
Parental Leave for Members Policy

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1 Preamble

- 1.1 This policy sets out the entitlement to maternity or adoption leave (together “Qualifying Parental Leave”), and relevant allowances, for elected members (“Members”) of West Berkshire Council (“the Council”). There is no statutory right to such leave for those in elected public office, hence this policy.
- 1.2 In particular this policy seeks to ensure that Members are able to take appropriate leave at the time of birth or adoption.
- 1.3 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.
- 1.4 The Council’s Personnel Committee is responsible for approving this policy and reviewing it from time to time and the Council’s Monitoring Officer is responsible for applying it.

2 Applicability

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

3 Legislative Framework

- 3.1 S.85 (1), Local Government Act 1972 (“the Section”) reads *“if a member of a Local Authority fails, throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the Authority they will, unless the failure was due to some good reason approved by the Authority before the expiry of that period, cease to be a member of the Authority”*.
- 3.2 Thus, in the absence of this policy, a Member not attending a meeting of the Council within the meaning of the Section (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.
- 3.3 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 the Section 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”).
- 3.4 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.

4 Roles and Responsibilities

- 4.1 The Monitoring Officer is responsible for providing advice to Members on this policy and has been delegated with authority to approve a Member’s absence in compliance with this policy.

- 4.2 A Member intending to take Qualifying Parental Leave will be responsible for ensuring that they comply with this policy and respond to reasonable requests for information as promptly as possible, so that they keep officers and colleagues informed and updated in relation to their intended date of return (“Return Date”).
- 4.3 If a Member decides not to return (ie not to attend a Qualifying Meeting) by the end of the Extended Period, thus occasioning a by-election, they should notify their political group leader and the Monitoring Officer at the earliest opportunity.

5 **Notification**

- 5.1 Requests to take Qualifying Parental Leave must be made in writing to the Monitoring Officer and should be made at least 28 days before the date the Qualifying Parental Leave is due to start (the due birth date or expected date of placement as the case may be).
- 5.2 The request should include the due date for the birth or expected placement date, the date the Member wishes leave to commence, the length of leave requested, and the intended Return Date.

6 **Duration**

- 6.1 Members giving birth or adopting a child through an approved adoption agency are entitled to a maximum of six months Qualifying Parental Leave and thus an Extended Period of a maximum of twelve months.
- 6.2 For example, unless an election intervenes (see below), if the Member last attended a Qualifying Meeting two months prior to their Qualifying Parental Leave starting, and they take the maximum period of Qualifying Parental Leave, they will have a further four months from the Return Date to attend their next Qualifying Meeting so as to avoid a breach of the Section (see worked examples in the Appendix).
- 6.3 In the event that an election of Council is called prior to the Return Date and the Member decides not to stand for re-election, or stands but is not re-elected, the Qualifying Parental Leave (and the Member’s entitlement to allowances) will cease from the Monday after the election date.
- 6.4 In the event that an election of Council is called prior to the Return Date and the Member stands and is re-elected, a fresh Period will commence in accordance with the Section from the date of election for all Members. In these circumstances the date by which the Member has to attend a Qualifying Meeting so as to comply with the Section will either be the end of the Extended Period, or six months from the date of the election, whichever is later (see worked examples in the Appendix).
- 6.5 In the event that a Member attends a Qualifying Meeting during the Extended Period the date by which the Member has to attend a further Qualifying Meeting so as to comply with the Section will either be the end of the Extended Period, or six months from the date of the Qualifying Meeting, whichever is later (see worked examples in the Appendix).

7 **New Members**

- 7.1 This part of this policy applies where, following an election or by-election, someone who was not a Member immediately prior to that election or by-election is elected (the “New Member”).

7.2 If paragraph 6.4 would have applied to the New Member had they been a Member prior to the election or by-election, the Monitoring Officer has the authority to determine that the date by which the New Member has to attend a Qualifying Meeting so as to comply with the Section is either a date calculated as if a period of Qualifying Parental Leave had applied to the New Member, or six months from the date of the election or by-election, whichever is later (see worked examples in the Appendix).

8 **Return**

8.1 On returning to Member duties (or commencing duties if a New Member), a Member can request a 'parental buddy' to support them – for example, someone who has experience of returning to duties following a period of maternity or adoption leave.

8.2 If a Member decides to return to (or commence) their duties while their baby is breast-feeding, they will be permitted to feed their baby in the Chamber, meeting room, etc. If they do not wish to do so, a private room will be made available to them for feeding or pumping from one hour before the meeting until the time that the meeting ends.

9 **Allowances etc**

9.1 A Member taking Qualifying Parental Leave shall continue to receive their Basic Allowance.

9.2 Whether a Member taking Qualifying Parental Leave retains a position entitling them to a Special Responsibility Allowance or remains as a member of a committee or other body is a matter for the person or body with the right of appointment to that position, etc, (thus, for example, it would be for the Leader of Council to decide if the Member remained a member of the Executive, for Council to decide if the Member remained a member of a Council committee, and for a Committee to decide if the Member remained as Chairman or Vice-Chairman).

Appendix

(All examples are based on the maximum possible Extended Period)

Example 1

If a Member last attended a Qualifying Meeting on 1 October and elects to take Qualifying Parental Leave from 1 December, they will need to ensure that they attend a Qualifying Meeting by no later than the end of the Extended Period, ie 30 September.

Example 2 (as for 1 but intervening election)

If in example 1 there was an election on 7 May and the Member stands and is re-elected, they will need to ensure that they attend a Qualifying Meeting by no later than 6 November (six months from the date of the election, since this is later than the end of the Extended Period, ie 30 September).

Example 3

If a Member last attended a Qualifying Meeting on 1 Jan and elects to take Qualifying Parental Leave from 1 April, they will need to ensure that they attend a Qualifying Meeting by no later than the end of the Extended Period, ie 31 December.

Example 4 (as for 3 but intervening election)

If in example 3 there was an election on 7 May and the Member stands and is re-elected, they will need to ensure that they attend a Qualifying Meeting by no later than 31 December (the end of the Extended Period, since this later than six months from the date of the election, ie 6 November).

Example 5 (as for 3 but intervening Qualifying Meeting A)

If in example 3 the Member attended another Qualifying Meeting on 10 June, they will need to ensure that they attend a further Qualifying Meeting by no later than 31 December (the end of the Extended Period, since this is later than six months from the date of the Qualifying Meeting they attended, ie 9 December).

Example 6 (as for 3 but intervening Qualifying Meeting B)

If in example 3 the Member attended another Qualifying Meeting on 15 September, they will need to ensure that they attend a further Qualifying Meeting by no later than 14 March (six months from the date of the Qualifying Meeting they attended, since this is later than the end of the Extended Period, ie 31 December).

Example 7

If a New Member is elected on 7 May and has recently adopted or given birth, and agrees with the Monitoring Officer to take a period of Qualifying Parental Leave, they will need to ensure that they attend a Qualifying Meeting by no later than the end of the Period, ie 6 November, or such later date as may be determined by the Monitoring Officer.

Example 8

If a New Member is elected on 1 June and is expecting, or adopting, a baby, and elects to take Qualifying Parental Leave from 1 July - prior to their attending any Qualifying Meetings- they will need to ensure that they attend a Qualifying Meeting by no later than the end of the Extended Period, ie 31 May.

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