

# Milton Keynes City Council

## Parental Leave Policy for Councillors

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## **1 Introduction**

- 1.1 There is no statutory right to such leave for those in elected public office. This policy therefore sets out the entitlement to maternity, or adoption leave (together 'Qualifying Parental Leave'), paternity leave ('Paternity Leave') and relevant allowances, for elected members ('Councillors') of Milton Keynes City Council ('the Council').
- 1.2 In particular this policy seeks to ensure that Councillors 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 Councillors. This policy may also assist with retaining Councillors and making public office more accessible to individuals who might otherwise feel excluded from it.
- 1.4 The Council 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 Milton Keynes City Council Councillors only - employees are covered by a number of policies.
- 2.2 It is the responsibility of each Councillor to familiarise themselves with and adhere to this policy.

## **3 Legislative Framework**

- 3.1 S.85 (1), Local Government Act 1972 sets out that:  
*"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 Therefore, a Councillor 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) cease to be a Councillor.
- 3.3 The Council has therefore resolved that (CL111), where a Councillor 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 Councillor ('the Period') will be extended by **up to** an additional six months to a **maximum** of twelve months ('the Extended Period').
- 3.4 There is no obligation on Councillors 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 Councillors on this policy and has been delegated with authority to approve a Councillor's absence in compliance with this policy.

- 4.2 A Councillor intending to take Qualifying Parental Leave will be responsible for ensuring that they comply with this policy, provide appropriate information / evidence 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 Councillor 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 Councillor wishes leave to commence, the length of leave requested, and the intended Return Date.
- 5.3 Councillors can change their mind about when to start or end their Qualifying Parental Leave, but in the absence of exceptional circumstances, they must give at least 28 days' notice of the change of commencement and 4 weeks' notice of a change of date of their return.

## **6 Allowances**

- 6.1 A Councillor taking Qualifying Parental Leave, or Paternity Leave shall continue to receive their Basic Allowance.
- 6.2 Councillors entitled to a Special Responsibility Allowance (SRA) in accordance with the Scheme of Allowances shall continue to receive their allowance for no longer than a period of 6 months after the commencement of Qualifying Parental Leave or until the sooner of:
- (a) there is a change to the Group that controls the Council;
  - (b) the date of the next Annual Meeting of the Council; or
  - (c) the date when the Councillor taking leave is up for election.

At such a point, the position will be reviewed, and depending on the circumstances may be subject to a possible extension for the remainder of the six-month period.

- 6.3 Councillors shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began, unless:
- (a) they are removed from this post at Annual Meeting of the Council, or
  - (b) there is a change to the Group that controls the Council.
- 6.4 Councillors can opt out of receiving an SRA during their parental leave if they so wish. If they wish to express this right, they must make this clear within the necessary notification to the Monitoring Officer.
- 6.5 Where a replacement 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.



- 9.3 In the event that an election of Council is called prior to the Return Date and the Councillor decides not to stand for re-election, or stands but is not re-elected, the Qualifying Parental Leave (and the Councillor's entitlement to allowances) will cease from the Monday after the election date.
- 9.4 In the event that an election of Council is called prior to the Return Date and the Councillor stands and is re-elected, a fresh Period will commence in accordance with the Section from the date of election for all Councillors. In these circumstances the date by which the Councillor has to attend a Qualifying Meeting so as to comply with the Section will be the later of:
- (a) the end of the Extended Period, or
  - (b) six months from the date of the election.
- 9.5 In the event that a Councillor attends a Qualifying Meeting during the Extended Period the date by which the Councillor 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.
- 9.6 Councillors are entitled to a maximum of two weeks Paternity Leave and thus up to an Extended Paternity Period of a maximum of six months and two weeks.

## **10 Pregnancy Related Sickness and Baby Loss**

- 10.1 Any absence from Council meetings due to pregnancy related sickness will be recorded as 'Approved Leave' rather than being attributed to general absence.
- 10.2 If a Councillor loses their baby or the baby is born prematurely, for example, they suffer a miscarriage or an ectopic pregnancy within the first 24 weeks of their pregnancy and they are off sick as a result of this, then any absence from Council meetings would be recorded as being 'Approved Leave' rather than being attributed to general absence.
- 10.3 If a Councillor's baby is stillborn after 24 weeks of pregnancy, or, if a Councillor's baby is born alive at any stage in the pregnancy but subsequently dies, they will be entitled to Qualifying Parental leave, inclusive of the rights and benefits as outlined in this policy.
- 10.4 Special and exceptional arrangements may be made in cases of prematurity and will be agreed by the Monitoring Officer on a case-by-case basis.