



Cyngor Bwrdeisdref Sirol
Blaenau Gwent
County Borough Council

Elected Member Maternity, Paternity, Newborn Adoption, Parental and Adoption Leave (Family Absence Policy)





Introduction

The aim of the policy is to ensure that insofar as possible elected members are able to take appropriate leave at the time of the birth or adoption of a child, or for reasons of parental responsibility.

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

Legislation / Regulations

Members are entitled to family absence under the Local Government (Wales) Measure 2011, subject to compliance with the Family Absence for Members of Local Authorities (Wales) Regulations 2013 (“the Regulations”), as amended.

This policy provides members with entitlements to enable members who have babies or become responsible for looking after children to be able to continue as members with recognised, legitimate, absence, in an open fashion, rather than be potentially subject to criticism for not fulfilling their duties as members.

[The Family Absence for Members of Local Authorities \(Wales\) Regulations 2013 \(legislation.gov.uk\)](http://legislation.gov.uk)

Requirement for Member to give Written Notice

A Member intending to take family absence is required to give written notice to the Head of Democratic Services, specifying the type of family absence they intend to take and the intended start date, as well as certain other specified information, outlined in this policy, in respect of particular types of absence.

Any changes to, or cancellation of, family absence must be notified to the Head of Democratic Services.





Members should refer to the Regulations for the prescribed information which must be included in the notice, and advice is available in this respect from the Head of Democratic Services.

The Head of Democratic Services will keep a record of all notifications and periods of family absence taken and will inform the Presiding Member, the Chair of the Democratic Services Committee, and the leaders of each political group, and other recognised group, of the authority.

Types of Family Absence

Maternity absence

- for the mother of a child, granted up to a maximum of twenty six weeks;

Newborn absence

- for the parent of a child other than the mother, for a period of up to two weeks during the first 56 days after childbirth;

Adopter's absence

- for the adopter of a child, for a period of up to twenty six weeks;

New adoption absence

- for the partner of an adopter, for a period of up to two weeks; and

Parental absence

- for a member who becomes responsible for a child under the age of 14 (and does not meet the conditions for newborn absence, adopter's absence or new adoption absence), for a period of up to three months.

Types of Family Absence Covered

Maternity Leave

No later than the end of 15 weeks before the expected week of childbirth, or as soon as is reasonably practicable, the member should give written notice to the head of democratic services of:

- their pregnancy;
- the expected week of childbirth;





- the date on which the member intends the maternity absence to start; and
- the duration of the period of maternity absence the member intends to take, if less than 26 weeks.

Pregnant members will not usually be asked for evidence of pregnancy or the expected date of childbirth, however the Head of Democratic Services may request a certificate from a registered medical practitioner or a registered midwife stating the expected week of childbirth.

Where the member wishes to vary the start of their maternity leave, the member has given the Head of Democratic Services written notice of the new start date at least one week before the date, or at least one week before the new date, whichever is the earlier, or, if that is not reasonably practicable, as soon as is reasonably practicable.

Where the member wishes to vary the duration of the maternity absence, the member has given the Head of Democratic Services written notice of the new duration at least one week before the expected end of the period of absence, or at least one week before the new intended end of the period of absence, whichever is the earlier, or if that is not reasonably practicable, as soon as is reasonably practicable.

Members may take up to 26 weeks maternity leave, unless the member gives written notice that the period of maternity absence will be shorter than 26 weeks.

Maternity leave can be taken to begin during the period of either:

- beginning at the start of the eleventh week before the expected week of childbirth; and
- ending on the day after the day on which childbirth occurs.

Where, during the four week period before the start of the expected week of childbirth, a member is absent from a meeting of the authority for a reason wholly or partly attributable to pregnancy, the period of maternity absence starts on the day after the meeting from which the member is absent.

Where a member's maternity absence has not started in accordance with the date notified by a member when childbirth occurs, that member's





maternity absence starts on the day after the day on which childbirth occurs.

A member may bring a period of maternity absence to an end earlier than the end of the period by notifying the Head of Democratic Services in writing of their intention to do so at least 7 days before their return.

The circumstances in which a member may cancel a period of maternity absence are that:

- the period of maternity absence has not yet started; and
- the member has notified the head of democratic services in writing of their intention to cancel the absence.

Newborn absence

The Member is either:

- the child's father and has, or expects to have, responsibility for the upbringing of the child; or
- married to, the civil partner or the partner of the child's mother, but is not the child's father and has, or expects to have the main responsibility (apart from any responsibility of the mother) for the upbringing of the child.

The member is to give the Head of Democratic Services written notice of the date the member intends the period of newborn absence to start.

Should the child's mother die or if the child was stillborn after 24 weeks of pregnancy or has died, the member will be treated as outlined under the maternity leave section.

A member's entitlement to newborn absence is two consecutive weeks. Where more than one child is born as a result of the same pregnancy, a member is entitled to newborn absence only in respect of the first child born.

Newborn absence may only be taken during the period:

- beginning with the date of childbirth; and
- ending 56 days after that date.





Adopter's Absence

The Member is the child's adopter.

