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For all enquiries relating to this agenda please contact Madia Afzal
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Date: 10th March 2022

Dear Sir/Madam,

A meeting of the **Democratic Services Committee** will be held via Microsoft Teams on **Thursday, 17th March, 2022 at 5.00 pm** to consider the matters contained in the following agenda. Councillors and the public wishing to speak on any item can do so by making a request to the Chair. You are also welcome to use Welsh at the meeting, both these requests require a minimum notice period of 3 working days.,

This meeting will be recorded and made available to view via the Council's website, except for discussions involving confidential or exempt items. Therefore the images/audio of those individuals speaking will be publicly available to all via the recording on the Council website at www.caerphilly.gov.uk

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Chrissy'.

Christina Harrhy
CHIEF EXECUTIVE

AGENDA

- | | Pages | |
|---|-----------------------------------|--|
| 1 | To receive apologies for absence. | |
| 2 | Declarations of Interest. | |

Councillors and Officers are reminded of their personal responsibility to declare any personal

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and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

To approve and sign the following minutes: -

3 Democratic Services held on 22nd November 2021. 1 - 4

To receive and consider the following report(s): -

4 Members Induction 2022. 5 - 16

5 Changes To The Family Absence Protocol For Members Of Local Authorities. 17 - 24

6 Verbal Update - Outcome On Poll Of Members on the Provision Of Mobile Phones.

Circulation:

Councillors C. Andrews, P.J. Bevan, W. David, D.T. Davies, A. Farina-Childs, Mrs C. Forehead, A. Hussey, M.P. James (Chair), L. Jeremiah, G. Kirby (Vice Chair), C.P. Mann, Mrs G.D. Oliver, Mrs M.E. Sargent, C. Thomas and W. Williams

And Appropriate Officers

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DEMOCRATIC SERVICES COMMITTEE

MINUTES OF THE REMOTE MEETING HELD VIA MICROSOFT TEAMS ON MONDAY, 22ND NOVEMBER 2021 AT 5:00PM

PRESENT:

Councillor M.P. James - Chair
Councillor G. Kirby - Vice-Chair

Councillors:

Councillors: C. Andrews, W. David, D.T. Davies, A. Hussey, L. Jeremiah, Mrs M.E. Sargent, C. Mann and W. Williams.

Together with:

L. Lane (Head of Democratic Services and Deputy Monitoring Officer), M. Afzal (Committee Services Officer) and E. Sullivan (Senior Committee Services Officer).

1. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllrs G. Oliver, C. Thomas, C. Forehead, A. Farina-Childs and P. J. Bevan.

2. **DECLARATIONS OF INTEREST**

A Personal interest was declared by all Members in relation to **Agenda Item No. 4 – The Independent Remuneration Panel for Wales Draft Report for 2022/23**, in that it related to Members own remuneration. As the interest was personal only this would not preclude members from remaining in the meeting and participating in this item.

3. **DEMOCRATIC SERVICES COMMITTEE HELD ON 19TH NOVEMBER 2020**

RESOLVED that the minutes of the meeting held on the 19th of November 2020 be approved as a correct record.

4. **DRAFT REPORT OF THE INDEPENDENT REMUNERATION PANEL FOR WALES 2022/23**

A Personal interest was declared by all Members in relation to this item, in that it related to Members own remuneration. As the interest was personal only this would not preclude Members from remaining in the meeting and participating in this item.

Consideration was given to the report which sought the Committee's views on the Independent Remuneration Panel for Wales draft Annual report for 2022/23. The comments will be presented to the Panel prior to the response deadline of 26th November 2021.

Members were referred to the summary of the new and updated determinations which were set out in Annex 5 of the draft report and attention was drawn to the proposal to increase the Basic Salary for Members of Principal Councils from £14,368 to £16,800 together with an increase in senior salary payments as set out in paragraph 5.6.2 of the report. The draft report recognised that for several years payments to elected members of the 22 principal councils has not kept pace with the original comparator that was used to set the basic salary, or any other public sector comparison and as such the Panel decided it was an opportune time to rectify this situation and to reinstate the link to the average Welsh earnings as detailed in the draft report. It was noted that the Panel's final determinations for 2022/23 will be published in February 2022 and that Members will be fully appraised of the final report following its publication.

A Member queried the provision of support to Members as set out in the draft report which states that elected members are to be given as much support as was necessary to fulfil their duties effectively. In particular the Member felt that that the provision of a Council mobile phone would be beneficial and would allow Members to carry out their roles in a more effective way. A discussion ensued with a Member supporting the installation of software on their personal phones which allowed access to emails rather than the provision of a separate council phone. Whilst the availability of the software was noted, some Members may not want to mix personal and Council business on their phones. Following the discussion, the Committee accepted a proposal that the Head of Democratic Services would conduct a poll of Members to gauge opinion on the provision of a Council mobile phone and report back to the Committee.

