

Appendix 1

Version 4

DRAFT for Council Agreement

Wokingham Borough Council

Councillor Parental Leave Policy

Introduction & Legal requirements

This policy sets out the entitlement to maternity or adoption leave (together “Qualifying Parental Leave”), and relevant allowances for elected members (“Members”) of Wokingham Borough Council (“the Council”). There is no statutory right to such leave for those in elected public office, hence this policy.

For the purposes of this policy, Qualifying Parental Leave refers to family friendly policies including Maternity, Adoption, Paternity, Shared Parental Leave, Parental Leave and Parental Bereavement Leave and is completely separate to policies in place for employees of Wokingham Borough Council.

In particular, this policy seeks to ensure that Members are able to take appropriate leave at the time of birth or adoption. In addition, this policy seeks to improve provision for new parents, thereby increasing the likelihood that there will be greater diversity of experience, age, and background of Members. This policy may also assist with retaining Members and making public office more accessible to individuals who might otherwise feel excluded from it.

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. Thus, in the absence of this policy, a Member not attending a meeting of the Council within the meaning of Section 85 (a “Qualifying Meeting”) for six consecutive months due to maternity, etc, would (unless the Council specially voted to approve the particular absence in accordance with the Section) be ‘timed out’ and cease to be a Member. The Council has therefore resolved that, where a Member takes Qualifying Parental Leave in accordance with this policy, such will be taken as a good reason for absence within the meaning of Section 85 and the six month period relating to that Member (“the Period”) will be extended by up to an additional six months to a maximum of twelve months (“the Extended Period”).

It should be emphasised that there is no obligation on Members to take Qualifying Parental Leave and whether they do so or not they remain entitled to attend Council meetings in accordance with the Council’s constitution.

This Policy has been adopted by Full Council in the knowledge that any leave taken under this Policy that goes beyond 6-months (26 weeks), 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.

This policy applies to Members only - employees are covered by a number of policies (available on the HR Hub - intranet). It is the responsibility of each Member to familiarise themselves with and adhere to this policy.

The Council's Personnel Committee is responsible for reviewing the Policy from time to time and the Council's Monitoring Officer is responsible for applying it.

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 (26 weeks) maternity leave from the due date, with the option to extend by up to a further 6 months (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 (26 weeks). 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 (26 weeks).

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 12 month (52-week) entitlement.

1.4. Members giving birth or adopting a child through an approved adoption agency are entitled to a maximum of six months (26 weeks) Qualifying Parental Leave and thus an Extended Period of a maximum of twelve months (52 weeks).

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 6 months (26 weeks) and 6 months (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 (26 weeks) adoption leave from the date of placement, with the option to extend up to 12 months (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 (26 weeks) leave with the option to extend up to 12 months (52 weeks) by agreement if required.

1.8. Any Councillor intending to take Qualifying Parental 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 (26 weeks) and the point at which they intend to return.

1.9. 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 Qualifying Parental Leave to be completed by another Ward Councillor, or another Councillor if that is not feasible.

1.10. The Council will ensure that the Councillor on Qualifying Parental Leave continues to have access to email and other IT provision to allow them to work from home and upon returning to their role.

1.11. Absences from Council meetings during any period of Qualifying Parental Leave will be noted as such, rather than being attributed to general absence.

1.12. If a Councillor wishes to have a keeping in touch day or attend a meeting then they should notify their Group Leader (if applicable¹) 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 Qualifying 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 whilst on Qualifying Parental 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 [next Annual Meeting of the Council] or [Leader's decision on Executive 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 Qualifying Parental Leave already hold an SRA position, the ordinary rules under the Members Allowances Scheme shall apply.

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 Qualifying Parental 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 Qualifying Parental Leave and they are not re-elected, or decide not to stand for re-election, their allowances will cease from the 4th 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 Officer³ by email (**to: Democratic.Services@wokingham.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.

5.2 If a Councillor wishes to return from leave earlier than originally planned 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.

5.3 If a Councillor taking leave wishes to extend this beyond 6-months (26 weeks) (and set out in this Policy), then no later than 4 weeks before the end of the 6-month period (26 weeks), 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.