

## Parental Leave Policy for Councillors

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

### Introduction

The council recognises that elected Members are not employees of the council and therefore are not entitled to the same rights and benefits that employees receive. Currently, there is no legal entitlement for councillors to have paid parental leave of any kind.

However, the Council is committed to ensuring that Cambridgeshire is a county where families are supported to develop and flourish, and the introduction of a parental leave policy for councillors may help to remove barriers that existing and prospective Members may face.

### Principles

The objective of the policy is to ensure that as far 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 councillors 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 and making public office more accessible to individuals who might otherwise feel excluded from it.

### Maternity and Adoption Leave

Members giving birth, adopting, fostering for adoption, or becoming surrogate parents are entitled to up to 6 months maternity leave from the due date. In the case of premature births, maternity leave will start from the date of birth for a period of up to 6 months. 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.

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 6-month entitlement. Consideration should also be given to those who have experienced a still birth or late term miscarriages. In those circumstances the provisions of this policy would apply, except where the Member has a miscarriage, termination, or stillborn delivery before or in the 24th week of pregnancy.

### Paternity Leave

Two weeks paternity leave is offered to:

- The biological father of a child who has (or expects to have) responsibility for the upbringing of the child.
- The spouse, civil partner or partner of the child's mother or adopter who has (or expects to have) the main responsibility for the child apart from any responsibility of the mother or adopter.
- Parents in a surrogacy situation and approved prospective adopters who look after children as part of a foster to adopt arrangement and who are notified of a match.

Paternity leave should be taken within 56 days of the actual date of birth or, if the child was born prematurely, within the period from the actual date of birth up to 56 days after the expected week

of childbirth. In the case of adoption, the leave should be taken within 56 days of the actual date of placement (UK adoption), or the child's entry into Great Britain (overseas adoption).

### Shared Parental Leave

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.

Where both parents are Members, leave may be shared up to a maximum of 24 weeks for the first six months. Special and exceptional arrangements may be made in cases of prematurity.

### Allowances

All Members shall continue to receive their Basic Allowance in full whilst on maternity, paternity, adoption and shared parental leave.

**Councillors entitled to a Special Responsibility Allowance shall continue to receive their allowance in full for a period of six months, in the case of absence from their Councillor duties due to leave related to maternity, paternity, adoption and shared parental leave.**

Or,

**Councillors entitled to a Special Responsibility Allowance shall not receive their allowance during their period of maternity, paternity, shared parental or adoption leave.**

If a replacement to cover the period of absence under these provisions is appointed by Council or the Leader (or in the case of a party group position the party group) the replacement shall be entitled to claim a Special Responsibility Allowance pro rata for the period over which the cover is provided. The ordinary rules relating to payment of more than one Special Responsibility Allowances shall apply.

If a Councillor stands down, or an election is held during the period when a Councillor is absent due to any of the above and the Councillor is not re-elected or decides not to stand down for re-election, their Basic Allowance any Special Responsibility Allowance will cease from the date they leave office.

### Policy and Notification Requirements

Where for reasons connected with maternity leave, adoption leave, paternity leave or shared parental leave a Councillor is unable to attend a meeting of the Council for a period of six months, a dispensation by Council can be sought in accordance with Section 85 of the Local Government Act 1972.

Any Member who takes maternity, paternity, adoption or shared parental 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.

Any Member intending to take maternity, paternity, adoption or shared parental 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.

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.

During a period of absence, the relevant Group Leader may assign another elected Member to cover routine Division enquiries from residents. Any replacement will be temporary and will cease upon the return of the Member who has taken leave. Replacement Members will not be entitled to a second vote as part of their temporary role.

Members should notify the Monitoring Officer of any request to take leave under this policy 28 days before the qualifying parental leave is due to start.

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

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.

If an election is held during the Member's maternity, paternity, adoption or shared parental 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.