Clarification on the percentage increase to the basic salary was sought. The Officer explained that the increase in salaries for this year when compared to last year was substantial in that the increase for 2020/21 was £150 on the basic salary whilst this year the increase proposed is over £2000. It was explained that the reason for this increase was to promote diversity in democracy and encourage representation from across the community. The Panel felt that the forthcoming Local Government Elections in May was the right time to press the reset button.

Members welcomed the proposal to increase the salary for Members noting that it would encourage more people to become councillors

The Officer sought clarification on the response which would be communicated to the Independent Remuneration Panel and members confirmed that they would support the draft report.

Following consideration and discussion, it was moved and seconded that the recommendation in the report be approved. By way of electronic voting this was unanimously agreed.

RESOLVED that for the reasons contained in the Officer's report: -

The Democratic Services Committee support the Panel's draft Annual Report for 2022/23 attached at Appendix 1 and this response be submitted by the Head of Democratic Services to the Independent Remuneration Panel for Wales by 26th November 2021.

5. DIVERSITY IN DEMOCRACY ACTION PLAN

Consideration was given to the report which asked the Committee to consider and agree the Diversity in Democracy Action Plan. The Officer presented the report and outlined the key commitments together with the associated timelines. Members' attention was drawn to the appointment of Diversity Ambassadors which were welcomed.

A Member sought clarification on training for Members and whether more individuals would be assigned to provide training. The Committee was advised that an induction programme was

currently being finalised which would offer a range of training both in person and remotely. The Officer confirmed that a report on the induction programme would be brought back to Committee and Council and that Democratic Services staff would be on hand to support existing and new Members. Members noted the response and thanked the Democratic Services Team for their outstanding work.

The Officer highlighted that the induction programme was based on feedback received following the last induction. The programme would be tailored to meet changing needs of Elected Members and would include Mandatory session, such as Code of Conduct and Recommended Session such as Smart and Safe Working Practices but would also provide information sessions focused on the various Directorates and the services they provide. These sessions have developed because of feedback from the last induction, which highlighted a desire for more practical/service focused information. This year's Induction would also include an electronic directory which would be available to Members in hard copy upon request. The electronic directory would contain focal points of contacts from across the various directorates. The Officer also directed Members to the feast of information that was accessible through the intranet, Members Portal, Democracy Webpages, and the Mod.Gov app.

It was felt that newly elected Members could benefit from buddies/mentors and that it would be useful for them to be paired up with existing or established Councillors. The Officer confirmed that Members' views would be sought via a forthcoming questionnaire which would be circulated.

Following consideration and discussion, it was moved and seconded that the recommendation in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officer's report: -

The Draft Action Plan as presented to the Committee be taken forward in the period leading up to the 2022 elections and beyond.

Approved and signed as a correct record subject to any corrections made at the meeting held on 17th March 2022.

The meeting closed at 17:50

CHAIR

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DEMOCRATIC SERVICES COMMITTEE – 17TH MARCH 2022

SUBJECT: MEMBERS INDUCTION 2022

REPORT BY: CORPORATE DIRECTOR EDUCATION AND CORPORATE SERVICES

1. PURPOSE OF REPORT

- 1.1 The report outlines the proposed induction programme for newly elected and returning Councillors following the local government elections in May 2022 for the consideration of Democratic Services Committee prior to its approval by Council.

2. SUMMARY

- 2.1 The work of a Councillor is complex and challenging and the political, legislative and local landscape in which they work is changing constantly. Communities have high expectations of their elected representatives from the day of their election and throughout their period of office. It is therefore essential to be able to quickly and successfully navigate the different aspects of local government. This report outlines the importance of induction and presents a draft induction programme for the approval of the Democratic Services Committee prior to its presentation to Council.

3. RECOMMENDATIONS

- 3.1 That Members consider and note the Induction Programme as detailed in Appendix 1 of the report and recommend its approval to Council.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To support newly elected and returning Councillors understand their roles and responsibilities as elected Members

5. THE REPORT

- 5.1 An induction programme is an important development opportunity as it enables Councillors to quickly become familiar with how the council works, the rules and procedures under which it operates and the complexities of the elected member role.

- 5.2 The proposed induction programme (Appendix 1) will be delivered over the first few months of the new Council term and will provide Members with an opportunity to clearly establish their roles and responsibilities and to build positive working relationships with Officers from the outset. The programme has been designed to highlight key council information and its policies and procedures which should enable Councillors to actively and rapidly participate in the business of council, increasing their confidence in their ability to make informed and effective decisions from the start of their term of office. The draft Induction Programme has been informed by the [WLGA Competency Framework](#) and will also tie into the wider Members Training and Development Programme that will run for a 2-year period following the election.
- 5.3 To support the induction programme an electronic Members Information Pack will also be produced and will include a timetable of meetings, links to core policies and procedures, frequently asked questions and useful contact numbers and will be distributed to Members when they sign the Acceptance of Office register and collect their IT Equipment. Paper copies will also be made available on request and all documents will comply with accessibility requirements. It is also proposed to circulate a copy of the Induction Programme as agreed by Council to prospective candidates in advance of the elections as an awareness raising exercise.

