



<b>Title:</b>	<b>Constitution of the Council (Part 5H: Parental Leave for Councillors)</b>
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<b>Approved by Monitoring Officer:</b>	<b>John Teasdale</b>

**Adopted by Full Council on 20<sup>th</sup> February 2023**



## 1 INTRODUCTION

- 1.1 The objective of this part of the Constitution is to ensure that insofar as possible, Members are able to take appropriate leave at the time of 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 taken.
- 1.2 This part of the Constitution offers guiding principles for Members to be able to continue to fulfil their role whilst benefiting for parental leave.
- 1.3 Improved provision for new parents will contribute towards increasing the diversity of experience, and background of councillors. It will also assist with retaining experienced councillors and making public office more accessible to individuals who might otherwise feel excluded from it.
- 1.4 There is at present no legal right to parental leave for any kind of people in elected public office, with Local Authorities currently able to implement these rights on a voluntary basis.

## 2 LEAVE

### 2.1 Maternity Leave:

2.1.1 Members giving birth are entitled to up to 6 months maternity leave from the due date, with the option to extend by up to 52 weeks with agreement of the Chief Executive if this is required. An elected Member can take up to 52 weeks 'leave' away from their Member duties after the birth of their child in the child's first year.

2.1.2 In addition, where the birth is premature, the Member is entitled to take leave during the period between the date of 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.

2.1.3 In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken with agreement with the Chief Executive, and such exceptional leave shall not be deducted from the total 52 week entitlement.

### 2.2 Paternity Leave:

2.2.1 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).

2.3 Shared Parental Leave:

2.3.1 Shared Parental Leave is when the entitlement to leave is shared between the parents (this includes adoptive or surrogate parents). Up to 50 weeks of leave entitlement can be shared between each parent. The parents can choose how to split this entitlement between them.

2.3.2 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 by the Council to replicate such arrangements in terms of leave from the Council.

2.3.3 Where both parents are Members, leave may be shared between the parents up to a maximum of 24 weeks for the first 6 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.

2.4 Adoption Leave:

2.4.1 A Member who adopts a child through an approved adoption agency shall be entitled to take up to 6 months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement with the Chief Executive if required.

2.5 Still Birth and Bereavement Leave:

2.5.1 If still birth occurs after 24 weeks of pregnancy, Members are entitled to full maternity benefits and leave of up to 52 weeks following birth, in line with paragraphs 2.1 & 2.2, in addition to 2 weeks bereavement leave as detailed in paragraph 2.5.3.

2.5.2 If still birth occurs prior to 24 weeks of pregnancy, Members are not entitled to maternity leave, however, will be entitled to 8 weeks bereavement leave.

2.5.3 The Parental Bereavement (Leave and Pay) Act 2018 gives all employed parents a day-one right to 2 weeks leave if they lose a child under the age of 18 or suffer a stillbirth from 24 weeks of pregnancy from April 2020. Employed parents will also be able to claim allowance for this period, subject to meeting eligibility criteria. This right will be extended to elected members.

- 2.6 Any Member who takes a period of leave as defined within this part retains their legal duty under the Local government Act 1972 to attend a meeting of the Council within a 6 month period. However, an exception is where Council agrees to a request for an extended leave of absence prior to the expiration of that 6 month period.
- 2.7 Any Member intending to take a period of leave as detailed in this part 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.
- 2.8 Any Member taking a period of leave as detailed in this part 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 extensions of leave.
- 2.9 Members who are taking any leave as detailed in this part may still attend such meetings if they wish to do so.
- 2.10 All Members will be supported in attending antenatal appointments whether for themselves or for their partners.

### 3 BASIC ALLOWANCE

- 3.1 All Members shall continue to receive their Basic Allowance in full whilst on a period of leave as detailed within this part.

### 4 SPECIAL RESPONSIBILITY ALLOWANCES

- 4.1 Members entitled to a Special Responsibility Allowance (SRA) shall continue to receive their allowance in full whilst on a period of leave as detailed within this part.

- 4.2 Where a replacement is appointed to cover a period of absence, that person shall receive an SRA on a pro rata basis for the period of the temporary appointment.
- 4.3 The payment of SRA, whether to the primary SRA holder or a replacement, during a period of leave as detailed within this part, shall continue for a period of 6 months, 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 extensions for a further 6 month period, notwithstanding the relevant provisions of the Local Government Act 2000.
- 4.4 Should a Member appointed to replace the Member on leave already hold a remunerated position, the ordinary rules relating to payment of more than one SRA shall apply. I.e. only one SRA can be paid to any Member.
- 4.5 Unless the Member taking leave is removed from their post 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.

## 5 GENERAL PRINCIPLES

- 5.1 Where the Chair of a committee is on leave, the Vice Chair should cover all duties of the chair.
- 5.2 Wherever possible, the duties of the Member on leave should be spread across a Nominated Alternative Member(s), including local issues in their Ward. It will be the responsibility of the Member to hold discussions with their preferred nomination to arrange this and notify their Political Group Leader (where applicable).
- 5.2.1 In the absence of a Nominated Alternative Member(s), it is the responsibility of the applicable Political Group Leader to ensure adequate arrangements are in place to cover the Ward. If this is not possible, such as in the circumstance of Independent Members, it is the responsibility of the Leader of the Council and Chief Executive to ensure adequate Ward cover is available for the Members period of leave.
- 5.2.2 For all intents and purposes, any Nominated Alternative Member should be treated as a Member of the Ward in which they are covering for the purposes of information and officer communications during the period of leave in which they are the Nominated Alternative Member.

- 5.3 Members are responsible for putting on an out of office message redirecting queries to a Nominated Alternative Member(s). However, if they wish to respond to emails/correspondence during their period of leave, they are entitled to do so.

## 6 RESIGNING FROM OFFICE AND ELECTIONS

- 6.1 If a Member decides not to return at the end of their period of leave, they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.
- 6.2 If an election is held during the Member's period of leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and any SRA will cease from the Monday after the election date when they would technically leave office.