



DEMOCRATIC SERVICES COMMITTEE - 13TH JUNE 2013

SUBJECT: WELSH GOVERNMENT CONSULTATION ON THE DRAFT 'FAMILY ABSENCE FOR MEMBERS OF LOCAL AUTHORITIES (WALES) REGULATIONS 2013 AND STATUTORY GUIDANCE ON FAMILY ABSENCE'

REPORT BY: ACTING CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To seek Members views on the Welsh Government's consultation on the draft Family Absence for Members of Local Authorities (Wales) Regulations 2013 and the associated draft Statutory Guidance.

2. BACKGROUND

- 2.1 The Local Government (Wales) Measure 2011 created an entitlement to five types of family absence for local authority members: maternity absence; newborn absence; adopter's absence; new adoption absence and parental absence. The draft Regulations prescribe the conditions that must be satisfied by Members to be entitled to family absence, make provision for record keeping, cancellation of absence by a local authority, complaints and duties exercisable by members during any period of absence. The draft guidance provides further explanation for local authorities in implementing the draft regulations.

3. LINKS TO STRATEGY

- 3.1 The introduction of family absence provides Members with certain childcare responsibilities with a recognised and legitimate absence framework, which will guard against potential criticism for not fulfilling their duties.

4. THE REPORT

- 4.1 The Welsh Government recently issued a consultation on the above draft regulations and Statutory Guidance. The consultation documents are attached as appendices, however, the regulations set out the following range of family absence entitlements for councillors as summarised below:

- Maternity Absence – Available to pregnant members who can take an absence period of up to a maximum of 26 weeks.
- Newborn Absence – Available to a member who is married to, the civil partner or partner of a child's mother. Up to two consecutive weeks are available to be taken within 56 weeks of a child's birth.
- Adopters Absence – Available to a member who adopts a child. Up to two consecutive weeks are available to be taken within 56 days of a child being adopted.
- New Adoption Absence – Available to a member who is married to, the civil partner or partner of a person adopting a child. Up to two consecutive weeks are available to be taken within 56 days of a child being adopted.

- Parental Absence – Available to a member who has or expects to have responsibility for the care of a child and does not satisfy the criteria for Maternity Absence, Newborn Absence, Adopters Absence or New Adoption Absence. Up to 90 days can be taken in a single or a series of absences from the date a councillor assumes responsibility for the care of a child under the age of 14 and ends 1 year later.

4.2 A Councillor must meet certain criteria in order to qualify for the family absences and inform the Head of Democratic Services (HDS). On receipt of a request for a family absence the HDS must inform the Mayor, Chair of Democratic Services and Group Leaders.

4.3 A member on Maternity or Parental Absence can continue with certain roles and attend certain meetings subject to qualifications required to be included in the Council's constitution and the approval of the Mayor. The Council must also include in its constitution the extent of the duties Members can undertake while on a period of family absence.

5. EQUALITIES IMPLICATIONS

5.1 There are no equalities implications as a result of this report.

6. PERSONNEL IMPLICATIONS

6.1 There are no personnel implications arising from this report.

7. FINANCIAL IMPLICATIONS

7.1 There are no financial implications arising from this report.

8. CONSULTATION

8.1 There are no consultation responses, which have not been incorporated into the report.

9. RECOMMENDATION

9.1 Members are invited to give their views, which will form the basis of the Council's response to the Welsh Government's consultation exercise.

10. REASONS FOR THE RECOMMENDATIONS

10.1 To respond to the Welsh Government's consultation.

11. STATUTORY POWERS

11.1 The Local Government (Wales) Measure 2011.

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Appendices:

Appendix 1 The Draft Family Absence for Members of Local Authorities (Wales) Regulations 2013.
Appendix 2 The Draft Family Absence Statutory Guidance.