Overview of the Induction Programme

Presentation and Directorate Show Case 'Your Council'

- 5.4 The programme will commence on Tuesday, 10th May 2021 with a 'Directorate Show Case' exhibition and Presentation. The Presentation from the Chief Executive will be held physically and digitally and along with detailing the key services provided by the Council the Chief Executive will outline Caerphilly's organisational values and behaviours. The Show Cases will also be made available as a live event to those Members wishing to connect remotely. The Show Cases will provide Members with the opportunity to find out more about the Councils' services and meet Senior Officers as well as other Councillors. Heads of Service will be in attendance and provide Members with useful point of contact information and an organisational chart (including officer photographs) of their service area.

Each meeting room will host a Corporate Directorate, where the services provided will be highlighted, Rhymney Room will host Corporate Services and Education, the Sirhowy Room will host the Communities Directorate and the Ebbw Room will host Social Services and Housing.

As we need to plan these activities now but cannot know the position in terms of COVID 19 in May 2022, it is felt that the Showcase Exhibition as run in 2017 would not be appropriate to duplicate given continuing uncertainties. The committee room Show Case set up also helps to support staff that maybe utilising the agile working hubs throughout the day as it would minimise disruption this area of the building.

Mandatory Induction

- 5.5 The Mandatory Induction seminars presented are considered to be essential and encompass Members' statutory responsibilities and regulatory committee membership. These seminars will include Code of Conduct and Governance Arrangements, Information Governance and Data Protection, Licensing and Planning and Equalities and Diversity and will be delivered before the full committee cycle

begins.

Recommended Induction

- 5.6 The Recommended Induction seminars presented are considered to be important but not essential and include Smart and Safe Working Practices, which will look at Social Media and managing an on-line presence and hints, tips on working safely in the community and help provided to support mental health and work life balance; Introduction to Finance which will explain where the Council gets its funding and help Members to understand financial terminology, budget setting and medium term financial planning.

Part of the feedback that we received on the 2017 Induction Programme was that Members felt there was not enough information on the different directorates and how they worked. We have taken these comments on board and have incorporated a series of Introductory Sessions that will be facilitated by each Corporate Director and will provide Members with more detail on that Directorate's areas of responsibility, projects and plans coming forward.

The Recommended Induction programme also includes a series of mini 'Introduction to Committee' training sessions. All new Councillors, along with the committee membership, will be encouraged to attend these sessions which will explain the terms of reference for that committee, introduce them to the Officers they are likely to see on a regularly basis and take them through any decision-making considerations or appeal processes that they need to take into account. Newly elected Members will also be encouraged to attend and observe meetings if possible as an induction activity.

5.7 Wider Induction Process

As the end of the year progresses Members Seminars will incorporate topics that will introduce Partnership organisations such as the Gwent Public Services Board, and the Aneurin Bevan University Health Board and will also inform Members of their commitments as part of their wider Councillor role such as Violence Against Women, Domestic Abuse and Sexual Violence and Unconscious Bias and Protected Characteristics.

- 5.8 It should be noted that there may need to be minor date and or facilitator changes to the attached induction programme, and the subsequent Members Support and Development Programme depending on facilitator availability. Where such changes are required, we will notify Members in advance.

After Induction - Training Needs Analysis – Requested Training

- 5.9 During December 2022-January 2023 a training needs analysis questionnaire will be compiled and distributed. Members' responses will be analysed and from this the 2023-2025 Members Support and Development Programme will be developed which will be presented to the Democratic Services Committee for approval prior to its recommendation to Council.
- 5.10 We will continue to offer a mix of tutor led training sessions physical and online sessions, e-learning modules and seminars. As always, we will continue to support Members individual training requests within budgetary constraints.

5.11 Conclusion

The proposed induction programme will provide the best footing possible for newly elected Councillors as well as updating and informing returning Councillors. Allowing them to embrace roles and responsibilities with confidence and hit the ground running.

6. ASSUMPTIONS

6.1 No assumptions have been made.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

7.1 As this report is asking Democratic Services to note and comment on the Members Induction Programme 2022 an IIA is not necessary at this stage.

7.2 The Induction Programme 2022 forms part of the Councils commitment to Diversity in Democracy as it has been developed in line with the Diversity in Democracy Action Plan by providing training opportunities via multiple media and at staggered times. Sessions have been designed to ensure that Councillors are valued, developed and supported.

8. FINANCIAL IMPLICATIONS

8.1 Costs associated with the Induction Programme will be met from the Council's existing Members' training budget provisions

9. PERSONNEL IMPLICATIONS

9.1 The administration of the programme means additional tasks for the Democratic Services staff, but these will be met through existing budgets.

