

Appendix A

DRAFT Parental Leave Policy for Elected Members

Introduction and Aims of the Policy

There is currently no legal right for Elected Members to take parental leave and any arrangement adopted by this Council is a voluntary one.

This policy aims to ensure that, insofar as possible, Elected Members are able to take appropriate leave at the time of the birth or adoption of a child(ren). This policy seeks to ensure that reasonable and adequate arrangements are in place to provide cover for portfolio holders and other Members who are in receipt of Special Responsibility Allowances during any period of leave.

The Council hopes that by introducing this policy for new parents, it will make the role of a councillor more accessible and appealing to individuals of all ages, backgrounds and experience. This policy will hopefully also assist the Council to retain its experienced councillors.

1. Leave Periods

- 1.1** Members giving birth are entitled to up to 6 months' maternity leave from the baby's due date, with the option to extend the leave period by a further 26 weeks by agreement if required; such requests will be determined by the Monitoring Officer in consultation with the relevant Group Leader (if applicable). Expectant mothers may also wish to start maternity leave earlier than the baby's due date for health reasons and if this is the case they should notify the Council in line with paragraph 5 below.
- 1.2** 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-month 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.
- 1.3** 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.
- 1.4** Members shall be entitled to take a maximum of 2 weeks' paternity leave, if they are the biological father of the child(ren) or the nominated carer of their partner/spouse following the birth or adoption of their child(ren).
- 1.5** Members who have tragically suffered the loss of a child under the age of 18 years old or suffered a stillbirth from 24 weeks of pregnancy will be entitled to up to two weeks' parental bereavement leave. Additional leave may be requested and such requests will be determined by the Monitoring Officer in consultation with the relevant Group Leader (if applicable).

- 1.6** 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. The Council will try wherever possible to replicate such arrangements.
- 1.7** 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.
- 1.8** 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. Requests to extend the adoption leave will be determined by the Monitoring Officer in consultation with the relevant Group Leader (if applicable).
- 1.9** Any Member who takes maternity, shared parental or adoption leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six-month period, unless the Council agrees to an extended leave of absence prior to the expiration of that six-month period. [The normal expectation is that the Council wherever possible will approve a request to extend the leave period beyond the initial 6 months].
- 1.10** 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.
- 1.11** Any member taking leave should ensure that he/she responds to reasonable requests for information as promptly as possible, and that he/she keeps officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.
- 1.12** The relevant political groups and/or the Council will in so far as is reasonably possible facilitate any arrangements made by the relevant Members which allow for the case work of a Member on leave under this policy to be completed by another Ward Member or another Member if that is not feasible.
- 1.13** The Council will ensure that the Member on leave continues to have access to adequate IT provision.
- 1.14** Member absences from Council Meetings during any period of leave under this policy shall be recorded as parental/maternity/adoption leave as applicable, rather than general absence.
- 1.15** If a Member who is on leave under this policy wishes to have a keeping in touch day or to attend a meeting, then he/she should notify their Group Leader (if applicable) and the Monitoring Officer as per section 5, although

this will not affect any calculation of the leave periods or be taken into account for an extended leave period.

2. Basic Allowance

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

3. Special Responsibility Allowances

- 3.1 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave.
- 3.2 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.
- 3.3 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 Meeting of the Council or Ordinary Meeting of the Council where a change in Committee membership or change in role is agreed which affects the Member's SRA, or until the date when the Member taking leave is up for election (whichever is soonest). If at this point the member has exhausted the six months' entitlement and remains entitled to an SRA the Member can apply for the leave period to be extended, with continued payment of the SRA, for a further six-month period in accordance with paragraph 1.1 above.
- 3.4 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.
- 3.5 The Member shall return at the end of his/her leave period to the same post, or to an alternative post with equivalent status and remuneration to that which he/she held before the leave began unless the Member taking leave is removed from his/her post at an Annual Meeting of the Council or Ordinary Meeting of the Council where a change in Committee membership or change in role is agreed which affects the Member's SRA, whilst on leave, or unless the Party to which he/she belongs loses control of the Council during his/her leave period.
- ## **4. Resigning from Office and Elections**
- 4.1 If a Member decides not to return to his/her role at the end of his/her maternity, paternity, shared parental or adoption leave, he/she must notify the Monitoring Officer and Group Leader if applicable at the earliest possible opportunity. All allowances will cease from the effective resignation date.

4.2 If an election is held during the Member's maternity, paternity, shared parental or adoption leave and he/she is not re-elected, or decides not to stand for re-election, his/her basic allowance and SRA, if appropriate, will cease from the Monday after the election date when he/she would technically leave office.

5. Notification Requirements

5.1 The Member must notify their Group Leader (if applicable) and the Monitoring Officer by email no later than the end of the 15th week before the expected week of childbirth (maternity/paternity), the intended shared parental or adoption leave or as soon as is reasonably practicable and provide details of:

- (i) the week the baby/child(ren) is due or, in the case of adoption leave, the expected date of placement;
- (ii) the period of leave the Member intends to take (or, in the case of paternity leave, if they wish to take one or two weeks' leave); and
- (iii) when he/she wants his/her leave to start.

Any such notification will be acknowledged in writing within 2 weeks.

5.2 If a Member wishes to return from leave earlier than originally planned, or have a Keeping in Touch day, he/she should notify their Group Leader (if applicable) and the Monitoring Officer by email (as above), who will provide confirmation that the information has been received and from what date he/she will resume the responsibilities of any remunerated post, or put in place KIT arrangements as appropriate.

5.3 If a Member taking leave wishes to extend this beyond 6 months (and as set out in this Policy), then no later than 4 weeks before the end of the 6-month period, the Member should notify their Group Leader (if applicable) and the Monitoring Officer in writing. The Monitoring Officer shall then liaise with the relevant Member's Group Leader to agree this and confirm that this is acceptable.

5.4 Where, under this Policy, the Member is not a member of a group, any reference to consulting with, or agreement from, a Group Leader will be read as consulting with, or agreement from, the Leader of the Council.