



Department for Levelling Up,
Housing & Communities

Simon Hoare MP
Minister for Local Government
2 Marsham Street
London
SW1P 4DF

Leaders of Local Authorities in England

21 March 2024

Dear Leader,

Accommodating councillors with need of maternity, paternity or neonatal care leave

The Neonatal Care (Leave and Pay) Act 2023 makes provisions for employees with responsibility for children receiving neonatal care. This expands on existing statutory family-related leave and pay entitlements available to employees, such as maternity, paternity, adoption, and shared parental leave and pay. Councillors are not in scope of these provisions by virtue of the fact that they are not legally classified as employees.

Whilst appreciating that many councils will already have relevant policies in place, I am keen to ensure that councils consider the provisions at Section 85 (1) of the Local Government Act 1972 as a means of providing flexibility to those councillors who may need to care for their children, including those who are receiving neonatal care.

Section 85 (1) requires a member of a local authority to attend at least one meeting of that authority within a six-month period, unless the authority has approved their period of absence for any reason it deems necessary. This effectively gives authorities the discretion to allow longer periods of absence as needed by members with children requiring neonatal care, with no loss of their basic allowance, or, if relevant, a Special Responsibility Allowance, as long as the request is approved before the end of the six-month absence period.

Councillors who wish to apply for this dispensation should write to the appropriate officer. The Government encourages councils to look sympathetically at accommodating such requests, and to show understanding and flexibility to councillors who need to care for their children, including those who are receiving neonatal care.

I hope you agree that this is the right thing for councillors. I would be grateful if you could bring the contents of this letter to the attention of all current members of your council, the town and parish councils within your area, and your council's Chief Executive and Monitoring Officer.

This letter will be published on gov.uk for guidance purposes.

SIMON HOARE MP
Minister for Local Government