10. CONSULTATIONS

10.1 The report reflects to views of consultees.

11. STATUTORY POWER

11.1 Local Government Act 2001

Author: Emma Sullivan (Senior Committee Services Officer)
sullie@caerphilly.gov.uk

Consultees: C. Harrhy (Chief Executive)
D. Street (Acting Chief Executive)

R. Edmunds (Corporate Director Education and Corporate Services)
M.S. Williams (Corporate Director Communities and Economy)
R. Tranter (Head of Legal Services and Monitoring Officer)
L. Lane (Deputy Monitoring Officer and Head of Democratic Services)
Councillor P. Marsden (Leader of Council)
Councillor C. Mann (Leader of Plaid Cymru Group)
Councillor K. Etheridge (Leader of Independents Group)
Councillor M. James (Chair Democratic Services Committee)
Councillor G. Kirby (Vice Chair Democratic Services Committee)

Appendices:

Appendix 1 Induction Programme 2022

Background Papers:

[WLGA Competency Framework](#)

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INDUCTION EVENTS TIMETABLE 2022

PLEASE NOTE THAT ALL INDUCTION EVENTS WILL BE RECORDED AND WILL BE AVAILABLE FOR MEMBERS TO VIEW AT ANY TIME VIA THE MEMBERS PORTAL

DATE AND TIME	EVENT
5th May	Local County Borough Council Elections
Monday, 9th May 9.30am – 12.30pm 1.30pm – 4.30pm 5.30pm – 7:30pm	ALL ELECTED MEMBERS Signing Register/Collection of Members Packs/Photographs/HR and Salaries and Wages, distribution of IT Equipment (process will take approximately 30 minutes) – morning and afternoon sessions for building orientation and tour of Penallta House Offices
Tuesday, 10th May 4.00pm Market Place offered 5.00pm Presentation 6.00pm – 7.00pm Market Place	Presentation and Directorate Showcase ‘Your Council’ – Christina Harry, Dave Street, Richard Edmunds, Mark S. Williams, S. Harris and Heads of Service. Presentation by the Chief Executive on the key services provided by Council, organisational values and behaviours which will be held in the Council Chamber, Penallta House in person and by Live Event (offered as a choice to returning Members). Directorate Show Case set up will be held in the Rhymney (Corporate Services and Education), Sirhowy (Communities) and Ebbw (Social Services and Housing) Rooms by Directorate with an integrated simultaneous Multi-Localational Event. This will provide Members with the opportunity to find out more about the Council’s services and meet senior officers and other Councillors.
Wednesday, 11th May 2.00pm and 5.00pm	All Members Seminar - Code of Conduct and Governance Arrangements (Mandatory – combined with Live Event) - Rob Tranter/Lisa Lane/Gareth Jenkins (Safeguarding/Corporate Parenting) Presentation to explain: <ul style="list-style-type: none"> • Councillor role and responsibilities • Decision Making and Council Governance Structures • Code of Conduct • Overview of the Council’s Constitution • Rules of Debate • Corporate Parenting/Safeguarding Policy Held in the Council Chamber, Penallta House and via Microsoft Teams
Thursday, 12 th May 2.00pm and 5.00pm	All Members Seminar - Meeting Participation – Conduct and Etiquette — Lisa Lane/Rob Tranter/Cath Forbes-Thompson, Emma Sullivan (Recommended – combined with Live Event) To include training on Speaking at Meetings, Respect and Conduct, Motions

	and Amendments and Webcasting, Meeting Recordings Dos and Don'ts for physical and multilocational meetings
Monday, 16th May 2.00pm and 5.00pm	<p>All Members Seminar – Information Governance and Data Protection (Mandatory – combined with Live Event) – Carl Evans (Information Governance)</p> <p>Presentation to explain:</p> <ul style="list-style-type: none"> • the requirements of data protection legislation and the penalties if data protection rights are not upheld, including the risk of up to £500,000 fines for mishandling of information. • how to handle information safely and effectively, and to comply with your data protection and freedom of information legal obligations, to protect the Council, the public, and yourselves. <p>Held in the Council Chamber, Penallta House and Online Live Event</p>
Tuesday, 17 th May 2.00pm and 5.00pm	<p>All Members Seminar – Member Support and Working in a Digital Environment – Mark Cooper, Michelle Riley, Emma Sullivan, Lisa Lane, Cath Forbes-Thompson (Recommended combined with Live Event)</p> <p>To include training on Microsoft Office, Meeting Requests, Mod. Gov. Meeting Packs, Members Portal, Services Requests and Multi-Location Meetings, CCBC Website, meeting the Democratic Services Team, Points of Contact, Equipment Support and Stationery Requests.</p>
Wednesday, 18 th May 5.00pm	<p>All Members Seminar – Smart and Safe Working Practices – IT, Communications Unit and Head of People Services, Health and Safety – CCBC Officers/WLGA/Gwent Police (Recommended Combined with Live Event)</p> <p>The presentations to explain:</p> <ul style="list-style-type: none"> • How to work safely in the community • Organising and holding ward surgeries • Using Social Media/Social Media Policy • Managing your on-line presence • Stress Management, Personal Resilience and Work Life Balance <p>Held in the Council Chamber, Penallta House and Online Live Event.</p>
	<p>ANNUAL GENERAL MEETING OF COUNCIL The Council Chamber, Penallta House</p>
Monday 23 rd May 5.00pm	<p>All Members Seminar (Recommended) – An introduction to Social Services and Housing Directorate</p> <p>Corporate Director for Social Services and Housing/ Assistant Directors/Chief Housing Officer</p> <p>Presentation on the Directorate Areas of Responsibility, Chief Officers, Projects and Plans and the role of the Elected Member within this area (Corporate Parenting, Safeguarding, Reporting and Supporting, Scrutiny - Housing and Regeneration Scrutiny Committee & Social Services Scrutiny Committee)</p>

