if required.

In addition, where the birth is premature, the Member is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.

In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement, and such exceptional leave shall not be deducted from the total 52-week entitlement.

Paternity Leave

Members shall be entitled to take a minimum of 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth/adoption of their child(ren).

Shared Parental Leave

A Member who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council.

Where both parents are Members, leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks. Special and exceptional arrangements may be made in cases of prematurity.

Adoption Leave

A Member who adopts a child through an approved adoption agency shall be entitled to take up to six months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required.

Attendance at meetings

Any Member who takes maternity, shared parental or adoption leave is still required under the Local Government Act 1972 to attend a meeting of the Council within a six-month period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that six-month period.

Any Member intending to take maternity, paternity, shared parental or adoption leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.

Any Member taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep their Group Leader (if applicable) and Head of Legal and Democratic Services informed and updated in relation to intended dates of return and requests for extension of leave.

Basic Allowance

All Members shall continue to receive their Basic Allowance in full whilst on maternity, paternity or adoption leave.

Special Responsibility Allowances

Members entitled to a Special Responsibility Allowance (SRA) shall continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave.

Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro-rata basis for the period of the temporary appointment.

The payment of Special Responsibility Allowances, whether to the primary SRA holder or a replacement, during a period of maternity, paternity, shared parental or adoption leave shall continue for a period of six months; or until the date of the next Annual General Meeting of the Council; or until the date when the Member taking leave is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for a further six-month period.

Should a Member appointed to replace the Member on maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowances shall apply.

Unless the Member taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, or unless the Party to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

Resigning from Office and Elections

If a Member decides not to return at the end of their maternity, paternity, shared parental or adoption leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.

If an election is held during the Member's maternity, paternity, shared parental or adoption leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and Special Responsibility Allowance if appropriate will cease from the Monday after the election date when they would technically leave office.

Practical Arrangements

A Member intending to take parental leave must in the first instance inform their group leader (if applicable) and the Head of Democratic & Member Services in writing. Members are asked to provide notice of their intention to take parental leave in accordance with the timescales set out below:

(a) Pregnant Members should give notice by no later than 28 days before they want to commence their maternity leave. Confirmation of the pregnancy and the expected week of childbirth is usually via a MAT B1 certificate (a form given to a woman by their doctor or midwife after the 20th week of pregnancy and shows the expected date of childbirth). As soon as practicable after the birth they should notify the same of the baby's date of birth in writing.

(b) A Member who is a primary adopter should give notice within 7 days of being told they have been matched with a child and provide confirmation of the adoption through the provision of a matching certificate, and the date the child is to be placed with the Member.

(c) For paternity leave a Member should give notice by the 15th week before the Expected week of childbirth.

(d) A Member who is intending to take Shared parental leave must advise of their intention at least 8 weeks before.

Any Member taking leave for more than a 2-month period must meet with the Head of Democratic & Member Services and Group Leader (if applicable) to discuss practical issues including how to keep in touch and about expected dates of return.

The Head of Democratic & Member Services will ensure that business support and payroll are informed of arrangements to ensure that allowances are paid in accordance with the Policy.

Any requests for special or exceptional circumstances, or extensions in line with the policy will be agreed by the Head Democratic & Member Services in consultation with the Leader of the Council, and the group leader (if applicable).

If a Member is independent and not part of a group, the Head of Democratic & Member Services will liaise with that member and any other independent Members as to who is best placed to take on the “caretaking” role.

Appointments to cover areas of special responsibility whilst a Member is on parental leave will be made in accordance with the relevant procedures for appointments.