

Annex to the Constitution

Parental Leave for Councillors

1. Leave Periods

1.1 Members giving birth are entitled to up to 6 months maternity leave from the day the Councillor commences maternity leave, with the option to extend up to 52 weeks by agreement if required.

1.2 In addition, where the birth is premature, the Member 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 Members 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 of their child(ren).

1.5 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.

1.6 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.

1.7 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 52 weeks by agreement if required.

1.8 Any Member 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 Member 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 Member intending to take maternity, paternity, shared parental or adoption leave should confirm, as appropriate or relevant, with officers, ward colleagues or their political group, arrangements for covering casework and other ward responsibilities. An out of office message should be added to the Member's Warwick District Council email account to avoid residents awaiting for a reply unnecessarily.

These arrangements must be communicated with the Civic & Committee Services Manager.

1.11 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.

1.12 Still birth: if a still birth occurs after 24 weeks of pregnancy, full maternity and paternity benefits and leave as set out in this policy will apply. If still birth occurs before 24 weeks of pregnancy, discretion will be given for a shorter period of absence.

1.13 Parental bereavement leave: in line with the eligibility for paid employees under the Parental Bereavement (Leave) Regulations 2020, Members are entitled to two weeks bereavement leave if they lose a child under the age of 18, with continued entitlement to allowance as set out for parental leave in parts 2 and 3 below.

2. Basic Allowance

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

3. Special Responsibility Allowances

3.1 Members entitled to a Special Responsibility Allowance (SRA) shall continue to receive their allowance in full 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 member 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 Member appointed to replace the Member 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 Member taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, or unless the Party to which they belong 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 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.

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 designated date in line with other Councillors, normally the Monday after the election date, when they technically leave office.

5. Policy Ownership and Review

5.1 For clarification on the Policy and its application in the first instance please contact the Civic & Committee Services Manager. Any changes to the Policy require consideration by Cabinet and adoption by Council.

5.2. The Policy and its supporting document will be reviewed after 18months, or as considered appropriate if the need for changes is identified through its application.

Parental Leave for Councillors

Advice for Group Leaders

Group Leaders will need to provide a political point of contact, as their effective line manager to provide support for the Councillor on Parental leave.

When they become aware of a Councillor who is pregnant they should liaise with officers to complete a risk assessment and undertake regular reviews of the risk assessment throughout the pregnancy.

The should ensure they maintain in regular contact with the Councillor keeping them updated on key Council and ward matters.

The Group Leader would be expected to work with the Councillor in relation to setting expectations in terms of attendance to meetings and resident representation

They should agree the level of communications whilst on parental leave

Confirm approach on access to Council facilities during the period of leave, for example the Councillor may not attend formal meetings but may choose to continue with or support o ward or case work.

Ensure that support is provided as required to enable attendance at pregnancy related appointments

The Group Leader should keep the Civic & Committee Services Manager informed of:
(a) any specific individual circumstances that may lead to a deviation from this procedure; and (b) how/when the Councillor will be returning to their role and the expectations around this