

Report of	Head of Governance and Monitoring Officer	Author	Richard Clifford
Title	Parental Leave Policy for Councillors		☎ 507832
Wards affected	All wards		

1. Executive Summary

1.1 This report proposes the adoption of a parental leave policy for Councillors which covers the arrangements for Councillors who may wish to take maternity or paternity leave in the period around the birth or adoption of a child. The policy sets out Councillors' entitlement to maternity, paternity shared parental and adoption leave and how this impacts on the payment of the Member Allowance and Special Responsibility Allowances.

2. Recommended Decision

2.1 The Parental Leave Policy at Appendix A to this report be approved and adopted and be effective from the commencement of the current municipal year.

3. Reason for Recommended Decision

3.1 At present the Council does not have any policy covering the provision of maternity or paternity leave for Councillors or the payment of allowances in such circumstances. The adoption of a policy will close this gap in the Council's governance arrangements and will provide clarity to Councillors, officers and residents.

3.2 The adoption of a parental leave policy would demonstrate the Council's commitment to supporting its Councillors. Improving the provision and support for new parents may help promote a more diverse Councillor body and make public office more accessible to individuals who may otherwise feel excluded.

4. Alternative Options

4.1 No alternative options are proposed.

5. Background Information

5.1 At present the Council does not have any policy covering the provision of maternity or paternity leave for Councillors or the payment of allowances in such circumstances. A number of Councils are introducing such policies, and the Local Government Association has prepared a model policy for Councils to consider adopting.

5.2 The draft policy at Appendix A sets out Councillors' entitlement to maternity, paternity shared parental and adoption leave and how this impacts on the payment of the Member Allowance and Special Responsibility Allowances. It has been prepared largely on the basis of the LGA's model policy, with some amendments and additions to reflect local arrangements and provide clarity on notification processes.

5.3 Key elements of the policy include:-

- Councillors giving birth are entitled to up to 6 months maternity leave from 11 weeks before the due date with the option to extend up to 52 weeks by agreement if required, with additional provision in the case of prematurity.
- An entitlement to two weeks paternity leave.
- Councillors adopting 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.
- The relevant political groups and the Council will in so far as able, facilitate any arrangements made by relevant councillors which allow for the case work of a councillor on parental leave to be completed by another ward councillor or another councillor if that is not feasible.
- Councillors will continue to receive their basic allowance in full whilst on maternity, paternity or adoption 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 maternity, paternity, shared parental or adoption leave.
- Where a replacement is appointed to cover the period of absence that person shall receive a Special Responsibility Allowance on a pro rata basis for the period of the temporary appointment, although should that person already be in receipt of a Special Responsibility Allowance the ordinary rules relating to payment of more than one Special Responsibility Allowances shall apply.
- Subject to some provisos, a Councillor taking leave under the policy 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.

5.4 It is important to stress that the policy does not override the legal duty in the Local Government Act 1972 for a Councillor to attend a meeting within a six month period, unless an exemption has been granted by Council.

5.5 The members of the Independent Remuneration Panel have been consulted and no concerns have been raised about the proposals in respect of the provisions on members allowances and special responsibility allowances. The Group Leaders have also been consulted and amendments suggested have been incorporated into the draft policy.

6. Equality, Diversity and Human Rights implications

6.1 The adoption of a Parental Leave Policy is an important commitment to the support of Councillors and will provide clarity to Councillors and candidates about their entitlement in these circumstances. This may help attract a more diverse range of candidates in terms of gender, age and experience.

7. Strategic Plan References

7.1 There are no direct links to the Strategic Plan but the introduction of policies to support Councillors and attract diverse range of candidates indirectly supports the provision of all priorities.

8. Consultation

8.1 Consultation has been undertaken with the members of the Independent Remuneration Panel and the Group Leaders. Where they have commented this has been broadly supportive and suggestions made have been incorporated into the draft policy.

9. Financial implications

9.1 The provisions around the payment of Special Responsibility Allowances mean that in some circumstances, there will be an increased commitment as a Special Responsibility Allowance may effectively be paid twice for the same role for a period of up to six months. However, it is not anticipated that the policy will be called on extensively and the level of extra expenditure will be low in the context of the overall members allowances budget.

10. Standard References

10.1 There are no particular references to; consultation or publicity considerations or community safety; health and safety, risk management or environment and sustainability implications.

Appendices

Appendix A – Draft Parental Leave Policy

Background Papers

[LGA Model Policy on Parental Leave](#)

Appendix A

Colchester City Council:- Parental Leave Policy

1. Leave Periods

1.1 Councillors giving birth are entitled to up to 6 months maternity leave from 11 weeks before 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 Councillor 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 Councillors shall be entitled to take 2 weeks paternity leave if they are:-

- The biological father of the child;
- A Councillor who, although not the biological father of the child, is married to the child's mother or is her unmarried, cohabiting partner; or
- The cohabiting same-sex partner of the child's mother, whether or not they have registered a civil partnership.

1.5 A Councillor who has made Shared Parental Leave arrangements through their employment should advise the Council of these at the earliest possible opportunity if they wish the Council to replicate such arrangements in terms of leave from Council. The Council will make its best endeavours to replicate such arrangements.

1.6 Where both parents are Councillors 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 Councillor 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. If both adopted parents are Councillors then only one member is entitled to take adoption leave, or an arrangement made by agreement where the leave entitlement is shared between the two Members.

1.8 Any Councillor 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 Councillor 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 Councillor 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.

1.11 The relevant political groups and the Council will in so far as able, facilitate any arrangements made by relevant councillors which allow for the case work of a councillor on parental leave to be completed by another ward councillor or another councillor if that is not feasible.

1.12 The Council will ensure that the councillor on parental leave continues to have access to adequate IT provision through their period of leave and upon returning to their role.

1.13 Where under this policy agreement with the Council is specified, the Head of Governance is authorised to approve any such agreements on behalf of the Council.

2. Basic Allowance

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

3. Special Responsibility Allowances

3.1 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 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 Councillor 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 Councillor appointed to replace the Councillor 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 Councillor taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, or unless the administration under whose leadership of the Council the Councillor was appointed 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 Councillor decides not to return at the end of their maternity, paternity, shared parental or adoption leave or at any point during 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.

4.3 If a Councillor resigns from office during their period or decides not to stand for re-election during that period, they shall refund to the Council any payment of Special Responsibility Allowances received during the period of their maternity, paternity, shared

parental or adoption leave.

5. Notification Requirements

5.1 If a Councillor wishes to take leave under this policy, the Councillor should notify the Head Governance by email (to: democratic.services@colchester.gov.uk) 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 (in the case of adoption leave – date of placement) is due;
- (ii) the period of leave the councillor 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,
- (iv) any arrangements made within the Political Group or with other Councillors to cover or complete the work of the Councillor through the period of leave.

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

5.2 The Head of Governance will liaise with payroll as required regarding the payment of allowances.

5.3 If the councillor wishes to return from leave earlier than originally planned, or have a Keeping in Touch (KIT) session, they should notify the Head of Governance by email (as above), who will provide confirmation that the information has been received and from what date they will resume responsibilities of any position receiving an SRA or KIT arrangements as appropriate.

5.4 If a councillor taking leave wishes to extend this beyond 6 months (as set out in this policy) then no later than 4 weeks before the end of the 6 month period, the councillor should notify the Head of Governance in writing as above.