

Proposed Parental Leave Policy for Councillors

1. Aim

- 1.1 The aim of the proposed policy is to ensure that insofar as possible Elected Members are able to 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 Special Responsibility Allowances (SRA) during any period of leave taken.

2. Summary

- 2.1 Local Government is the cornerstone of our democracy; delivering services that people rely on and serving our communities. There is at present no right to parental leave for those in elected public office, but councils should do all they can to encourage as wide as possible a range of candidates to stand for election. Improved provision for new parents should contribute towards increasing the diversity of experience, age and background of local authority councillors. It should also assist with retaining experienced councillors – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it. A number of Council's have now adopted a Parental Leave Policy as a consequence.
- 2.2 As of 2017, only 4 per cent of local authorities had a parental leave policy in place for councillors, and in all other councils, arrangements for leave after the birth of a child is discretionary based on arrangements with the leader at the time. A parental leave policy will make it easier for parents and councils alike to plan for when councillors take parental leave. Our parental leave policy covers birth and adoption.

3. Recommendations

- 3.1 That Standards Committee consider recommending that council adopt a Parental Leave Policy for Councillors.
- 3.2 That Standards Committee if it considers it necessary appoint a 3 member working group to review any proposed draft policy before it is recommended to council.

4. Know

- 4.1 Currently, there is no parental leave policy in place for councillors, resulting in councillors not having an entitlement to maternity, paternity, shared parental or adoption leave. Many councils across England have adopted the Local Government Association's (LGA) model policy or amended versions of it. The proposed draft policy is attached herewith at Appendix 1. The proposed policy

provides Councillors with an entitlement to take leave and ensures that arrangements are in place to cover for those in receipt of a Special Responsibility Allowance during any period of leave taken.

- 4.2 Whilst there is currently no legal entitlement for councillors to have paid parental leave of any kind, it is possible for councils to voluntarily adopt a policy. Doing so would lead to an improved provision for new parents and could contribute towards increasing the diversity of experience, age and background of local authority councillors. It will also assist with retaining experienced councillors – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it.
- 4.3 The policy attached at Appendix 1 is based on the Local Government Association (LGA) model promoted for local authorities and policies adopted by other local authorities. However, the policy recommended for approval by the Task Group, provides for the designated carer to take advantage of the parental leave entitlement irrespective of gender. It also includes arrangements to cover the impact on ward member duties/role and extends rights in the Parental Bereavement Leave and Pay Act to councillors
- 4.4 Key points from the policy are:
- Any councillor who is the designated carer will be entitled to six months leave, with the potential to extend this to 52 weeks
 - Any councillor who takes parental leave retains their legal duty under s85 Local Government Act 1972 to attend a meeting of the Council within a six month period unless an extended leave of absence is granted
 - Members to continue to receive their basic or special allowances whilst on parental leave Financial Implications

5. Financial Implications

- 5.1 There are no direct financial implications arising from this report. However, there will be costs, anticipated as relatively minimal, associated with the parental leave policy should a councillor in receipt of a Special Responsibility Allowance (SRA) take time off for parental leave. No additional budget provision has been identified at this stage.

6. Legal Implications

- 6.1 There is no legal requirement for the Council to adopt a parental leave policy. However, the introduction of such a policy will help the Council advance equality of opportunity and helps to discharge our public sector equality duty in creating positive impacts for protected groups

7. Reducing Inequalities

- 7.1 The adoption of a parental leave policy may help to improve equalities amongst councillors and lead to a broader diversity of age and experience as it helps to remove barriers that councillors, or perspective councillors, could experience.

8. Decide

- 8.1 That the Council adopt a Parental Leave Policy for Councillors, and delegates any review of the said policy to Personnel Committee.

9. Respond

- 9.1 If approved, the Policy will be incorporated into the Constitution and published on the Councils Committee Management Information Website available to members and officers and the public

10. Review

- 10.1 That this policy be reviewed as and when required as is the case with Personnel Policies to make sure it is appropriately updated and working in the manner required.

