



## **COUNCIL – 5TH MARCH 2019**

**SUBJECT: NOTICE OF MOTION – PARENTAL LEAVE COUNCILLORS**

**REPORT BY: CORPORATE DIRECTOR FOR EDUCATION AND CORPORATE SERVICES**

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- 1.1 The Notice of Motion was received from Councillor A. Leonard and supported by Councillors P. Marsden, E. Stenner and L. Phipps and was presented to the Democratic Services Committee on 6th February 2019. The Notice of Motion meets the criteria set out in the Council's Constitution and in accordance with the Council's Rules of Procedure, was referred for consideration.
  - 1.2. The Democratic Services Committee noted that the Notice of Motion asks that the Council calls on Welsh Government to reconsider current maternity, paternity and adoption leave entitlements for Councillors, as legislated within the Local Government Measure (Wales) 2011 (Part 2) and that the Council forward the draft Parental Leave Policy for Councillors (which was appended to the report) to Welsh Government for their consideration.
  - 1.3 The purpose of the Notice of Motion is to give Councillors a more equitable entitlement to parental leave after giving birth or adopting and to ensure that Councillors with children and other caring commitments are supported as appropriate.
  - 1.4 Members considered the report and appendices and queried the current Policy in place. It was noted that the Family Absence Regulations allows for 26 weeks Maternity Leave and 2 weeks for Adoption Leave. Having consideration for the differences in entitlement the Committee were in favour of the Notice of Motion.
  - 1.5 Following consideration and discussion, it was moved and seconded that the Notice of Motion be supported. By a show of hands, this was agreed by the majority present.
  - 1.6 The Democratic Services Committee therefore recommended to Council that the Notice of Motion be supported.
  - 1.7 Council are asked to consider the Notice of Motion and the above recommendation.

Author: C. Evans, Committee Services Officer - Ext. 4210

Appendices: Democratic Services Committee Report – 6th February 2019



## DEMOCRATIC SERVICES COMMITTEE – 6TH FEBRUARY 2019

**SUBJECT: NOTICE OF MOTION – PARENTAL LEAVE COUNCILLORS**

**REPORT BY: CORPORATE DIRECTOR EDUCATION AND CORPORATE SERVICES**

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### **1. PURPOSE OF REPORT**

- 1.1 The Democratic Services Committee is asked to consider the Notice of Motion as set out in Paragraph 4.1 of the report.

### **2. SUMMARY**

- 2.1 A Notice of Motion has been received from Councillor A. Leonard and is supported by Councillors P. Marsden, E. Stenner and L. Phipps.
- 2.2 The Notice of Motion meets the criteria set out in the Council's Constitution and in accordance with the Council's Rules of Procedure is referred to Council for consideration.

### **3. RECOMMENDATIONS**

- 3.1 The Democratic Services Committee are asked to consider the notice of motion and make an appropriate recommendation to Council.

### **4. REASONS FOR THE RECOMMENDATION**

- 4.1 In accordance with the Council's Constitution.

### **5. THE REPORT**

- 5.1 Councillor A. Leonard requests in her Notice of Motion that this Council:-
- Calls on Welsh Government to reconsider current maternity, paternity and adoption leave entitlements for Councillors as legislated within the Local Government Measure (Wales) 2011 (Part 2) and
  - That Council forward the draft Parental Leave Policy for Councillors attached to this motion (Appendix 2) to Welsh Government for their consideration.

#### **Reasons for the Motion**

- 5.2 To give Councillors a more equitable entitlement to parental leave after giving birth or adopting and to ensure that Councillors with children and other caring commitments are supported as appropriate.

## **Supporting Information**

- 5.3 Part 2 of the Local Government (Wales) Measure 2011 makes available to members of local authorities entitlement to a period of family absence. The Measure created five types of family absence: maternity absence, new-born absence, adopter's absence, new adoption absence and parental absence.
- 5.4 The Family Absence for Members of Local Authorities (Wales) Regulations 2013 sets out the provisions and conditions for each type of absence, which came into force on 5<sup>th</sup> December 2013.
- 5.5 Part 1 of the 2013 regulations states that Members are entitled to Maternity Absence of a period of 26 weeks, unless the Member gives notice to the Head of Democratic Services that the period of maternity absence will be shorter than 26 weeks. The Regulations also set out that Adopters Absence entitlement is two consecutive weeks.
- 5.6 Caerphilly County Borough Council has already highlighted this unfairness in its Consultation response to the Welsh Government Strengthening Local Government Green Paper which was reported to Council on 5<sup>th</sup> June 2018. The consultation paper (Chapter 6 question 7b) asked '*How could we better recognise the level of responsibility involved in being a local councillor? What changes to the remuneration and support councillors receive would enable a wider range of people to become involved in local democratic representation?*' Members supported the following response to this question:

*Family Absence - the Local Government (Wales) Measure 2011 introduced Family Absence which allowed 26 weeks for maternity absence, 2 weeks for Adoption Absence and up to 3 months for Parental Absence. Surely it is unfair to only allow 2 weeks for adoption when families can be adapting to significant changes, and as Corporate Parents surely local authorities should be leading the way in supporting people considering adoption.*

## **6. LINKS TO RELEVANT COUNCIL POLICIES**

- 6.1 The procedural rules regarding a Notice of Motion are contained within Council's Constitution as adopted in May 2002. The Council's Constitution sets out the framework for the decision making roles and responsibilities which will impact on future generations.