	<p>Communications Unit to provide a short video clip.</p> <p>Held in the Council Chamber, Penallta House and Online Live Event</p>
<p>Tuesday 24th May</p> <p>5.00pm</p>	<p>All Members Seminar (Recommended) – An introduction to Education and Corporate Services Directorate</p> <p>Corporate Director for Education and Corporate Services/Heads of Service/Chief Education Officer</p> <p>Presentation on the Directorate Areas of Responsibility, Chief Officers, Projects and Plans and the roles of the Elected Member within this area (21st Century Schools, Education Attainment, Education Admissions and Appeals, Finance, Performance, IT and Customer Services, Licensing & Trading Standards, Transformation, Scrutiny – Education Scrutiny Committee and Policy and Resources Scrutiny Committee)</p> <p>Communication Unit to provide a video clip.</p> <p>Held in the Council Chamber, Penallta House and Online Live Event</p>
<p>Wednesday 25th May</p> <p>5.00pm</p>	<p>All Members Seminar (Recommended) – An Introduction to Communities and Economy Directorate</p> <p>Corporate Director for Communities and Economy</p> <p>Presentation on the Directorate Areas of Responsibility, Chief Officers, Projects and Plans and the roles of the Elected Member within this area (Regeneration, Waste, Engineering, Parks, Highways, Civil Parking, Town Centres, Business Development, Scrutiny – Housing and Regeneration Scrutiny Committee, Environment and Sustainability Scrutiny Committee and Policy and Resources Scrutiny Committee.</p> <p>Communications Unit to provide video clip.</p> <p>Held in the Council Chamber, Penallta House and Online Live Event</p>
<p>Thursday, 26th May</p> <p>5.00pm</p>	<p>All Members Seminar (To Include Lay Members of Governance and Audit Committee) – Introduction to Finance, Governance and Audit</p> <p>(Mandatory for Members of the Governance and Audit Committee – Recommended to Newly Appointed Councillors)</p> <p>Presentation will explain:</p> <ul style="list-style-type: none"> • Where the Council gets its funding and how it is spent • Understanding Financial Terminology • Budget setting and medium-term financial planning • The role of the Governance and Audit Committee <p>Held in the Council Chamber, Penallta House and Online Live Event</p>
<p>MEETING CYCLE BEGINS</p>	
<p>Monday, 30th May</p>	<p>All Members Seminar – Planning (Mandatory for Members of the Planning Committee – Appointed at AGM and Recommended to Newly Appointed</p>

2.00pm and 5.00pm	Councillors) Background and introduction to the Council's Planning responsibilities. Held in the Council Chamber, Penallta House and Online Live Event.
Wednesday, 1 st June 10.30am	CABINET
Wednesday, 1 st June 2.00pm and 5.00pm	All Members Seminar – Licensing (Mandatory for Member of the Licensing Committees and Recommended to Newly Elected Councillors) Background and introduction to the Council's Licensing and Trading Standards responsibilities Held in the Council Chamber, Penallta House and Online Live Event.
Monday, 6 th June 5.00pm	Training - Charing Skills in a Multilocational Environment – External Facilitator (Mandatory for Chairs appointed at AGM – Recommended to Members with an Interest in Chairing) Held in the Council Chamber, Penallta House and Online Live Event
Tuesday, 7 th June 5.00pm	COUNCIL
Wednesday, 8 th June 4.00pm – 5.00pm Formal Meeting	INTRODUCTION TO THE PLANNING COMMITTEE (30 MINS) – FOLLOWED BY THE FORMAL PLANNING COMMITTEE AT 5.00PM (Mandatory for Planning Committee Members)
Thursday, 9 th June 10.00am	TAXI AND GENERAL LICENSING SUB COMMITTEE MEETING
Monday 13 th June 5.00pm	All Members Seminar - Welcome to Scrutiny – C. Forbes-Thompson/Mark Jacques (Mandatory for Scrutiny Members appointed at AGM – Recommended for all Other Councillors A guide to Scrutiny and your role as an elected Member. Held in the Council Chamber, Penallta House and Online Live Event
Tuesday, 14 th June 1.00pm – 2.00pm	INTRODUCTION TO THE GOVERNANCE AND AUDIT COMMITTEE (30 MINS) – FOLLOWED BY THE FORMAL MEETING AT 2.00PM <ul style="list-style-type: none">• Terms of Reference for the Committee• Asking Questions

