

County Council

20 January 2021

Members Parental Leave Policy



Report of Corporate Management Team

Paul Darby, Interim Corporate Director of Resources

**Councillor Andrea Patterson, Cabinet Portfolio Holder for
Corporate Services and Rural Issues**

Electoral division(s) affected:

Countywide

Purpose of the Report

- 1 To consider the adoption of a Parental Leave Policy for Members, which will provide Members with an entitlement to maternity, paternity, shared parental and adoption leave.

Executive summary

- 2 The implementation of a Parental Leave Policy will ensure that all Councillors, regardless of the political party they represent, have appropriate support when having a child(ren).
- 3 The objective of the policy is to ensure that insofar as possible Members are able to take appropriate leave at the time of birth or adoption; that both parents are able to take appropriate parental 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.
- 4 There is at present no legal right to parental leave for people in elected public office. However, it is recommended that the council implement a Parental Leave Policy for Members as 'good practice'.

Recommendation(s)

- 5 Council is recommended to:

- (a) Approve the adoption of the Policy attached at Appendix 2 and implementation of a Parental Leave Policy for Members which covers maternity, paternity, adoption, shared parental leave.

Background

- 6 At its meeting in September 2019, the council approved a motion committing to the implementation of a Parental Leave Policy for Members, which provides all Members with an entitlement to maternity, paternity, shared parental and adoption leave. The motion requested that Officers draft a policy for consideration at a later meeting of Council. A copy of the draft policy is attached at Appendix 2 of the report.
- 7 It is considered that improved provisions for new parents will help contribute towards increasing the diversity of gender, experience, age, and background of local authority groups.
- 8 A number of local authorities nationally have already adopted parental leave policies and procedures for their Members. Within the North East, Newcastle City Council and Sunderland City Council have adopted parental leave policies, implemented in January 2019 and November 2018 respectively.
- 9 The proposed Parental Leave Policy encompasses a range of support, including the entitlement to maternity leave, paternity leave, shared parental leave arrangements and adoption leave entitlement.
- 10 Members of the Independent Remuneration Panel considered the draft policy and commented as follows:
 - In learning that at the time the motion was passed by council, some councillors had shared their own experiences of parenthood whilst being a councillor, the Panel noted that the policy may encourage young people to take up the role of councillor;
 - In noting that the policy was not an increase in allowances, the Panel noted the commendable aims of the introduction of a policy and considered that it would expand the appeal of becoming a councillor; and
 - The Panel noted that the costs would be funded as a one-off from the Corporate Contingencies Fund and subsequently would be built into ongoing budgets if taken forward.
- 11 The Constitutional Working Group considered the proposed policy at its meeting on 10 December 2020. The group requested the policy include reference to the arrangements for single Member wards. These have been incorporated at section 5.5 of the policy.

- 12 The Constitutional Working Group also asked that consideration be given to providing support for Members who have caring responsibilities for those other than children. Such support falls outside of the Parental Leave Policy and will need to be considered separately.

The Parental Leave Policy

- 13 The draft Parental Leave Policy attached at Appendix 2 includes:
- Up to 6 months maternity leave or adoption leave from the due date or date of placement, with the option to extend up to 52 weeks by agreement, if required.
 - Entitlements in the event the baby is born prematurely (entitlement to take leave during the period between the date of birth and the due date in addition to the 6 month's period).
 - Entitlement of a minimum 2 weeks paternity leave following the birth/adoption.
 - Where both parents are Members; for the leave to 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).
- 14 Any Member who takes maternity, paternity, 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.
- 15 Members intending to take leave under this policy should ensure they respond to reasonable requests for information as promptly as possible and adequately inform the council of intended leave dates, requests for extended leave and intended dates of return.
- 16 All Members will continue to receive their basic allowance in full whilst on maternity, paternity, or adoption leave.

Main implications

Single Member wards

- 17 The impact on single Member wards has been considered. The draft policy states that it will be the responsibility of the group leader to allocate another Member to undertake a 'caretaking' role, in consultation with the Head of Legal and Democratic Services. The

'caretaking' role will be allocated to a neighbouring divisional Member as far as possible.

- 18 If a Member is independent and not part of a group, the Head of Legal and Democratic Services will liaise with that member and any other independent Members as to who is best placed to take on the "caretaking" role.

Improved equality and diversity for Members

- 19 An initial equality impact screening has been completed and it is considered that the Parental Leave Policy will have a positive impact. It is hoped that improving provisions for new parents in elected office will contribute towards increasing the diversity of gender, experience, age, and background of local authority groups. A copy of the screening is attached at Appendix 3 to the report.

Member Allowances and Special Responsibility Allowances Scheme

- 20 All Members will continue to receive their basic allowance in full whilst on maternity, paternity, or adoption leave. This is a fair proposal for Members requiring time off to care for a child(ren) and supports the principles of equality and diversity within elected office. There is no significant impact upon allowances as Members would have been in receipt of the basic allowance during this period.
- 21 Members entitled to Special Responsibility Allowance shall also continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave, again supporting the council's equality and diversity agenda. Costs will be funded as a one-off from the Corporate Contingencies Budget.
- 22 If approved by Council, the Parental Leave Policy will form part of the Members Allowance Scheme going forward.