The member is to give the Head of Democratic Services written notice of the date the member intends the period of adopter's absence to start.

The entitlement arises at the physical date of placement of the child with the member for adoption. **It is the actual date of placement of the child which is important for the start of this absence, not the date of placement according to any legal document.**

No evidence of adoption is required from the member in order to be entitled to a period of adopter's absence.

Multiple children adopted at the same time would not enable a member to take multiple periods of adopter's absence.

A member cannot take adopter's and new adoption absence in relation to the same child.

If a member jointly adopts a child with another member, one member may elect to be the child's adopter for the purposes of the Regulations and would be entitled to a period of adopter's absence. The other member would not be entitled to a period of adopter's absence but would be entitled to a period of new adoption absence.

New Adoption Absence

The member is:

- is married to, the civil partner, or the partner of the child's adopter; or
- has, or expects to have, the main responsibility (apart from the responsibility of the adopter) for the upbringing of the child.

The member is to give the Head of Democratic Services written notice of the date the member intends the period of adopter's absence to start.

A member's entitlement to new adoption absence is two consecutive weeks. Where more than one child is placed with the member as part of the





same arrangement, a member is entitled to new adoption absence only in respect of the first child placed with the member for adoption.

New adoption absence may only be taken during the period:

- beginning with the date on which the child is placed with the child's adopter; and
- ending 56 days after that date.

Parental Absence

for a member who becomes responsible for a child under the age of 14 (and does not meet the conditions for newborn absence, adopter's absence or new adoption absence), for a period of up to three months.

The member must notify the Head of Democratic Services of this responsibility and the Head of Democratic Services must be satisfied that such a responsibility is real and may require supporting evidence.

It is intended that parental absence is available to members who become temporarily responsible for the care of a child in addition to members who become the subject of more permanent responsibilities. For example, a member who takes responsibility for the care of a child whilst the parent is temporarily unable to fulfil these responsibilities for reasons such as illness, would be entitled to a period of parental absence.

A member may decide to stage parental absence over various periods during the year from when the member became responsible for the child. The member must notify the Head of Democratic Services as to the staging of the periods of absence in advance, although it is not expected that a member inform the Head of Democratic Services of the start date and duration of each and every period of parental absence at the outset.

If possible, the member should seek to inform the Head of Democratic Services of the intended periods of absence. However, it is accepted that this may not always be possible and would not afford the necessary degree of flexibility. In which case, as long as the Head of Democratic Services is informed at the outset of the member's general approach to the taking of absence and the Head of Democratic Services is informed in advance of each individual period of absence, the member would be entitled to periods of parental absence.





Cancellation of Family Absence by Council

If the Head of Democratic Services reasonably suspects that a Member may not be entitled to the family absence notified, he/she shall inform the Monitoring Officer. The Monitoring Officer may cancel or end a Member's family absence if he/she is of the view that the Member is not entitled to such absence in accordance with the Regulations.

In the event of a decision to cancel family absence, the Head of Democratic Services will give written notice to the Member concerned setting out the decision to cancel or bring to an end the period of family absence, and the date from which the Member must return from family absence. If the Member then fails to resume duties, the Council may withhold the Member's remuneration and take any other appropriate action.

Performance of Duties

On receipt of permission from the Presiding Member, a member on maternity absence or parental absence may choose to:

- Attend particular meetings; or
- Perform particular duties.

Before agreeing to the request, the Presiding Member will inform the leaders of each political group of the Council.

Continuing Duties

If a Member is on family absence leave and it would be difficult to replace that Member on a temporary basis, the Presiding Member can request that Member to attend a meeting if it might otherwise be inquorate.

A Member on family absence is expected to continue to observe and comply with any duties under the Members' Code of Conduct which remain applicable, including the duty to not bring the office of Member or the Council into disrepute and the duty to not use their position or the resources of the authority improperly or for private advantage.





Members Remuneration

In accordance with the determinations of the Independent Remuneration Panel for Wales, a Member on family absence is entitled, for the duration of the absence, to retain a basic salary and any senior salary for which they are eligible.

Members' Right to Appeal against Cancellation

A Member may, within 28 days from being notified of a cancellation of family absence, complain in writing to the Head of Democratic Services regarding the cancellation.

The Head of Democratic Services will refer any complaint duly made regarding cancellation to the Presiding Member.

The Member's complaint will be considered by the Family Absence Appeals Panel, which may either confirm the decision of the Monitoring Officer, or substitute its own decision as to the Member's entitlement to family absence in accordance with the Regulations.

The decision of the Panel is final.

Family Absence Appeals Panel

The local authority must appoint a Family Absence Appeals Panel to determine a complaint.

The panel must consist of three members appointed by the local authority. Neither the chair of the local authority nor the presiding member of a local authority may be appointed to the panel.

Political Balance

It should be noted that the absence of a member for family absence reasons should not trigger any temporary reallocation of representation in accord with the rules in relation to political balance. For such calculations, the member should be treated as a full member of the council and therefore any permitted substitution should be open only to a member of the same political group.

