

COUNCIL

23 September 2021

TITLE OF REPORT: COUNCILLORS PARENTAL LEAVE POLICY

REPORT OF: SERVICE DIRECTOR: LEGAL AND COMMUNITY

EXECUTIVE MEMBER: COMMUNITY ENGAGEMENT

COUNCIL PRIORITY: WELCOMING, INCLUSIVE AND EFFICIENT COUNCIL

1. EXECUTIVE SUMMARY

This report provides a draft Councillor Parental Leave Policy for approval. This would introduce a right to such leave, that would potentially stretch to beyond 6 months, with continued allowances.

2. RECOMMENDATIONS

2.1. That Council approves the Policy at Appendix A

3. REASONS FOR RECOMMENDATIONS

3.1 There is presently no legal right to Parental (maternity, paternity or adoption) leave for Councillors. Councils may approach this issue individually and this is one step that can be taken by this Council to demonstrate it is welcoming to all and be as inclusive / family friendly for Councillors as possible.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 Do nothing – and wait until the potential issue arises or the legislation is updated; however, this is not seen as the preferable option.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 The request for such a Policy was made by the Deputy Leader to the Service Director: Legal and Community. The draft Policy was considered internally by the Political Liaison Board and the steer was to take this forward to Council. Consultation also took place on the final draft with the Executive and Deputy Members for Community Engagement.

6. FORWARD PLAN

6.1 This is a Full Council matter and not a Key Executive Decision, and therefore not on the Forward Plan of Key Executive Decisions.

7. BACKGROUND

7.1. Although this has been an ongoing issue, recent analysis by the Fawcett Society indicated that female Councillor representation in local government was at a relative standstill, with only a third of candidates for 2021 being female¹, demonstrating a continuation of similar figures from previous analysis in 2019² and 2017. So whilst this Policy is aimed at the issue of Parental leave, this is a step that can be taken to enable people of varying ages / backgrounds to become Councillors and to aid in the retention of experienced Councillors who might otherwise feel induced to give up their position upon becoming a parent.

7.2. Previous analysis³ found that just 8% of Councils have a 'maternity' policy in place for their senior Cabinet-level Councillors. Only 7% of Councils have a 'maternity' policy in place that covered other Councillor roles. There have been informal comments this year that legislation may be introduced to provide such rights for parental leave to local

¹ <https://www.fawcettsociety.org.uk/news/new-data-shows-only-a-third-of-local-election-candidates-are-women>

² [2019 fawcett data reveals that womens representation in local government at a standstill](https://www.fawcettsociety.org.uk/news/2019-fawcett-data-reveals-that-womens-representation-in-local-government-at-a-standstill)

³ *ibid*

Councillors; however, this may not materialise for some time and it is therefore prudent to progress consideration of such a Policy.

- 7.3. The Policy appended at A, is based on the Local Government Association (LGA) promoted Policy for Councils. This has been varied to provide that Parental Leave is an agreed reason for absence beyond 6 months as per 9.1 of the Legal Implications below, *providing* a Councillor complies with the necessary notification and Group Leader agreement requirements. Additional provisions have been added therefore to the LGA promoted model (under sections 1.10-1.13, and 5). Allowances are also covered in the Policy, making it clear that these would continue during periods of leave (see Legal implications 9.2 below, and the Policy – sections 2-3).
- 7.4. The objective of this Policy is therefore to ensure, insofar as possible, that Councillors can take appropriate leave at the time of birth or adoption (including surrogacy), that both parents are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for Executive and other roles in receipt of Allowances during any period of leave taken.

8. RELEVANT CONSIDERATIONS

- 8.1. As indicated, there is no legal right to Parental leave if you are an elected Councillor. The LGA promote the Policy upon which Appendix A is based, a number of authorities have adopted this, or a similar model and it is stated that legal advice has been obtained in relation to it.

9. LEGAL IMPLICATIONS

- 9.1. Section 85 Local Government Act 1972 provides that a Councillor will have vacated their elected office (automatically by operation of law) if they fail to attend any meetings of the authority for a consecutive period of 6 months. This is unless the reason for the non-attendance has been pre-approved by Full Council. *In approving this Policy, Full Council is providing pre-approval for a possible extension up to a maximum 52 weeks in the case of maternity (or adoption) leave, (or slightly longer in exceptional cases of prematurity) without the need to report this back to Full Council under the arrangements described in the Policy.*
- 9.2. In respect of payments of allowances, the Local Authorities (Members' Allowances) (England) Regs 2003/1021 sets out categories of allowances that can be paid and circumstances under which they would cease. *In approving this Policy, however, the Council is acknowledges and confirms that during periods of Parental Leave, that no Basic or Special Responsibility Allowance (SRA) (or other allowances payable under legislation such as for being the Chair or Vice Chair of Full Council) would end, in the latter case as the Councillor is not deemed for this purpose to have officially vacated that role, until or unless they are removed, are not reappointed, resign, or retire at the end of the election term or are not re-elected.*

10. FINANCIAL IMPLICATIONS

- 10.1 It is unclear what those implications would be at this stage, but anticipated as relatively minimal. If the Policy results in a significant shift in the demographic of Councillors, and it becomes clear that a regular budget allocation will be required, then this will be factored it to budget estimates. No additional budget provision (other than the general Member Allowances budget) is therefore currently identified at this stage – unless Full Council instructs the Chief Finance Officer to include for the 2022-2023 budget process.

11. RISK IMPLICATIONS

- 11.1. There is a risk in relation to the cost of this Policy. This is balanced against the advantages that this Policy brings in relation to encouraging new Councillors and retaining existing Councillors.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

- 12.2 This can only be seen as a positive step to take towards eliminating discriminatory conditions in local government, and improving the accessibility of being a Councillor for people of varying backgrounds, ages and genders.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and “go local” policy do not apply to this report as this is not a procurement exercise or contract.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1 There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 There are no direct human resource implications relating to this report.

16. APPENDICES

- 16.1 Appendix A – Parental Leave Policy.

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

- 18.1 None other than those indicated in the report.