Conclusion

The draft Members Parental Leave Policy has been prepared following the motion passed in September 2019. The motion requested that a draft Policy be presented to a future meeting of Council. The draft Policy is attached at Appendix 2.

Background papers

- None

Other useful documents

- None

Author(s)

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Appendix 1: Implications

Legal Implications

There is no statutory requirement to implement a Parental Leave Policy, however the introduction of such a policy will help the Council advance equality of opportunity and helps to discharge our public sector equality duty in creating positive impacts for protected groups.

Finance

Any in year costs associated with the implementation of the policy would be funded from the corporate contingencies budget.

Consultation

The policy has been drafted in response to a motion and debate at Council in September 2019, which resulted in a request for a policy to be brought forward for consideration by Council. The proposals contained in this report have been considered by the Independent Remuneration Panel and Constitution Working Group before being presented to Full Council for consideration and approval.

Equality and Diversity / Public Sector Equality Duty

The report outlines positive steps in promoting and supporting equality and diversity in elected office.

A Parental Leave Policy for Members is considered important in that improved provisions for new parents will likely contribute towards increasing the diversity of gender, experience, age, and background of local authority groups. An equality impact initial screening has been completed as part of this policy implementation and is attached at Appendix 3.

Climate Change

None.

Human Rights

None.

Crime and Disorder

None.

Staffing

Not applicable.

Accommodation

None.

Risk

None.

Procurement

None.

Appendix 2: Members' Parental Leave Policy

Introduction

This Policy sets out Members' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances.

The objective of the policy is to ensure that insofar as possible Members are able to take appropriate leave at the time of birth or adoption, 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 office more accessible to individuals who might otherwise feel excluded from it. The Parental Leave Policy constitutes best practice and will be reviewed.

1. Leave Periods

Maternity Leave

- 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 the 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.

Paternity Leave

- 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/adoption of their child(ren).

Shared Parental Leave

- 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.

Adoption Leave

- 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.

Leave Arrangements

- 1.8 Any Member who takes maternity, shared parental or adoption leave is still required 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 their Group Leader (if applicable) and Head of Legal and Democratic Services 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 (SRA) 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 General 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 on maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowances 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 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 Special Responsibility Allowance if appropriate will cease from the Monday after the election date when they would technically leave office.

5. Practical Arrangements

- 5.1 A Member intending to take parental leave must in the first instance inform their group leader (if applicable) and the Head of Legal and Democratic Services in writing. Members are asked to provide notice of

their intention to take parental leave in accordance with the timescales set out below:

- (a) Pregnant Members should give notice by no later than 28 days before they want to commence their maternity leave. Confirmation of the pregnancy and the expected week of childbirth is usually via a MAT B1 certificate (a form given to a woman by their doctor or midwife after the 20th week of pregnancy and shows the expected date of childbirth). As soon as practicable after the birth they should notify the same of the baby's date of birth in writing.
 - (b) A Member who is a primary adopter should give notice within 7 days of being told they have been matched with a child and provide confirmation of the adoption through the provision of a matching certificate, and the date the child is to be placed with the Member.
 - (c) For paternity leave a Member should give notice by the 15th week before the Expected week of childbirth.
 - (d) A Member who is intending to take Shared parental leave must advise of their intention at least 8 weeks before.
- 5.2 Any Member taking leave for more than a 2-month period must meet with the Head of Legal and Democratic Services and Group Leader (if applicable) to discuss practical issues including how to keep in touch and about expected dates of return.
- 5.3 The Head of Legal and Democratic Services will ensure that business support and payroll are informed of arrangements to ensure that allowances are paid in accordance with the Policy.
- 5.4 Any requests for special or exceptional circumstances, or extensions in line with the policy will be agreed by the Head of legal and Democratic Services in consultation with the Leader of the Council, and the group leader (if applicable).
- 5.5 For single Member wards it will be the responsibility of the group leader to allocate another Member to undertake a 'caretaking' role, in consultation with the Head of Legal and Democratic Services. The 'caretaking' role will be allocated to a neighbouring divisional Member as far as possible. If a Member is independent and not part of a group, the Head of Legal and Democratic Services will liaise with that member and any other independent Members as to who is best placed to take on the "caretaking" role.

5.6 Appointments to cover areas of special responsibility whilst a Member is on parental leave will be made in accordance with the relevant procedures for appointments.

Appendix 3: Equality Impact Assessment – Screening

Durham County Council Equality Impact Assessment

NB: The Public Sector Equality Duty (Equality Act 2010) requires Durham County Council to have ‘due regard’ to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between people from different groups. Assessing impact on equality and recording this is one of the key ways in which we can show due regard.

