

# **POLICY IN RESPECT OF MATERNITY, PATERNITY, AND ADOPTION PAY AND SUPPORTING DISABLED COUNCILLORS**

## **1. INTRODUCTION**

- 1.1 This Policy sets out Members' entitlement to allowances in cases of maternity, paternity and adoption leave.
- 1.2 The objective of the policy is that insofar as possible the position of Members is comparable with employees of the Council.
- 1.3 The Policy also sets out the arrangements to support disabled councillors and provide reasonable adjustments.

## **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 Members. This policy reaffirms the position that all Members shall continue to receive their Basic Allowance in full in the case of maternity, paternity and adoption leave.
- 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 to an extended leave of absence prior to the expiration of that six month period.

### **Special Responsibility Allowances**

- 2.3 Members entitled to a Special Responsibility Allowance (SRA) shall continue to receive their allowance in full in the case of maternity, paternity and adoption leave.
- 2.4 The Council Meeting; the relevant committee; or Leader as appropriate may, depending on the circumstances, appoint a replacement to cover the period of absence who 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 Should the Member subject to the period of maternity, paternity and adoption leave hold a remunerated post for which there is an appointed Vice-Chair; in such cases the Vice-Chair shall be entitled to receive the relevant Chair's SRA for the period of such leave.
- 2.7 The payment of Special Responsibility Allowances during a period of maternity, paternity and 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 that member

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.

- 2.8 Should a Member appointed to replace the member on maternity, paternity or adoption leave already hold a remunerated position, the ordinary rules as relates to payment of more than one Special Responsibility Allowances shall apply.
- 2.9 For the avoidance of doubt, no allowance shall be payable under this policy to a member who chairs a meeting of any body outside the scope of this policy i.e. the ordinary deputisation for the chair by reason of ordinary absence.

### **3. NOTIFICATION PROTOCOLS**

#### **Maternity Leave**

- 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.
- 3.2 The Member must notify the Democratic Services Manager 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 the Member intends to take; and
  - (iii) when they want their leave to start.

#### **Ordinary Paternity Leave**

- 3.3 A Member is entitled to take two weeks ordinary paternity leave 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.
- 3.4 The Member must notify the Democratic Services Manager 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
  - (iv) whether they wish to take one or two weeks' leave; and
  - (v) when they want their leave to start.

#### **Shared Parental Leave**

- 3.5 Any Member who has otherwise made Shared Parental Leave arrangements is requested to confirm these with the Democratic Services Manager who will seek to replicate such arrangements and apply this policy accordingly.

### Adoption Leave

- 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, – or as much of that period as they wish to take.
- 3.7 The Member must notify the Democratic Services Manager within seven days of being matched with a child and provide:-
- (i) how much leave they want
  - (ii) when they want the leave to start
  - (iii) the 'date of placement' – the date the child is being placed with the Member.

### Subsequent Actions

- 3.8 On receipt of the information, the Democratic Services Manager 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.
- 3.9 The Democratic Services Manager 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 Democratic Services Manager, 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 Democratic Services Manager must be notified. The Payroll Team 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 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.

## **5. DISABLED COUNCILLORS**

- 5.1 The Equality Act also requires political parties not discriminate either directly or indirectly against disabled members or candidates
- 5.2 The Council is committed to supporting disabled people who are elected to the Council and will assist with any disability-related costs of being a councillor, for example if you have difficulty using public transport, if you need to pay for sign language interpreters, or are paying extra travel or accommodation costs. The Democratic Services Manager will work with you to overcome any barriers you come across as a result of your disability and will make sure you can be fully involved.

- 5.3 The Chief Executive will have the discretion to make payments for expenses incurred by disabled members on travel within the Borough in addition to the amount included in the Basic Allowance where the member would have a particular difficult carrying out an approved duty.
- 5.4 In addition to the payment of an ICT Allowance as specified in the Councillors' Allowance Scheme, the Democratic Services Manager will arrange specialist equipment where this is deemed necessary and ICT training tailored to suit your needs will be provided.
- 5.5 The Council will make "reasonable adjustments" to accommodate the needs of disabled councillors, who would otherwise be placed at a disadvantage compared to a non-disabled councillors and wherever possible will ensure the needs of disabled councillors can be accommodated e.g. Meeting rooms and group offices are fully accessible so that disabled councillors can play a full and effective part in the running of the council.
- 5.6 The Democratic Services Manager will also ensure that a 'Personal Emergency Evacuation Plan' is in place for any Councillor who may have difficulty in using the staircases.