

POLICY IN RESPECT OF MATERNITY, PATERNITY AND ADOPTION PAY

1. INTRODUCTION

1.1 This Policy sets out Members' entitlement to allowances in cases of a leave of absence in respect of maternity, paternity and adoption.

1.2 The objective of the policy is that insofar as possible the position of Members is comparable with employees of the Council, noting that councillors are public office holders and not employees and do not benefit from forms of entitled leave which employees do.

2. GENERAL PROVISIONS

The Basic Allowance

2.1 All Members are legally entitled to a Basic Allowance which must be the same for each Member and is payable as long as they remain in office as a Member of the Council. This policy reaffirms the position that all Members shall continue to receive their Basic Allowance in full in the case of authorised absences for maternity, paternity and adoption.

2.2 However, this policy cannot not override the legal duty under the Local Government Act 1972 for a member to attend a meeting of the Council within a six-month period unless the Council Meeting agrees by dispensation to an extended leave of absence prior to the expiration of that six-month period. If a Member wished to continue on a leave of absence in accordance with this policy then they would have to have a dispensation agreed by Council.

Special Responsibility Allowances

2.3 Members entitled to a Special Responsibility Allowance (SRA) under the Members Allowances scheme shall continue to receive their allowances in full in the case of a leave of absence for maternity, paternity and adoption. For the avoidance of doubt this also includes all councillor non-executive director positions on the Council's wholly owned companies, either paid direct by the company or through the Members Allowances scheme and also includes where more than one SRA is being paid.

2.4 The Council Meeting, the relevant committee, the Leader of the Council (in the case of Cabinet Members) and the Leader of the Principal Opposition Group (in respect of the Deputy Leader of the Principal Opposition Group) as appropriate may, depending on the circumstances, appoint a replacement to cover the period of absence. The 'replacement' Member will be entitled to the SRA on a pro rata basis for the period of the temporary appointment.

2.5 However, there shall be no requirement for a 'replacement' Member to be appointed to undertake the duties of that Member during any period of leave.

2.6 The payment of a SRA during a period of maternity, paternity and adoption leave of absence shall continue for a period of six months;

- unless the date of the next Annual Meeting of the Council is prior to the end of that six month period (if the appointment was due for review at that meeting), or

- unless that member is up for election before the end of that six month period, or
- unless the member attends a committee or Council meeting convened under the Local Government Act 1972 (this would signify a return to the SRA role).

Once a member reaches the six-month period of a either a maternity, paternity or adoption leave of absence, they will be subject to a possible extension for a further six-month period.

2.7 Should a Member appointed to replace the member on maternity, paternity or adoption leave of absence already hold a position subject to a SRA, then this would be reviewed by the Independent Remuneration Panel as to whether two SRA's should be paid and the Panel would recommend the Director of Governance and Partnerships who would make the decision taking into account the wishes of the Panel.

3. NOTIFICATION PROTOCOLS

Maternity Leave of absence

3.1 All pregnant Members shall be entitled to take up to one year's (52 weeks) maternity leave, – or as much of that period as they wish to take (reviewable at six-months in accordance with paragraph 2.7 and a dispensation granted by Council as set out in paragraph 2.2).

3.2 The Member must notify the Director of Governance and Partnerships/ Head of Democratic Governance in writing no later than the end of the 15th week before the expected week of childbirth and provide:

- (i) the week the baby is due,
- (ii) the period of maternity leave of absence the Member intends to take,
- (iii) when they want their leave of absence to start; and
- (iv) a copy of the matb1 form.

Ordinary Paternity Leave of absence

3.3 A Member is entitled to take two weeks ordinary paternity leave of absence if they are the biological father or nominated carer of their partner following the birth or adoption of their child(ren), and they have the main responsibility for the child's upbringing during the period of leave of absence.

3.4 The Member must notify the Director of Governance and Partnerships/ Head of Democratic Governance in writing no later than the end of the 15th week before the expected week of childbirth, unless this is not reasonably practicable. The Member will need to provide:-

- (i) the week the baby is due
- (ii) whether they wish to take one or two weeks' leave of absence; and
- (iii) when they want their leave to start.

Shared Parental Leave of absence

3.5 Any Member who has otherwise made Shared Parental Leave of absence arrangements is requested to confirm these with the Director of Governance and Partnerships/ Head of

Democratic Governance who will seek to replicate such arrangements and apply this policy accordingly.

Adoption Leave of absence

3.6 A Member who adopts a child through an approved adoption agency shall be entitled to take up to one year's (52 weeks) adoption leave of absence, – or as much of that period as they wish to take (reviewable at six-months in accordance with paragraph 2.7 and a dispensation granted by Council as set out in paragraph 2.2).

3.7 The Member must notify the Director of Governance and Partnerships (or in his absence the Head of Democratic Governance) within seven days of being matched with a child and provide:-

- (i) how much leave of absence they want
- (ii) when they want the leave of absence to start
- (iii) the 'date of placement' – the date the child is being placed with the Member.

General

3.8 Any member taking a leave of absence in accordance with this policy should ensure they respond to reasonable requests for information as promptly as possible and they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extensions of a leave of absence.

Subsequent Actions

3.9 On receipt of the information, the Director of Governance and Partnerships (or in his absence the Head of Democratic Governance) will within two weeks acknowledge that the period of absence has been noted and take any action necessary to arrange for the appointment of a 'replacement' member.

3.10 The Director of Governance and Partnerships (or in his absence the Head of Democratic Governance) will also write to the Member to confirm the continuation of allowances and until what date they will continue, subject to review.

3.10 If the Member wishes to return from maternity leave earlier than originally planned they should write to the Director of Governance and Partnerships (or in his absence the Head of Democratic Governance), who will provide confirmation that the information has been received and from what date they will resume the responsibilities of any remunerated post.

4. RESIGNING FROM OFFICE AND ELECTIONS

4.1 If a Member decides not to return to office following during their maternity, paternity or adoption leave the Director of Governance and Partnerships (or in his absence the Head of Democratic Governance) must be notified. The Payroll Manager must then be informed within two working days of receiving notification. Allowances will cease from the effective resignation date.

4.2 If an election is held during the Member's maternity, paternity or adoption leave of absence 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.