	<ul style="list-style-type: none"> Meeting Procedures and Voting <p>Held in the Sirhowy Room, Penallta House.</p>
Monday, 20 th June 5.00pm	<p>All Members Seminar – Gwent Police and Crime Commissioner</p> <p>(Recommended to All Members)</p> <p>Members will be introduced to and receive a presentation from the Office of the Gwent Police and Crime Commissioner.</p> <p>Held in the Chamber at Penallta House</p>
Monday, 11 th July 5.00pm	<p>All Members Seminar (Recommended) – Gwent Police</p> <p>(Recommended to All Members)</p> <p>Members will receive a presentation from the Chief Constable for Gwent Police.</p> <p>Held in the Chamber Penallta House</p>
	AUGUST RECESS
Monday 10 th October 5.00pm	<p>All Members Seminar (Mandatory) – Violence Against Women, Domestic Abuse and Sexual Violence</p>
Monday 14 th November 5.00pm	<p>All Members Seminar (Mandatory) – Equalities/Diversity/Unconscious Bias and Protected Characteristics - Shiny Red Apple (Anna Morgan Facilitator)</p>

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DEMOCRATIC SERVICES COMMITTEE – 17TH MARCH 2022

SUBJECT: CHANGES TO THE FAMILY ABSENCE PROTOCOL FOR MEMBERS OF LOCAL AUTHORITIES

REPORT BY: HEAD OF DEMOCRATIC SERVICES AND DEPUTY MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise members of the changes to the Family Absence Protocol for Members of Local Authorities which increases the amount of paid absence a member is entitled to in respect of adoption leave and to ask committee to note the changes to the Family Absence Protocol attached at appendix 1 in bold italics.
- 1.2 To note that a report will be presented to Council seeking approval to incorporate the amended Protocol within the Constitution.

2. SUMMARY

- 2.1 To ask members to consider and note the changes to the period of adopter's absence for members as a result of the Local Government and Elections Wales Act 2021.

3. RECOMMENDATIONS

Members are asked

- 3.1 To note the content of the report and the changes made to the Family Absence for members of Local Authorities Protocol as set out in Appendix 1 and
- 3.2 To note that the report will be presented to Council seeking approval for the Head of Legal Services and Monitoring Officer to amend the Constitution by substituting the existing Protocol with the amended version attached.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To give effect to the changes made to adopter's absence for members.

5. THE REPORT

- 5.1 Part 2 of the Local Government Wales Measure 2011 introduced a new entitlement to family absence for Councillors subject to prescribed conditions being met which were set out in The Family Absence for Members of Local Authorities (Wales) Regulations 2013 (the 2013 Regulations). The regulations limited the maximum period of absence that could be taken for each of the five types of family absence: maternity absence, newborn absence, adopters' absence, new adoption absence and parental absence.
- 5.2 The Council adopted a Family Absence for Members of Local Authorities Protocol which is contained within Part 5 of the Constitution and a copy of which is attached at Appendix 1.
- 5.3 In more recent times Council's and the Welsh Local Government Association made representations for the regulations to be brought up to date. In response Welsh Government undertook consultation at the end of 2020 seeking views on the proposal to increase the period of adopter's absence from 2 to 26 weeks which was unanimously supported to those who responded to the consultation.
- 5.4 As a result the changes were brought about by the Local Government and Elections Wales Act 2021 (the Act) which removed the limitations on the maximum absence periods enabling them to be set at any level through new regulations.
- 5.5 The Family Absence for Members of Local Authorities (Wales) (Amendment) Regulations 2021 updated the 2013 Regulations to include specific provisions relating to adopters' absence increasing it from 2 to 26 weeks thus mirroring the period of absence for maternity leave. This will enable biological and adoptive parents to take the same amount of family absence to enable them to provide a supportive and nurturing environment for their children in the early stages of developing relationships and bonding. This is an important equality and diversity reform for local elected members.
- 5.6 The entitlement arises at the physical date of placement of the child with the member for adoption. It is the actual date of placement of the child, which is important for the start of this absence, not the date of placement according to any legal document. No evidence of adoption is required from the member in order to be entitled to a period of adopter's absence. Multiple children adopted at the same time would not enable a member to take multiple periods of adopter's absence.
- 5.7 A member who satisfies prescribed conditions as to their relationship with another person who is adopting a child as set out in the protocol may take two weeks new adoption absence. A member is not entitled to take adopter's and new adoption absence in relation to the same child. Multiple children adopted at the same time would not enable a member to take multiple periods of new adoption absence. If a member jointly adopts a child with another member, one member may elect to be the child's adopter for the purposes of the Regulations and would be entitled to a period of adopter's absence. The other member would not be entitled to a period of adopter's absence but would be entitled to a period of new adoption absence.
- 5.8 The regulations make a number of changes for adopter's leave similar arrangements to those already in operation regarding maternity leave and include the following
- Prescribes conditions a member must satisfy in order to be eligible for adopter's absence and procedures for varying the start date and duration of absence.

Provides that the period of adopter's absence is 26 weeks (subject to a member giving notice under the new regulation 14) and makes provision about the period of absence in situations where more than one child is adopted as part of the same arrangement.

Prescribes the period within which adopter's absence must start and that a member may choose the date on which the adopter's absence starts.

Prescribes how a member may bring a period of adopter's absence to an end.

