

## **Parental Leave Policy**

### **Introduction**

1.1 This policy sets out members' entitlement to maternity, paternity, adoption and shared parental leave allowances.

1.2 The objective of the policy is to ensure that members are able to take appropriate leave at the time of the child's birth or adoption, that 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.

1.3 Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of councillors. It will also assist with retaining experienced councillors, particularly women, and making public office more accessible to individuals who might otherwise feel excluded.

### **Leave Periods**

#### **Maternity Leave**

2.1 Members giving birth are entitled to up to six months' maternity leave from the due date, with the option to extend up to 52 weeks by agreement with the relevant Group Leader or, where a member is a Group Leader or is not a member of a political group, the Leader of Council in consultation with the Monitoring Officer.

2.2 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.

2.3 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.

#### **Paternity Leave**

2.4 Members are entitled to take two weeks' paternity leave if they are the biological father or nominated carer of their partner/spouse following birth.

#### **Shared Parental Leave**

2.5 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.

2.6 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.

#### **Adoption Leave**

2.7 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 with the relevant Group Leader or, where a member is a Group

Leader or is not a member of a political group, the Chair of Council in consultation with the Monitoring Officer.

2.8 Any member who takes leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period unless Council agrees to an extended leave of absence prior to the expiration of that six month period.

2.9 Any member intending to take 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.

2.10 Any member taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

2.11 Absences from Council meetings during any period of Parental Leave will be noted as such, rather than being attributed to general absence.

### **Basic Allowance**

3.1 All Members shall continue to receive their Basic Allowance in full whilst on approved parental leave.

### **Special Responsibility Allowances**

4.1 In line with the BCC staff scheme, members on maternity, paternity, shared parental or adoption leave, who are entitled to a Special Responsibility Allowance (SRA) shall receive the following:

- Weeks 1 to 6 – 90% of SRA
- Weeks 7 to 18 – 50% of SRA
- Weeks 19 to 52 – no payment but retain the right to return to same position or an alternative position with equivalent status and remuneration.

4.2 SRA for up to two weeks' paternity leave will be paid at the full rate.

4.3 Where a replacement is appointed to cover the period of absence that member shall receive an SRA for the period of the temporary appointment.

4.4 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.

### **Resigning from Office and Elections**

5.1 If a member decides not to return at the end of their leave they must notify the Council at the earliest opportunity. All allowances will cease from the effective resignation date.

5.2 If an election is held during the member's 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 have left office.

### **Notification Requirements**

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

- (i) the week the baby/child is due (in the case of adoption leave – 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 they want their leave to start.

This will be acknowledged within 2 weeks. An exception to this would be health reasons for the mother or prematurity of the child, in which case notification is to be as soon as possible.

6.2 The Monitoring Officer/Democratic Services will liaise with payroll as required regarding the payment of allowances.

6.3 If the member wishes to return from leave earlier than originally planned, or have a Keeping in Touch (KIT) day, they should notify the Monitoring Officer by email, who will provide confirmation that the information has been received and from what date they will resume responsibilities of any position receiving a SRA or confirm the KIT arrangements as appropriate.

6.4 If a member taking leave wishes to extend this beyond 6 months then no later than 4 weeks before the end of the 6 month period, the member should notify the Monitoring Officer in writing as above. The Monitoring Officer will liaise with the relevant member's Group Leader to agree this, or if the member is independent/not in a group, then the Leader of Council to agree this and confirm that this is acceptable.

### **HANDLING CASEWORK DURING PARENTAL LEAVE**

7.1 Wherever possible, political groups will put arrangements in place to help with casework and related issues.

7.2 The following indicative steps have been agreed for when a member indicates they intend to take a period of parental leave.

The Group Leader has a discussion with the member to establish;

- a. A formal agreement of relevant dates for start and end of period of leave (end date could be amended) and an agreement to notify this and any changes to Democratic Services;
- b. Whether the member would like to maintain any member responsibilities during this period and, if so, which ones;
- c. How and how often the member would like to be contacted;
- d. How they would like their Councillor Contact webpage to be amended regarding contact details;
- e. Record keeping arrangements during the period of leave;
- f. A review and handover of open issues at the start of the period of parental leave;
- g. Return/settling back in review at the end of the leave (work handover, whether further support is needed)
- h. Any other relevant considerations including undertaking a risk assessment as required;
- i. The Group Leader or Political Assistant will communicate the above information to Democratic Services and they will jointly agree what is needed.
- j. Advice and support will be available from Democratic Services.

## **Review and Disputes**

8.1 This policy will be reviewed to ensure that it continues to reflect the provisions in the relevant policies for Council staff.

8.2 Should any dispute arise over the interpretation of this policy, the Monitoring Officer will determine the position.

DRAFT