

Report of the managing director

PARENTAL LEAVE POLICY FOR MEMBERS

1 Purpose of report

To consider the adoption of a parental leave policy for members.

2 Executive summary

2.1 At its meeting on 9 July 2019, Council considered a motion to review its position regarding a parental leave policy for members and to ensure that councillors with children and other caring commitments are supported.

2.2 This report presents a document for consideration and is principally based on a policy drafted by the Local Government Association.

3 Appendices

Appendix – proposed parental leave policy for members.

4 Proposed action:

Council is invited to RESOLVE to adopt a Parental Leave Policy for members as appended to the report.

5 Background

5.1 According to the Local Government Association, as of 2017, only 4 per cent of local authorities had a parental leave policy in place for councillors, and in all other councils, arrangements for leave after the birth of a child is discretionary based on arrangements with the leader at the time.¹

5.2 At its meeting in July, members received and considered a motion for the council to review its position regarding parental leave and asked that a report be brought back to the next meeting.

6 Discussion

6.1 The Local Government Association produced a draft Parental Leave Policy¹ which is being presented to members for consideration.

6.2 It is suggested that a parental leave policy will make it easier for parents and councils alike to plan for when councillors take parental leave.

¹ <https://www.local.gov.uk/lga-labour/about-us/parental-leave-policy-councillors>

- 6.3 The parental leave policy covers birth, including premature, and adoption.
- 6.4 It also includes reference to supporting individuals with caring responsibilities.

7 Legal powers

There is no legal requirement for the council to have a policy of this nature.

8 Financial and value for money implications

There are no direct financial implications as a result of this report. A member who applies the policy, however, will continue to receive their respective allowance(s) but this will be within the budget for the year.

9 Risk analysis

There are no risks identified as a result of either adopting or not adopting a policy on parental leave for members.

10 Implications for resources, equalities and stronger and safer communities

The formal adoption of a parental leave policy for members will clarify the support in place for members with parental and caring responsibilities and demonstrates the council's commitment to equality.

11 Author and contact officer

Karen Denton, Assistant Director/Interim Monitoring Officer

12 Consultees

Liz Elliott, Managing Director
Shaun Darcy, Director of Resources

13 Background papers

[Resolution from Council meeting 9 July 2019](#)

Parental Leave Policy for Members

Introduction

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

The objective of the policy 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.

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

There is at present no legal right to parental leave of any kind for people in elected public office. This applies to MPs as well as councillors, and has been the subject of lengthy debate. These policies can therefore only currently be implemented on a voluntary basis, although Labour Councils are encouraged to implement them as per the Labour Party Democracy Review which has called for Labour-controlled councils and Labour Groups to adopt a parental leave policy. Discussions are ongoing about changing the law to enable compulsory provision, but until then these policies constitute best practice which Labour Groups (and the councils they control) are strongly advised to adopt.

Legal advice has been taken on these policies, and they conform with current requirements.

1. 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 unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that six month period.

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. Basic Allowance

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

3. Special Responsibility Allowances

3.1 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full 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. Resigning from Office and Elections

4.1 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.

4.2 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.

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