Makes applicable to adopter's absence the same procedure for determining whether a member may undertake certain duties during their adopter's absence as applies to members wishing to undertake certain duties on maternity absence

5.9 Conclusion

Members are asked to note the content of the report and the updated provisions included in the Family Absence Protocol in bold italics at Appendix 1. Council will be asked to authorise the Head of Legal Services and Monitoring Officer to amend the Constitution to incorporate the updated Protocol.

6. ASSUMPTIONS

- 6.1 The changes reflect the legislative requirements and as such no assumptions are necessary within this report.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 7.1 As the report reflects statutory changes no Integrated Impact Assessment is necessary.

8. FINANCIAL IMPLICATIONS

- 8.1 The report of the Independent Remuneration Panel for Wales includes provision for family absence whereby an elected member on a basic salary or a senior salary holder is eligible, they will continue to receive their salary for the duration of the absence. It is a matter for Council to decide whether to make a substitute and must follow the provisions in the IRP report and the budgetary provision will be considered as and when necessary.

9. PERSONNEL IMPLICATIONS

- 9.1 There are no personnel implications arising from this report.

10. CONSULTATIONS

- 10.1 This report represents statutory changes however a copy of the report has been provided to the consultees below.

11. STATUTORY POWER

11.1 Local Government and Elections Wales Act 2021 and The Family Absence for Members of Local Authorities (Wales) (Amendment) Regulations 2021

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PROTOCOL FAMILY ABSENCE FOR MEMBERS OF LOCAL AUTHORITIES

1. BACKGROUND

1.1 The Family Absence for Members of Local Authorities (Wales) Regulations 2013 **as amended by the Family Absence for Members of Local Authorities (Wales) Regulations 2021** create an entitlement of Members to the following types of Family Absence:

(a) **Maternity Absence** – Available to pregnant Members who can take an absence period of up to a maximum of 26 weeks.

(b) **Newborn Absence** – Available to a Member who is married to, the civil partner or partner of a child's mother and expects to have responsibility for the upbringing of the child. Up to two consecutive weeks are available to be taken within 56 days of a child's birth.

(c) **Adopter's Absence** – Available to a Member who adopts a child **who can take an absence period of up to a maximum of 26 weeks. ~~Up to two consecutive weeks are available to be taken within 56 days of a child being adopted. Where more than one child is placed with the member as part of the same arrangement, a member is entitled to adopter's absence only in respect of the first child placed with the member for adoption.~~**

(d) **New Adoption Absence** – Available to a Member who is married to, the civil partner or partner of a person adopting a child and expects to have responsibility for the upbringing of the child. Up to two consecutive weeks are available to be taken within 56 days of a child being adopted.

(e) **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.

2. Members can claim a period of Family Absence by satisfying the following requirements:

2.1 Maternity Absence

(a) No later than 15 weeks before the expected week of childbirth or, if that is not practical, as soon as reasonably practical, a Member must give written notice to the Head of Democratic Services of:

- a. The Member's pregnancy.
- b. The expected week of childbirth.
- c. The date on which the Member intends the maternity absence will start.
- d. The duration of the period of maternity absence. The period of absence will be 26 weeks unless the Member specifies a shorter period of time.

(b) A Member can vary the period of absence by giving the Head of Democratic Services a new start date at least one week before the intended start date or at least one week before the new start date or, if that is not reasonably practicable, as soon as possible. Regardless,

Maternity Absence will start automatically on the day after childbirth, if the baby is born before the date specified by the Member.

(c) A Member must provide a certificate from a registered medical practitioner or midwife stating the expected week of childbirth if requested to do so by the Head of Democratic Services.

(d) A Member can vary the duration of Maternity Absence by giving the Head of Democratic Services written notice of the new duration by giving at least one week notice before the expected end of the absence or, at least one week before the intended new end of the period of absence or, if that is not practical, as soon as is reasonably practical.

(e) Maternity Absence may begin between the start of the 11th week before the expected childbirth and the day after childbirth occurs.

(f) Although a Member can choose the day on which their maternity absence starts, if a member is absent from a meeting during the 4 week period before the start of the expected childbirth due wholly or partly to pregnancy, the Maternity Absence will begin on the day after the meeting from which the Member was absent.

(g) A Member may cancel Maternity Absence at anytime before the start of Maternity Absence by giving written notice to the Head of Democratic Services.

2.2 Newborn Absence

(a) A Member must give the Head of Democratic Services written notice of the date the Member intends the period of Newborn Absence to start. The period of absence will be 2 consecutive weeks unless the Member specifies a shorter period of time.

(b) Newborn Absence may be taken between the day of childbirth and 56 days after that date.

(c) A Member may cancel Newborn Absence at anytime before the start of Newborn Absence by giving written notice to the Head of Democratic Services.

