

# Member Parental Leave Policy

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## Introduction and Legal Requirements

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

The terms 'maternity', 'paternity', 'shared parental' and 'adoption' leave are the legal terms used for the different types of leave taken by new parents, each of which has a different legal distinction. Please note that for the purposes of this policy, where the context does not require us to list the specific type of leave being referred to, we will use the term 'parental leave'. However, where we refer to any of these types of leave specifically, we will use these legal terms for clarity.

Section 85 of the Local Government Act 1972 places a requirement on Members to attend a meeting of the authority within a six consecutive month period.

Qualifying meetings include:

- attendance as a Member at a meeting of any committee or sub-committee of the authority.
- attendance at a meeting of any joint committee, joint board or other body discharging functions of the authority, or who were appointed to advise the authority on any matter relating to the discharge of their functions.
- attendance as representative of the authority at a meeting of any body of persons.

It does not matter how informal the meeting is, so long as an attendance is recorded.

Unless the Council agrees to an extended leave of absence prior to the expiration of that six-month period, the individual will cease to be a Member of the authority.

This policy has been adopted by the Council on the basis that leave taken under this policy is an approved reason under section 85 of the Act without needing the further approval of the Council.

This is on the understanding that for a Member to take advantage of this policy they must comply with the requirements set out below. Failure to do so could mean that a Member automatically vacates their elected office.

There is currently no legal right for Members to take parental leave and any arrangement adopted by the Council is a voluntary one.

## **Purpose, Scope and Background**

The role of a Member is an incredibly demanding position with significant time commitments. It's as difficult to juggle the demands of being a new parent with Council responsibilities as it is with any other job. Parental leave for Members entitles any Member who becomes a parent, whether through birth or adoption, to take a period of leave with payment of their allowance(s) continuing as they adjust to their new parental responsibilities.

The policy aims to ensure that, insofar as possible, Members can take appropriate leave at the time of birth or adoption; and that reasonable and adequate arrangements are in place to provide cover for the Member's ward responsibilities and any responsibilities for which the Member receives a Special Responsibility Allowance, during any period of leave taken.

It's important that having children whilst being a Member is not a disadvantage, both to encourage potential candidates to stand for election and ensure the Council is more representative. Improved provision for new parents will contribute towards retaining and increasing the diversity of experience, age, and background of local authority Members over time by improving accessibility to public office. Parents are an important demographic for councils as they often rely on local authority services. Through adopting this policy, the Council aims to reflect the community it serves and recognises that having Members who are parents can support improved decision making.

This policy is designed for anyone who is expecting a baby, has recently given birth, or has adopted a child, as well as their partner.

## **Equality Goals**

This policy contributes to South Cambridgeshire District Council's obligation to advance equality under the Public Sector Equality Duty outlined in the Equality Act 2010.

This involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Further, the Council's Equality Scheme outlines that we have a duty to look at the support that can be provided by ensuring people with protected characteristics are not disadvantaged. This policy is designed to contribute to achieving these goals.

# 1. Leave Periods

## Maternity Leave

1.1. Members who are expecting or who have recently given birth are entitled to up to six months maternity leave from the due date, with the option to extend by up to 12 months, by agreement if required. Those expecting may also wish to start their leave earlier due to health reasons, and such a notification can be dealt with as per 5.1 below.

## Paternity Leave

1.2. Members whose partners are expecting or who have recently given birth shall be entitled to take a minimum of two weeks leave if they are the biological parent or are nominated by their partner following the birth or adoption of their child(ren).

## Shared Parental Leave

1.3. A Member who has made shared parental leave arrangements through their employment, is requested to advise the Council of these arrangements at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from their role as a Member of the Council.

1.4. 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 in line with part 6 below.

## Adoption Leave

1.5. 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 12 months by agreement if required. For the purposes of this policy, surrogacy will fall under the definition of adoption and the policy shall be applicable if a Member has applied for or is intending to apply for a Parental Order in relation to the child, in which case they shall be entitled to take up to 26 weeks leave with the option to extend up to 12 months by agreement if required.

1.6. Any Member intending to take parental leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, in terms of the pre notification requirements for when the leave is to start, to extend their leave beyond six-months and the point at which they intend to return. These notice periods are set out in part 5 below.

