



## Councillor Parental Leave Policy

### Introduction & Legal requirements

There is currently no legal right for Councillors to take Parental Leave and any arrangement adopted by this Council is a voluntary one.

Section 85 of the Local Government Act 1972 places a requirement on Councillors to attend a meeting of the Council within a 6 consecutive month period, unless Full Council agrees to an extended leave of absence prior to the expiration of that 6-month period. This Policy has been adopted by Full Council in the knowledge that any leave taken under this Policy, that goes beyond 6-months, is an approved reason under section 85 of the Act without further Full Council approval. This is on the understanding that for a Councillor to take advantage of this Policy they must comply with the notification/ agreement requirements set out. Failure to do so could mean that a Councillor automatically vacates their elected office.

### Purpose, Scope, and Background

The Policy aims to ensure that, insofar as possible, Councillors can 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: Executive portfolios, other posts in receipt of Special Responsibility/ other Allowances and ward responsibilities during any period of leave taken.

### Policy:

#### 1. Leave Periods

- 1.1. Councillors giving birth are entitled to up to 6-months maternity leave from the due date, with the option to extend by up to a further 26 weeks, by agreement if required. Expectant mothers may also wish to start maternity leave earlier due to health reasons, and such a notification can be dealt with as per 5.1 below.
- 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 a minimum of 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth or adoption of their child(ren).
- 1.5. A Councillor 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 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 6-months adoption leave from the date of placement, with the option to extend up to 52 weeks 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 Councillor has applied for or be intending to apply for a Parental Order in relation to the child, in which case they shall be entitled to take up to 6-months leave with the option to extend up to 52 weeks by agreement if required.
- 1.8. 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 pre notification requirements for when the leave is to start, to extend their leave beyond 6-months and the point at which they intend to return.
- 1.9. 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.
- 1.10. The relevant political groups/ 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.
- 1.11. The Council will ensure that the Councillor on Parental Leave continues to have access to adequate IT provision to allow them to work from home and upon returning to their role.
- 1.12. Absences from Council meetings during any period of Parental Leave will be noted as such, rather than being attributed to general absence.
- 1.13. If a Councillor wishes to have a keeping in touch day or attend a meeting (KIT day) then they should notify their Group Leader (if applicable<sup>1</sup>) and Proper Officer 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 Councillors shall continue to receive their Basic Allowance in full whilst on Parental Leave.

## **3. Special Responsibility Allowances (SRAs)/ other payments**

- 3.1. Councillors entitled to a Special Responsibility Allowance (SRA) shall continue to receive their allowance in full in the case of maternity, paternity, shared parental leave and adoption leave (subject to below). A Councillor in receipt of other payments not typically described as an SRA, such as being the Chair or Vice Chair of Council are also covered under this provision.
- 3.2. Where a Councillor 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. The payment of SRAs, 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 6-months, or until the date of the Leader's decision on Executive

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<sup>1</sup> In the event that this is a Group Leader requesting/ taking leave, then this reference here or elsewhere is to the Deputy Leader of the Group

appointments as confirmed at the Annual Meeting, or for such position appointed at Annual Council, or until the date when the Councillor taking leave is up for election (whichever is the sooner). 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 Councillor appointed to replace the Councillor on maternity, paternity, shared parental or adoption leave already hold an SRA position, the ordinary rules under the Members Allowances Scheme shall apply<sup>2</sup>.
- 3.5. Unless the Councillor taking leave is removed from an Executive post by the Leader, or at an Annual Council meeting, or the Party to which they belong loses control of the Council during their leave period (and they lose that SRA post), they shall return at the end of their leave period to the same post.

#### 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, 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 Councillor's maternity, paternity, shared parental or adoption leave and they are not re-elected, or decide not to stand for re-election, their allowances will cease from the 4<sup>th</sup> 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 Councillor must notify the Proper Officer<sup>3</sup> by email (**to: [committee.services@north-herts.gov.uk](mailto:committee.services@north-herts.gov.uk)**) no later than the end of the 15<sup>th</sup> 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.

This will be acknowledged within 2 weeks. An except to this would be 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. If a Councillor wishes to return from leave earlier than originally planned, or have a KIT day, they should notify the Proper Officer by email (as above), 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 Councillor taking leave wishes to extend this beyond 6-months (and set out in this Policy), then no later than 4 weeks before the end of the 6-month period, the Councillor should notify the Proper Officer in writing. The Proper Officer shall then liaise with the relevant Councillor's Group Leader to agree this, or if the Councillor is independent/ not in a group, then the Leader of Council to agree this and confirm that this is acceptable.

<sup>2</sup> LGA policy refers to one SRA rule – this is however, currently not adopted by NHDC, and shall only apply if so adopted under the Members Allowance Scheme.

<sup>3</sup> In this context this would normally be the Democratic Services Manager, although may be the Committee, Member & Scrutiny Manager – with overall delegation also with the Services Director, Legal & Community.