

Parental Leave Policy for Cheshire East Council - DRAFT

Introduction

This Policy sets out Members' entitlement to parental, shared parental and adoption leave and relevant allowances.

The objective of the policy is to ensure that insofar as possible Members are able to take appropriate leave at the time of birth or adoption, that both parents (if both are Members) are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for those in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.

Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of local authority councillors. It will also assist in retaining experienced councillors and making public office more accessible to individuals who might otherwise feel excluded from it.

There is no legal right to parental leave of any kind for people in elected public office.

(1) Leave Periods

1.1 A Member who is the designated primary carer is entitled to up to 26 weeks parental leave from the date upon which the child is due to be born, or the date upon which the child is adopted, with the option to extend the period of parental leave by a further 26 weeks. Such extension must be agreed by the Council's Chief Executive in consultation with the leader of the political group of which the Member is a member.

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 26 weeks period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 26 weeks.

1.3 In exceptional circumstances, for example in a case of prematurity of 29 days or more, additional leave may be taken by agreement (as per paragraph 1.1), and such exceptional leave shall not be deducted from the total 52 week entitlement.

1.4 A Member who is not the designated carer of the child shall be entitled to take up to 4 weeks parental leave if they are the supporting carer or nominated carer of their partner/spouse following the birth/adoption 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 parental leave by the Council.

1.6 Where both parents are members of the Council, parental leave may be shared up to a maximum of 24 weeks for the first 26 weeks and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks. Special and exceptional arrangements (agreed as per paragraph 1.1) may be made in cases of prematurity.

1.7 A Member who adopts a child under compulsory school age shall be entitled to take up to 26 weeks adoption leave from the date of placement, with the option to extend by a further 26 weeks (by agreement as per paragraph 1.1) if required.

1.8 Any Member intending to take parental, 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.

1.9 Any member taking such leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and member colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

1.10 Any member who takes such leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period unless there is Full Council agreement to an extended leave of absence prior to the expiration of that six month period in accordance with the provisions of legislation. It is the member's responsibility to seek permission from full Council for any absence over six months.

(2) Basic Allowance

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

(3) Special Responsibility Allowances

3.1 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full during the period of parental, shared parental or adoption leave.

3.2 Where a replacement member is appointed to cover the period of absence, that person shall receive an equivalent Special Responsibility Allowance for the period of the temporary appointment.

3.4 Should a Member appointed to replace the member on parental, 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 position of special responsibility at an Annual General Meeting of the Council whilst on leave, or unless the political group or administration 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 special responsibility role they held before the leave began.

(4) Resigning from Office and Elections

4.1 If a Member decides not to continue to be a Member of the Council at the end of their parental, shared parental or adoption leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the date of their resignation as a councillor.

4.2 If an election is held during the Member's parental, shared parental or adoption leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and any special responsibility allowance will cease to be paid from the date they cease to be a councillor.