1.7. Any Member taking parental 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.

1.8. The Member taking parental leave shall discuss with their Group Leader (if applicable) arrangements to facilitate the undertaking of their work by another Member who is willing to participate in such an arrangement. The Member taking leave will notify the Proper Officer as to which Member has agreed to take responsibility for their ward work.

1.9 Any Member taking parental leave should ensure that they take steps to notify the residents of their ward and any other relevant organisations such as Parish Councils, as far as reasonably practical, that they are taking parental leave and to notify them of who will be responsible for their case work. Democratic Services will also display this information on the Council's website on the Member's profile page.

1.10. The Council will ensure that the Member on parental leave continues to have access to their existing IT provision to allow them to work from home and upon returning to their role.

1.11. Absences from Council meetings during any period of parental leave will be noted in the minutes of those meetings as such, rather than being attributed to general absence.

1.12. If a Member wishes to have a “keeping in touch” day (KIT Day) or attend a meeting they should notify their Group Leader (if applicable) and Democratic Services as per section 5, although this will not affect any calculation of the leave periods or be taken into account for an extended leave period.

## **2. Basic Allowance**

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

## **3. Special Responsibility Allowances (SRAs) and Other Payments**

3.1. Members entitled to any Special Responsibility Allowance (SRA) shall continue to receive their SRA allowance(s) in full in the case of parental leave (subject to below). A Member in receipt of other payments not typically described as an SRA, such as allowance for the Chair of Council is included in this provision.

3.2. Where a Member 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 (subject to 3.3 below).

3.3. SRAs which do not relate to executive roles, and which are payable to the primary SRA holder or to a replacement, during a period of parental leave, shall continue to be paid for a period of six months from the date of notification, or until the date of the next Annual General Meeting of the Council, or to the end of the Member's ordinary term of office, whichever is soonest. SRAs which relate to executive appointments, and which are payable to the primary SRA holder or to a replacement shall continue to be paid for a period of six months, or until the date of the next Annual General Meeting of the Council, or of the end of the Member's ordinary term of office, whichever is soonest, or until reported to an ordinary meeting of the Council as a decision of the Leader to remove them from the role. At such a point, the position will be reviewed, and will be subject to a possible extension for a further 6-month period.

3.4. Should a Member appointed to replace the Member on parental leave already hold a special responsibility allowance position, the ordinary rules under the Members Allowances Scheme shall apply.

3.5. Unless the Member taking parental leave is removed from an Executive post by the Leader, or from an appointment made at a Council Meeting, or the Political Group to which they belong loses control of the Council during their parental leave period (and they lose that special responsibility allowance post), they shall return at the end of their leave period to the same post if such a post is available at that time.

## 4. Resigning from Office and Elections

4.1. If a Member decides not to return at the end of their parental 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 parental leave and they are not re-elected, or decide not to stand for re-election, their allowances will cease from the fourth day after the ordinary day of election when they would legally vacate office (subject to any specific legal provisions relating to a Chair of Council, Vice Chair of Council or Leader of Council).

## 5. Notification Requirements

5.1. The Member must notify the Proper Officer by email no later than the end of the 15th week before the expected week of childbirth (for maternity/paternity leave), intended shared parental or adoption leave or as soon as is reasonably practicable and provide: (i) the week the baby/ child (in the case of adoption leave - date of placement) is due; (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 two weeks. An exception to this would be health reasons for the parent expecting the baby or prematurity of the child, in which case notification is to be as soon as possible to the above email.

5.2 If a Member wishes to return from leave earlier than originally planned, or have a KIT day, they should notify their Group Leader (if applicable) or Democratic Services by email, who will provide confirmation that the information has been received and from what date they will resume the responsibilities of any remunerated post, or KIT arrangements as appropriate.

5.3 If a Member taking leave wishes to extend this beyond six-months (and set out in this Policy), then no later than four weeks before the end of the six-month period, the Member should notify the Proper Officer in writing. The Proper Officer shall then liaise with the relevant Members' Group Leader to agree this, or if the Member is independent/not in a group, then the proper officer can agree this instead.

## **6. Premature Birth and Neo-Natal**

### **6.1 Definitions**

A premature birth is defined as any birth which takes place before the 37th week of pregnancy.

