



FAMILY LEAVE SCHEME FOR ELECTED MEMBERS

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1. INTRODUCTION

- 1.1 While there is no legal right to family leave of any kind for people in elected public office, the objective of this guidance is to ensure that as far as possible, Elected Members can take appropriate leave at the time of birth or adoption, that both parents are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for portfolio holders and others in receipt of Senior Councillor payments during any period of leave taken.
- 1.2 The provisions of this guidance confer no contractual or worker/employment status and can be amended or withdrawn at any time. Councillors continue to retain their status as office holders.
- 1.3 The opportunity to take family leave under this scheme remains open to Elected Members currently in office.

2. LEAVE PROVISIONS

- 2.1 The provisions of this guidance extend to Maternity, Paternity, Shared Parental and Adoption Leave only as detailed below:

Type of Leave	Provision
Maternity Leave	Up to 6 months (26 weeks) maternity leave from 28 days prior to their due date In the event of premature birth (before the 37 th week of pregnancy), maternity leave maybe extended by a period equivalent to the period between the date of birth and the expected due date.
Paternity Leave	Up to a maximum of 2 weeks paternity leave if they are biological or nominated carer of their partner/spouse following the birth of their child(ren).
Shared Parental Leave	A member who has made Shared Parental Leave arrangements through their employment is requested to advise the council of these arrangements at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from the council. Up to 6 months (26 weeks) shared parental leave where maternity leave is curtailed. Leave is limited to 6 months (26 weeks) in total where both parents are elected members.
Adoption leave	A member who adopts a child through an approved adoption agency shall be entitled to take up to six months' adoption leave from the date of placement.

3. PAY PROVISIONS

- 3.1 All members will continue to receive their basic remuneration in full while on maternity, paternity, shared parental or adoption leave.

- 3.2 Members entitled to a Senior Councillor Payment and the Council Leader will continue to receive their additional remuneration during a period of maternity, paternity, shared parental or adoption leave for a period of up to six months, or until the date when the member taking the leave stands for re-election, whichever date is sooner. At such a point, the position will be reviewed and may, where appropriate, be extended by council to allow the member re-elected to remain on leave for the remainder of the 6 month period with the appropriate additional remuneration.

4. NOTICE REQUIREMENTS

- 4.1 A minimum of 4 weeks notice is required prior to a Member taking maternity, paternity, shared parental or adoption leave. The Elected Member Family Leave Notification form can be used for this purpose.
- 4.2 Notification must be accompanied by the following certification as appropriate:

Type of Leave	Certification Required
Maternity Leave	Maternity Certificate (MATB1
Adoption Leave	Matching Certificate
Shared Parental Leave	Confirmation of the curtailment of maternity leave.

5. MEMBER RESPONSIBILITIES DURING LEAVE

- 5.1 Any member taking a period of maternity, paternity, shared parental or adoption leave retains their legal duty under the Local Government (Scotland) Act 1973 to attend a qualifying meeting of the Council or an outside body within a six month period unless the reason for non-attendance is accepted by the council. Absence whilst on family leave taken under this Scheme will be deemed to be an acceptable reason for non-attendance.
- 5.2 Arrangements should be made prior to a period of leave for other duties to ensure there is minimal impact on the relevant ward. This may include arranging for another councillor to attend surgeries to represent and pursue constituents' interests, or arranging substitutes for committee meetings as permitted by council standing orders. In making such arrangements consideration must be taken of data sharing legislation in relation to constituents' personal information.
- 5.3 Members on maternity, paternity, shared parental or adoption leave may choose to attend council meetings or undertake other duties during their period of leave. Doing so will not affect the period of leave which has been agreed or bring it to an end prematurely. Similarly, any time spent on duties during the period of leave will not extend the period of leave beyond the maximum period.

6.1 SENIOR COUNCILLOR SUBSTITUTION

Should a Member appointed to replace the Member on maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one senior councillor payment shall apply. Members appointed to replace the Member on maternity, paternity, shared parental or adoption leave will continue to receive the additional remuneration until the return

of the Member on leave or until that Member stands for re-election, whichever date is sooner.

7. RETURN FROM LEAVE

- 7.1 Unless the Member taking leave is removed from their post whilst on leave they will 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.
- 7.2 If a Member decides not to return at the end of their leave and so to resign as a councillor they must notify the council in writing with at least 4 weeks' notice. All allowances will cease from the effective resignation date.
- 7.3 If an election is held during a Member's leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and senior councillor payment, if appropriate, will cease from the date they cease to be a councillor.

8. ADMINISTRATION AND REVIEW

- 8.1 The Head of Performance, Governance and Strategy is responsible for the administration of the Scheme.
- 8.2 The Scheme shall be reported to the statutory first meeting of full council after each local government election for re-adoption as part of the approval of the Scheme of elected Member Remuneration, Allowances and Reimbursement of Expenses.

