

HARLOW COUNCIL POLICY FOR MATERNITY, PATERNITY AND ADOPTION ALLOWANCES FOR COUNCILLORS

1. INTRODUCTION

1.1 This Policy sets out Councillors' 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 Councillors is comparable with employees of the Council.

2. GENERAL PROVISIONS

The Basic Allowance

2.1 All Councillors are legally entitled to a Basic Allowance which must be the same for each Councillor and is payable as long as they remain Councillors. This policy reaffirms the position that all councillors 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 Councillor to attend a meeting of the Council within 26 week period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that 26 week period.

Special Responsibility Allowances

2.3 Councillors entitled to a Special Responsibility Allowance (SRA) shall continue to receive their allowance in full for the 26 week period 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 sum on a pro rata basis for the period of the temporary appointment.

2.5 However, there shall be no requirement for a 'replacement' Councillor to be appointed to undertake the duties of that Councillor during any period of leave.

2.6 Should the Councillor 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 sum for the period of such leave subject to approval by the Council.

2.7 The payment of SRA during a period of maternity, paternity and adoption leave shall continue for a period of 26 weeks, or until the date when that councillor 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 period of up to 52 weeks from the start date.

2.8 Should the appointed replacement Councillor already receive an SRA, the ordinary rules preventing payment of more than one SRA shall apply.

2.9 For the avoidance of doubt, no allowance shall be payable under this Policy to a Councillor who chairs a meeting in the deputisation for the chair by reason of ordinary absence.

3. NOTIFICATION PROTOCOLS

Maternity Leave

3.1 All pregnant Councillors 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 Councillor must notify the Corporate and 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 Councillor intends to take; and
- (iii) when they want their leave to start.

Ordinary Paternity Leave

3.3 A Councillor 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 Councillor must notify the Corporate and 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 Councillor 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 Councillor who has otherwise made Shared Parental Leave arrangements is requested to confirm these with the Corporate and Democratic Services Manager who will seek to replicate such arrangements and apply this policy accordingly.

Adoption Leave

3.6 A Councillor 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, subject to requirements of paragraph 2.2.

3.7 The Councillor must notify the Corporate and 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; and
- (iii) the 'date of placement' – the date the child is being placed with the Councillor.

Subsequent Actions

3.8 On receipt of the information, the Corporate and 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' councillor.

3.9 The Corporate and Democratic Services Manager will also write to the Councillor to confirm the continuation of allowances and until what date they will continue subject to review.

3.10 If the Councillor wishes to return from maternity leave earlier than originally planned they should write to the Corporate and 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 Councillor decides not to return to office following during their maternity, paternity or adoption leave the Proper Office must be notified in writing. 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 Councillors' 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 ordinarily leave office.