Section One: Description and Screening

Service/Team or Section	People and Talent Management and Legal and Democratic Services
Lead Officer	Kathryn Turner
Title	Senior HR Officer
MTFP Reference (if relevant)	N/A
Cabinet Date (if relevant)	N/A
Start Date	01.01.2020
Review Date	Following each local election (following each new ‘term of office’) OR a development in legislation in this area.

Subject of the Impact Assessment

Please give a brief description of the policy, proposal or practice as appropriate (a copy of the subject can be attached or insert a web-link):

To provide a Parental Leave policy for Members with a view of providing Members an entitlement to maternity, paternity, shared parental and adoption leave.

The objective of the policy is to ensure that insofar as possible Members are able to take appropriate leave at the time of birth or adoption; 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.

There is at present no legal right to parental leave for people in elected public office. However, it is recommended that the council implement a voluntary Parental Leave policy for Members as 'good practice'.

Who are the main stakeholders? (e.g. general public, staff, members, specific clients/service users):

Elected Members

Leaders of each political party

General Public within County Durham

Legal and Democratic Services

Screening

Is there any actual or potential negative or positive impact on the following protected characteristics?

Protected Characteristic	Negative Impact	Positive Impact
	Indicate: Y = Yes, N = No, ? = unsure	Indicate: Y = Yes, N = No, ? = unsure

Age	N	Y
Disability	N	N
Marriage and civil partnership (workplace only)	N	Y
Pregnancy and maternity	N	Y
Race (ethnicity)	N	N
Religion or Belief	N	N
Sex (gender)	N	Y
Sexual orientation	N	N
Transgender	N	N

Please provide **brief** details of any potential to cause adverse impact. Record full details and analysis in the following section of this assessment.

No 'adverse' impact in relation to the implementation of this policy have been identified.

How will this policy/proposal/practice promote our commitment to our legal responsibilities under the public sector equality duty to:

- eliminate discrimination, harassment and victimisation,
- advance equality of opportunity, and
- foster good relations between people from different groups?

- eliminate discrimination, harassment and victimisation,
- advance equality of opportunity, and
- foster good relations between people from different groups?

The implementation of a parental leave policy for members will provide members who are elected into public office with appropriate leave in relation to maternity, paternity adoption or other appropriate parenting responsibilities.

It is considered that access to such entitlements will likely contribute towards increasing the diversity of gender, experience, age, and background of those standing for election and local authority groups.

This will promote inclusion in our communities from the outset and role model the importance of an inclusive agenda within the council and across the county. It will hopefully contribute to the diversity/profile of the member group and contribute to the council's agenda as an employer; to be an inclusive and supportive employer. This also fits with policies that are similar and available to staff in relation to maternity, paternity, or adoption leave.

Providing people leave at this pivotal time will hopefully increase the number of females who may have been deterred from standing for election otherwise.

It also provides those members with special responsibility, who have demonstrated capabilities within their groups to hold responsibility for key areas of work, to take appropriate time off whilst retaining their special responsibility allowance during this period of leave.

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

Members entitled to a Special Responsibility Allowance (SRA) shall continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave.

Evidence

What evidence do you have to support your findings?

Please **outline** your data sets and/or proposed evidence sources, highlight any gaps and say whether or not you propose to carry out consultation. Record greater detail and analysis in the following section of this assessment.

The evidence to support this finding is a mandate from the national Labour Group, and subsequently have recommended to all Labour Groups to adopt this policy as 'good practice' within their council groups.

The national research concluded:

- That analysis of the 2018 Local Election results by the Fawcett Society found that only 34% of councillors in England are women, up 1% since 2017. Of the seats that were up for election in 2018, 38% went to women, up just 3 percentage points on 2014 when these seats were last contested;
- That across England, Labour has improved its representation since seats were last up for grabs, with 45% women compared with 40% in 2014, Liberal Democrat representation up from 34% to 36% whilst the Conservative Party saw a fall from 31% to 29% in the share of its councillors who are female;
- That as of the 2018 local elections, only 26 out of 119 Labour councils and only 33 out of 130 opposition Labour Groups are led by women;
- As of summer, 2017, only 4% of councils in England and Wales have parental leave policies, according to research by the Fawcett Society;
- That the equalities section of the Labour Party Democracy Review mandates all Labour councils and Labour Groups to introduce a parental leave policy for to cover their group and their council as applicable;
- That the role of a councillor should be open to all, regardless of their background, and that introducing a parental leave policy is a step towards encouraging a wider range of people to become councillors, and is also a step to encourage existing councillors who may want to start a family to remain as councillors;
- That parental leave must apply to parents regardless of their gender, and that it should also cover adoption leave to support those parents who choose to adopt.

Screening Summary

On the basis of this screening is there:	Confirm which refers (Y/N)
Evidence of actual or potential impact on some/all of the protected characteristics which will proceed to full assessment?	N
No evidence of actual or potential impact on some/all of the protected characteristics?	

Sign Off

Lead officer sign off: 	Date: 31.01.2020
Service equality representative sign off: 	Date: 31.01.2020