Author:

Tony Cox

Director of Governance

☎ 01922 654822 ✉ anthony.cox@walsall.gov.uk

Appendix 1

Draft Parental Leave Policy for Councillors

1. Aim of the Policy

- 1.2 This policy sets out councillors' entitlements to Parental Leave (covering maternity, paternity, shared parental and adoption leave) and relevant allowances.
- 1.3 The objective of the policy is to provide a positive environment for members with family responsibilities so that our cross-section of members are representative of our community. The policy will contribute towards increasing the diversity of experience, age and background of councillors. It will also assist with retaining experienced councillors and making public office more accessible to individuals who might otherwise feel excluded from it.

2. Leave Provisions of the Policy

- 2.1 Councillors, who are the designated carer, are entitled to up to 6 months parental leave from the due date, or date of placement in respect of adoption, with the option to extend up to 52 weeks by agreement if required (see para 2.8).
- 2.2 In addition, where the birth is premature, the councillor is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.
- 2.3 In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement (see para 2.6), and such exceptional leave shall not be deducted from the total 52 week entitlement.
- 2.4 A councillor 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 leave from Council. In circumstances where no Shared Parental Leave arrangements are available the Council will consider an alternative pattern of leave.
- 2.5 Where both parents are councillors leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 52 weeks. Special and exceptional arrangements may be made in cases of prematurity.
- 2.6 Any councillor who takes parental leave retains their legal duty under the Local s85 Government Act 1972 to attend a meeting of the Council within a six month

period unless there is agreement by Council to an extended leave of absence prior to the expiration of that six month period.

- 2.7 Any councillor intending to take parental 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.
- 2.8 Any councillor taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.
- 2.9 Absences from Council meetings during any period of Parental Leave will be noted as such, rather than being attributed to general absence.

3. Basic Allowance and Special Responsibility Allowances (SRAs) During Parental Leave

- 3.1 All councillors shall continue to receive their Basic Allowance in full whilst on parental leave.
- 3.2 Councillors entitled to a Special Responsibility Allowance (SRA) shall continue to receive their allowance in full in the case of parental leave
- 3.3 If a councillor holds a position that attracts a SRA it may be necessary to appoint a replacement. Where a replacement is appointed to cover the period of absence that person shall receive a SRA on a pro rata basis for the period of the temporary appointment.
- 3.4 The payment of SRA, whether to the primary holder or a replacement, during a period of parental leave shall continue for a period of six months, or until the date of the next Annual Meeting of the Council, the Leader's decision on Cabinet appointments or until the date when the councillor taking leave 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 six month period.
- 3.5 Should a councillor appointed to replace the councillor on parental leave already hold a remunerated position, the ordinary rules relating to payment of more than one SRA shall apply.
- 3.6 Unless the councillor taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, the Leader's decision on Cabinet appointments or unless the Party 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 post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

4. Resigning from office and elections

- 4.1 If a councillor decides not to return at the end of their parental leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.
- 4.2 If an election is held during the councillor's parental 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 technically leave office.

5. Ward Duties

- 5.1 Councillors who take parental leave will be able to nominate another councillor to deal with local issues in their Ward, in consultation where applicable with the relevant Group Leader. It will be the responsibility of the councillor and Group Leader to hold discussions with their preferred nomination to arrange this.
- 5.2 Where a councillor has limited alternatives to nominate due to low political representation, the Leader will decide with the member the most appropriate way in which their ward duties can be covered.
- 5.3 Councillors are responsible for putting an out of office message redirecting queries to a designated councillor. However, if they still wish to respond to emails/correspondence whilst taking parental leave, they are at liberty to undertake this activity.
- 5.4 Democratic Services will provide help and advice where appropriate and arrange for officers in service areas to respond to enquiries.

6. Parental Bereavement Leave (miscarriage or still birth)

- 6.1 The council's policy for employees is extended to councillors.