

Appendix A

Maternity, Paternity 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 6 months maternity leave from the due date, with the option to extend up to 52 weeks by agreement if required.
- 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.

2.2 Paternity

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

2.3 Adoption

- 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.

2.4 Shared Parental Leave

- 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.

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 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 3 months in the case of maternity or adoption leave followed by 3 months' payment of 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 six months (constituting 3 months full SRA followed by 3 months half SRA), or until the date of the next Annual 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 without further payment of SRA's.
- 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.

3.3 Shared Parental Pay

Shared parental pay consists of:

- 12 weeks at **full SRA** (including statutory maternity/paternity/adoption pay)
- 13 weeks 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

As stated above, under the Local Government Act 1972 any member of the council is 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. The approval for such an extended absence rests with the Leader.

In case where a member wishes to request extended absence, they should write to the Committee and Governance Services who will present a report on behalf of that member to the Leader for decision.

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.