Neo-natal means "relating to new-born children". A child is classed as a neonate from their birth until the 28th day after their Expected Due Date.

### **6.2 Stillbirth, Miscarriage or Live Birth**

If a Member has a stillbirth on or after the 25th week of their pregnancy, they will still be eligible to receive parental leave and allowances as normal.

If a Member miscarries earlier than the 25th week of their pregnancy they will not qualify for parental leave and allowances, and any time off will count as sickness absence. The Council will endeavour to support them throughout this difficult time.

If, at any point in their pregnancy, the Member gives birth to a live child they will be entitled to parental leave and payment of allowances as normal, even if the child later dies.

## 6.3 Premature Leave

If a Member gives birth prematurely, they will be entitled to additional parental leave. This leave will be equal to the number of weeks before the Expected Due Date that the birth took place.

For example, if the birth took place in the 35th week of pregnancy, that would be five weeks before the expected due date, so the Member would be entitled to an additional five weeks' parental leave.

## 6.4 Neo-Natal Leave

Neo-natal leave would apply to Members whose baby/babies are unwell when born and must remain in a neo-natal unit following their birth for one week or longer. The Member would be entitled to additional leave equal to the number of weeks the child/children must remain in the neo-natal unit, or until the 28th day after the Expected Due Date (whichever is earliest).

For example, if a baby was born on their Expected Due Date but remained in the neo-natal unit for a further two weeks, the Member would be entitled to an additional two weeks leave.

## 6.5 Pay

Both types of leave would be paid as normal, and they can be taken consecutively.

The additional allowances would be paid at the beginning of the parental leave and would not be required to be repaid under any circumstances.

## **6.6 Notification**

The Council understands that it may not always be possible to notify it immediately of a premature birth, or a neo-natal care situation. However, it asks that the parent or a family member informs the Council as soon as possible so that the correct parental leave and allowances are received. The Council also asks that the Member keeps Democratic Services informed of any changes.

The Council may require evidence of the premature birth/neo-natal care when possible. This could be in the form of a birth certificate or a copy of a discharge letter.

## **6.7 Returning to Work**

On a Member's return to work the Council recommends they meet with their Group Leader (if applicable) and Democratic Services Manager to discuss whether any further support is required.

## Appendix A - Parental Leave Worked Examples

All examples are based on the maximum possible extended parental leave period of 12 months.

### Example 1

A Member last attended a qualifying meeting on 1 October and elects to take parental leave from 1 December.

They must attend a qualifying meeting by no later than the end of the 12-month extended period, i.e., 30 September.

### Example 2

A Member last attended a qualifying meeting on 1 October, decides to take parental leave from 1 December, but there is an election on 7 May.

If the Member stands and is re-elected, they must attend a qualifying meeting by no later than the end of the 12-month extended period, i.e., 30 September.

If the Member stands and is not re-elected, or decides not to stand for re-election, their parental leave and allowances will cease from the fourth day after the ordinary day of election when they would legally vacate office (subject to any specific legal provisions relating to a Chair of Council, Vice Chair of Council or Leader of Council).

### **Example 3**

A Member attends a qualifying meeting on 1 Jan, takes parental leave from 1 April and attends another qualifying meeting on 10 June.

They must attend a further qualifying meeting by no later than 31 December. This is the end of the 12-month extended period, since this is later than six months from the date of the qualifying meeting they attended, i.e., 9 December.

### **Example 4**

A Member attends a qualifying meeting on 1 Jan, takes parental leave from 1 April and attends another qualifying meeting on 15 September.

They must attend a further qualifying meeting by no later than 14 March. This is six months from the date of the qualifying meeting they attended as this is later than the end of the 12-month extended period, i.e., 31 December.

### **Example 5**

A new Member is elected on 7 May, recently became a parent before this date and agrees with the Proper Officer to take a period of parental leave.

They must attend a qualifying meeting by no later than six-months in the future, i.e., 6 November, or such later date as may be determined by the Proper Officer.

## **Example 6**

A new Member is elected on 1 June, becomes a parent after being elected and decides to take parental leave from 1 July, prior to attending any qualifying meetings.

They must attend a qualifying meeting by no later than the end of the 12-month extended period, i.e., 31 May.