## **7. WELL-BEING OF FUTURE GENERATIONS**

- 7.1 The Notice of Motion is consistent with the five ways of working as defined within the act as it complies with the rules and regulations of the Council's Constitution which sets out a clear framework for how the Council operates in particular decision making responsibilities which will consider the positive and negative impacts on future generations, long term resilience, economic, environmental and social capital.

## **8. EQUALITIES IMPLICATIONS**

- 8.1 There are no specific equalities implications that directly affect the Council arising from the report.

## **9. FINANCIAL IMPLICATIONS**

- 9.1 There are no financial implications associated with this report.

## **10. PERSONNEL IMPLICATIONS**

10.1 There are no personnel implications associated with this report.

## **11. CONSULTATIONS**

11.1 There has been no consultation undertaken.

Author: Emma Sullivan, Senior Committee Services Officer

Appendices:

Appendix 1 Signed copy of Notice of Motion

Appendix 2 Draft Parental Leave Policy for Councillors

### Notice of Motion

To consider the undermentioned Notice of Motion standing in the name of County Borough Councillor Arianna Leonard and supported by Councillor Philippa Marsden, Councillor Eluned Stenner and Councillor Lisa Phipps.

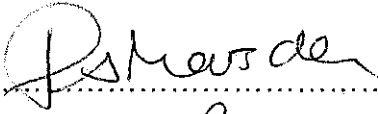
#### Ask Council

- to call on Welsh Government to reconsider current maternity/paternity and adoption leave entitlements for Councillors as legislated within the Local Government Measure (Wales) 2011 (Part 2)
- and
- that Council forward the draft Parental Leave Policy for Councillors attached to this motion to Welsh Government for their consideration.

#### The reasons for this motion

- The parental leave policy attached to this notice will give Councillors a more equitable entitlement to parental leave after giving birth or adopting;
- To ensure that Councillors with children and other caring commitments are supported as appropriate.

Councillor Arianna Leonard ..... 

Councillor Philippa Marsden ..... 

Councillor Eluned Stenner ..... 

Councillor Lisa Phipps ..... 

**Introduction**

This policy set out proposals for Members' entitlements to maternity, paternity, shared parental leave and relevant allowances.

The objective of the policy is to ensure that insofar as possible Members are able to appropriate leave at the time of birth or adoptions, that 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 taken.

Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of local authority councillors. It will also assist with retaining experienced councillors – particularly women – and making public officer more accessible to individuals who might otherwise feel excluded from it.

**1. Leave Periods**

- 1.1 Members giving birth are entitled to up to 6 months maternity leave from the due date, with the option to extend up to 52 weeks by agreement if required.
- 1.2 In addition, where the birth is premature, the Member is entitled to take leave during the period between the date of birth and the due date in addition to the 6 months' period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.
- 1.3 In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement, and such exceptional leave shall not be deducted from the total 52 week entitlement.
- 1.4 Members shall be entitled to take a minimum of 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren).
- 1.5 A Member who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council.
- 1.6 Where both parents are Members, leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks. Special and exceptional arrangements may be made in cases of prematurity.

- 1.7 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 if required.
- 1.8 Any Member who takes maternity, shared parental or adoption leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period unless the Council meeting agrees to an extended leave of absence prior to the expiration of that six month period.
- 1.9 Any Member intending to take maternity, paternity, shared parental or adoption 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.
- 1.10 Any Member taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep Officers and Colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

## **2. Basic Allowance**

- 2.1 All Members shall continue to receive their Basic Allowance in full whilst on maternity, paternity or adoption leave.

## **3. Special Responsibility Allowances**

- 3.1 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave.
- 3.2 Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro rata basis for the period of the temporary appointment.
- 3.3 The payment of Special Responsibility Allowances, whether to the primary SRA holder or a replacement, during a period of maternity, paternity, shared parental or adoption leave shall continue for a period of six months, or until the date of the next Annual Meeting of the Council, or until the date when the Member taking leave is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for a further six month period.
- 3.4 Should a Member appointed to replace the Member of maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one SRA shall apply.
- 3.5 Unless the Member taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, or unless the Party to which they belong loses control of the Council during their leave period, they shall return at the end of the

their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

#### **4. Resigning from Office and Elections**

- 4.1 If a Member decides not to return at the end of their maternity, paternity, shared parental or adoption leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.
- 4.2 If an election is held during the Member's maternity, paternity, shared parental or adoption 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 Monday after the election date when they would technically leave office.