

DRAFT MEMBER PARENTAL LEAVE POLICY

1.0 Leave Periods

- 1.1 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.
- 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 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.
- 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 minimum of 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren).
- 1.5 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.
- 1.6 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.
- 1.7 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.
- 1.8 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. *Council agreed on XX XX 2021 that any Member on maternity, paternity, shared parental or adoption leave can have an extended leave of absence during the period of their maternity, shared parental or adoption leave. This council resolution enables the Member to remain compliant to the legal duty to attend meetings under the Local Government Act 1972 (as amended) when on any types of the parental leave stated above of up to six months or more as is appropriate.*

1.9 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.

1.10 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.

2.0 Basic Allowance

2.1 All Members shall continue to receive their Basic Allowance in accordance with the rules on Payment in section 4 below whilst on maternity, paternity or adoption leave.

3.0 Special Responsibility Allowances

3.1 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in accordance with section 4 below, 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 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.

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 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.

4.0 Parental Leave Pay

To be discussed:

Options include:

Option 1 (This mirrors the provision for staff, but NB that members are not currently entitled to statutory maternity pay)

4.1 Members are entitled on a sliding scale to:

- 10 weeks at 90% of average weekly earnings (Member Allowances and SRAs where applicable), followed by:
- 16 weeks at 50% of normal earnings, followed by unpaid leave for any additional leave agreed up to 52 weeks.
- This is a payment on a sliding scale for 6 months.

Option 2 (This is in line with the current policy for MPs)

4.1 6 months full pay of Member Allowance and SRA where applicable, with any remaining leave being unpaid

Option 3 (This is in line with the model policy for local government councillors provided on the LGA website)

4.2 Receipt of full pay of Members Allowance and SRA where applicable throughout the whole of the leave, whether 6 months or any additional leave up to 52 weeks. NB that this is more generous than the arrangements for employees.

5.0 Resigning from Office and Elections

5.1 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.

5.2 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.