

Appendix A

Maternity, Paternity, Shared Parental and Adoption Leave Policy for Councillors

1. Introduction

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

The objective of the policy is to ensure that Members are able to take appropriate leave at the time of birth or adoption of a child.

There is at present no legal right to parental leave of any kind for people in elected public office.

Note that the provisions for leave that is possible for these (and other) purposes differ from the duration that Special Responsibility Allowances (SRA) are payable.

Legal advice has been taken on these policies, and they conform with current requirements including the requirement for members 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.

2. Leave Periods

2.1 Maternity

- Members giving birth are entitled to up to 12 months maternity leave from the due date.
- 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 12-month period.
- 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.
- The Member must notify the Head of Governance and Councillor Liaison of their intention to take maternity leave in writing no later than 28 days before the date they wish the period of maternity leave to start and:
 - i) Confirm the expected date of childbirth
 - ii) Provide a copy of the MATB1 (available from a doctor or midwife)
 - iii) Confirm the dates which the Member will be absent.

2.2 Paternity

- A Member is entitled to take up to two weeks paternity leave if they are either: the biological father of the child; the spouse, civil partner or partner of the Mother/Single Adopter; or are the Other Adopter of the child.

- The Member may take one week or two consecutive weeks of paternity leave, but not single days or less than a week's duration. Paternity leave must be taken within two months of the birth or adoption.
- The Member must notify the Head of Governance and Councillor Liaison of their intention to take paternity leave in writing no later than 28 days before the date they wish the period of maternity leave to start and:
 - i) Confirm the expected date of childbirth
 - ii) Provide a copy of the MATB1 (available from a doctor or midwife)
 - iii) Confirm the dates which the Member will be absent.

2.3 Adoption

- A Member who adopts a child through an approved adoption agency shall be entitled to take up to 26 weeks statutory adoption leave (SAL) and a further 26 weeks of additional adoption leave (AAL).
- The Member must notify the Head of Governance and Councillor Liaison of their intention to take adoption leave in writing no later than 28 days before the date they wish the period of adoption leave to start and:
 - i) Confirm they are the Main Adopter and the date the child is expected to be placed for adoption (UK Adoption) or the date on which the date on which the child is expected to enter Great Britain (Overseas Adoption);
 - ii) Provide a copy of the matching certificate/official notification;
 - iii) Confirm the dates which the Member will be absent.

2.4 Shared Parental Leave

- A Member is entitled to Shared Parental Leave if they have (or share with the other parent) the main responsibility for the care of the child and are either the Mother, Father, Main Adopter or Other Adopter of the child, or the spouse, civil partner or partner of the Mother/Main Adopter.
- A Member may share up to 50 weeks leave if the Mother/Main Adopter curtails their maternity/adoption leave before using their full entitlement of 52 weeks. The number of weeks available as Shared Parental Leave will be reduced by the number of weeks maternity or adoption leave that has already been taken by the Mother or Main Adopter.
- There is a requirement for the mother to take the first two weeks after childbirth as maternity leave.
- Shared Parental Leave can be taken as one continuous block or in multiples of complete weeks, but must end no later than one year after the birth/placement of the child.
- The Member must notify the Head of Governance and Councillor Liaison of their intention to take shared parental leave in writing no later than 28 days before the date they wish the period of shared parental leave to start and:

- i) Confirm their entitlement to shared parental leave and the expected (or actual) date of birth/placement
 - ii) Confirm the start and end dates of the Mother/Main Adopter's maternity/adoption leave, the amount of shared parental leave available and how much each parent intends to take
 - iii) Provide a copy of the MATB1 or matching certificate/official notification
 - iv) Confirm the dates which the Member will be absent.
- 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.

2.5 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 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 officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

3. Pay and Allowances

3.1 Basic Allowance

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

3.2 Special Responsibility Allowances

- Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full for the first 6 months in the case of maternity or adoption leave followed by 6 months at half allowance.
- The payment of Special Responsibility Allowances, during a period of maternity, shared parental or adoption leave shall continue for a period of up to twelve months (constituting 6 months full SRA followed by 6 months half SRA).
- 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.
- 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. In

such circumstances, this parental leave policy takes precedence and adjusts the total number of SRAs being paid at any one time as set out in the main section of the allowances scheme

3.3 Shared Parental Pay

Shared parental pay consists of: 6 months at full SRA (including statutory maternity/paternity/adoption pay) and 6 months at half SRA (including statutory maternity/paternity/adoption pay).

Under this policy, a mother or adopter can decide to share his/her parental leave and pay allowance with their partner by choosing to return to work early and convert any unused allowance into shared parental leave/pay during the first year of birth or adoption of their child. To do this, they must "curtail" (end early) their allowance, so that it becomes available for their partner.

There are 52 weeks of leave/pay available to be shared under this policy, though there is a requirement for the mother to take the first 2 weeks after childbirth as maternity leave.

4. Requests for extended leave

While this policy allows Members to take up to 12 months leave, as stated above, under the Local Government Act 1972 any member of the council is required 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.

In case where a member wishes to request extended absence, they should write to the Head of Governance and Councillor Liaison who will prepare a report for the consideration of the Full Council.

5. 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 SRA if appropriate will cease from the Monday after the election date when they would technically leave office
- If an election is held during the Member's maternity, paternity, shared parental or adoption leave and they are elected, their basic allowance and SRA commences from the date that child is born

6. Arrangements for Councillors taking leave.

All Councillors taking parental leave should place an out of office message on their emails to advise residents of alternative sources of advice.

Individual considerations will apply in all different circumstances based on the roles held by different Members but the main considerations which will be reviewed with the Member in advance of taking parental leave are as follows:

- Handling ward work, including decisions on ward budgets – this can be handled informally within the ward with the agreement of other ward members;
- Seat on committees – this will generally require cover arrangements to be made by the Group whip and consideration may be given as to whether to make such changes on a temporary or permanent basis;
- Executive decision-making authority and portfolio management – when a Cabinet Member is unavailable to exercise their delegated authority or manage their portfolio due to leave, arrangements will be made at the Leader's discretion having had regard to appropriate advice;

The group leader, group whip or councillor concerned should notify the Chief Executive of cover arrangements agreed.