

Constitution Committee – 30 January 2020

Parental leave for councillors

A Background

A1 At the last meeting of the Constitution Committee members considered the motion passed by the Council in May 2019:

This Council notes

- a) *The under-representation of women at all levels of politics*
- b) *Nationally only 4% of councils have a policy on parental leave for councillors.*
- c) *Whilst proper parental leave is important to all parents, it has been particularly highlighted as an issue affecting women's participation in local government.*

Consequently this Council resolves to task the Constitution Committee to develop policies and, if necessary, constitutional amendments, to give councillors similar rights to parental and adoptive leave as members of staff.

A2 There is no legal right to parental leave for people in elected public office. This applies to MPs as well as councillors and has been the subject of lengthy debate. Policies can therefore only currently be implemented on a voluntary basis.

A3 The Council's Independent Remuneration Panel (IRP) has indicated support for the development of a local scheme for elected members.

A4 At the meeting on 14 October 2019, members requested that officers develop a policy that was as close as possible to the arrangements in place for GCC staff. The proposed policy follows the provisions of the staff scheme but recognises that members are not employees and have no entitlement to statutory maternity pay.

B Proposed policy

1 Introduction

1.1 This policy sets out members' entitlement to maternity and adoption leave allowances.

- 1.2 The objective of the policy is to ensure that members are able to take appropriate leave at the time of birth or adoption, 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.
- 1.3 Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of councillors. It will also assist with retaining experienced councillors, particularly women, and making public office more accessible to individuals who might otherwise feel excluded.

2 Leave periods

- 2.1 Members giving birth are entitled to up to six months' maternity leave from the due date, with the option to extend up to 52 weeks by agreement with the relevant Group Leader.
- 2.2 Members are entitled to take two weeks' paternity leave if they are the biological father or nominated carer of their partner/spouse following birth.
- 2.3 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, with the option to extend up to 52 weeks by agreement with the relevant Group Leader.
- 2.4 Any member who takes leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period unless Council agrees to an extended leave of absence prior to the expiration of that six month period. The normal expectation is that Council will approve an absence period of more than six months.
- 2.5 Any member intending to take 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.
- 2.6 Any member taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

3 Basic Allowance

- 3.1 All Members shall continue to receive their Basic Allowance in full whilst on leave.

4 Special Responsibility Allowances

- 4.1 In line with the GCC staff scheme, members entitled to a Special Responsibility Allowance (SRA) shall receive the following:
- Weeks 1 to 6 – 90% of SRA
 - Weeks 7 to 18 – 50% of SRA
 - Weeks 19 to 52 – no payment but retain the right to return to same position or an alternative position with equivalent status and remuneration.
- 4.2 SRA for up to two weeks' paternity leave will be paid at the full rate.
- 4.3 In the event of the political control of the Council changing and a member no longer holds the same position, the member's leave will end at that time.
- 4.4 Where a replacement is appointed to cover the period of absence that member shall receive an SRA for the period of the temporary appointment.

5 Resigning from office and elections

- 5.1 If a member decides not to return at the end of their leave they must notify the Council at the earliest opportunity. All allowances will cease from the effective resignation date.
- 5.2 If an election is held during the member's 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 have left office.

6 Representative role

- 6.1 Wherever possible, political groups will put arrangements in place to help with casework and related issues.
- 6.2 Democratic Services will provide help and advice where appropriate, and arrange for officers in service areas to respond to enquiries. For example, highways officers will be able to deal with enquiries relating to the condition of local roads or safety concerns.

7 Review

- 7.1 This policy will be reviewed to ensure that it continues to reflect the provisions in the relevant policies for Council staff.

7.2 Should any dispute arise over the interpretation of this policy, reference will be to the relevant GCC staff policies and the Monitoring Officer, in consultation with the Section 151 Chief Finance Officer, will determine the position.

C Recommendation

C1 To recommend that the Council adopt the proposed scheme and include it in Part 5 of the Council Constitution.

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