2.3 Adopter's Absence

(a) A Member must give the Head of Democratic Services written notice of the date the Member intends the period of Adopter's Absence to start ***and the duration of the period of adopter's absence the member intends to take if less than 26 weeks. Adopters' absence may begin either on the day on which the child is placed with the member for adoption or on any of the 14 days preceding that day and a member can chose the start date within these parameters. The period of absence will be 2 consecutive weeks unless the Member specifies a shorter period of time. The period of adopter's absence will be 26 weeks unless the member gives written notice that the period of adopter's absence will be shorter than 26 weeks.***

(b) A Member can vary the start date of the Adopter's Absence by giving the Head of Democratic Services written notice of the new start date at least one week before the original start date or at least one week before the new start date whichever is the earlier or, if that is not reasonably practicable, as soon as is reasonably practicable.

c) A Member can vary the duration of Adopter's Absence by giving the Head of Democratic Services written notice of the new duration at least one week before the expected end of the absence originally notified by the member or, at least one week before the new intended end of the period of absence whichever is the earlier or, if that is not practical, as soon as is reasonably practical.

(d) A Member may bring the period of adopter's absence to an end earlier that notified above by notifying the Head of Democratic Services in writing of their intention to do so at least 7 days before their return.

(e) A Member may cancel a period of Adopter's Absence at any time before the start of Adopter's Absence by giving written notice to the Head of Democratic Services

2.4 New Adoption Absence

- (a) A Member must give the Head of Democratic Services written notice of the date the Member intends the period of Adopter's Absence to start. The period of absence will be 2 consecutive weeks unless the Member specifies a shorter period of time.
- (b) New Adopter's Absence may be taken between the date on which a child is placed with the adopter and 56 days after that date.
- (c) A Member may cancel New Adopter's Absence at anytime before the start of New Adopter's Absence by giving written notice to the Head of Democratic Services.

2.5 Parental Absence

- (a) A Member must give the Head of Democratic Services written notice of:-
 - a. Their intention to take parental Absence.
 - b. The date on which the Member intends the Parental Absence will start.
 - c. The duration of the period of Parental Absence.
 - d. Whether the absence is intended to be taken as a single period or as a series of absences. Where Parental Absence is to be taken in a series of absences, a Member must give the Head of Democratic Services advance written notice of the intended start date and duration of each period of parental Absence.
- (b) If requested to do so, a Member must give the Head of Democratic Services evidence in relation to the extent that they have responsibility for the child.
- (c) The period of absence will be up to 90 days which 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.
- (d) A Member may cancel Parental Absence at anytime before the start of Parental Absence by giving written notice to the Head of Democratic Services.
- (e) A Member may bring any period of Parental Absence to an end earlier than intended by notifying the Head of Democratic Services in writing of their intention.

2.6 Records and Notification of Family Absence

- (a) The Head of Democratic Services will keep a record of all notifications and periods of maternity absence, parental absence, newborn absence, adopters' absence and new adoption absence (collectively referred to as family absence) taken and will inform the Mayor, Leaders of each political group and Chair of Democratic Services Committee of all periods of family absence.

2.7 Cancellation of Family Absence by Council

- (a) If the Head of Democratic Services suspects that a Member is not entitled to the family absence as notified, he/she may cancel or end a Member's family absence if he/she is of the view that the Member is not entitled to such absence in accordance with the Regulations.
- (b) A Members remuneration will be withheld if a Member does not return from family absence by the date determined in paragraph (c) below.
- (c) In the event of a decision by the Head of Democratic Services to cancel the Family Absence he/she shall notify the Mayor of his intention to cancel and thereafter give written notice to the Member of the decision to cancel or bring to an end the period of family absence and the date from which the Member must return from family absence.

2.8 Members right to Appeal against Cancellation of Family Absence

(a) A Member may within 28 days of being notified by the Head of Democratic Services that a period of family absence being cancelled or ended, complain in writing to the Head of Democratic Services regarding the cancellation.

(b) The Head of Democratic Services will refer any complaint received under para (a) above to the Panel constituted in accordance with the Family Absence for Members of Local Authorities (Wales) Regulations 2013 who will determine the complaint made.

(c) The Panel may:-

- Confirm the decision of the Head of Democratic Services; or
- Substitute its own decision as to the Member's entitlement to family absence in accordance with the Regulations.

2.9 Members request to perform duties/attend meetings during a period of Family Absence

(a) Any Member on Family Absence may subject to paragraph (b) and (e) below:-

(i) Attend any meeting or perform any duty associated with being a councillor within specific dates.

(b) The Member must obtain the permission of the Mayor (or Deputy in his or her absence) before attending any meeting or exercising any duty.

(c) In seeking permission the Member will (if able) specify start and finish dates in any application to suspend Family Absence.

(d) The Mayor will inform Leaders of each political group of the Council before granting permission under paragraph (b) above.

(e) A Member may complain in writing to the Head of Democratic Services regarding a refusal under paragraph (b) above.

(f) The Head of Democratic Services will refer a complaint under para (e) above to the Mayor of the Council.

(g) A Panel constituted in accordance with the Family Absence For Members of Local Authorities (Wales) Regulations 2013 will determine a complaint made under paragraph (e) above.

(h) The Panel may: -

- Confirm the decision of the Mayor of the Council (or Deputy in his or her absence); or
- Substitute its own decision as to the Member attending any meeting or performing any duty.