

Draft Member Parental Leave Policy

Standards Committee	24 June 2021
Report Author	Committee Service Manager
Portfolio Holder	Councillor Ashbee, Leader of Council
Status	For Decision
Classification:	Unrestricted
Key Decision	No
Ward:	Thanet Wide

Executive Summary:

Members are being requested to consider the recommendation from the Constitutional Review Working Party and then make a recommendation to the Full Council for the adoption of a parental leave policy for Members. The agreement to have this policy in place would be on a voluntary basis as currently there were no legal obligations for the council to have such a policy.

Recommendation(s):

Members are being asked the following:

1. To discuss the recommendation from the Constitutional Review Working Party regarding the draft Member Parental Policy and recommend the draft policy to the Full Council for adoption.

Corporate Implications

Financial and Value for Money

Adoption of Member Parental Leave Policy by the council could lead to additional costs that would have to be met from the Council's annual budget for Member Allowances. This is with particular reference to the Special Responsibility Allowance (SRA) budget, which would need to be flexible enough to accommodate parental leave uptake by councillors who occupy roles that attract an SRA. In this instance additional costs would be incurred when members in receipt of an SRA receive parental leave pay equivalent to the SRA for a limited time as per the policy, whilst an SRA payment is also made to Cllr(s) covering the role during the period of parental leave.

Legal

Adoption of a Member Parental Leave Policy would be in keeping with the Public Sector Equality Duty (section 149 of the Equality Act 2010) requirement to eliminate unlawful

discrimination and in this case would promote equality of opportunity towards Members who have parental responsibilities which require them to take time off.

Corporate

In adopting this policy proposal, the Council would need to make provisions in the annual budget for any expenditure that would fall under parental leave.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

This policy proposal has positive implications on the Council's approach to fulfilling its Public Sector Equality Duty under Section 149 of the Equality Act 2010. This is because these proposals would afford Members who have parental responsibility to continue to perform their roles as elected Members of the Council without the fear that they would lose their roles as lead councillors and the allowances that go with those roles when the need arises for them to take up parental leave. This policy would provide equal treatment of councillors with parental responsibilities and those Members without such responsibilities.

CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- Communities

1.0 Introduction and Background

1.1 In line with an emerging local government policy trend that has seen some local councils develop and adopt parental leave policies for Members, this report proposes a similar approach for consideration by Thanet District Council.

- 1.2 Whilst there is no legal legislative requirement for the council to adopt the parental leave policy, having such a policy would be a progressive approach and would mean Thanet District Council would be at the forefront of councils to adopt such a policy.
- 1.3 The purpose of this policy is to confirm Thanet District Council's commitment to creating an environment that encourages any individual eligible to stand for election to feel that they are able to do so irrespective of their family commitments. Having such a policy would remove a perceived barrier and promote equality of opportunity among those people with parenting responsibilities. It would encourage a wider range of people to choose to become district councillors.
- 1.4 The policy would also ensure that those who are in their current roles as councillors do not feel constrained by the Section 85 of the Local Government Act 1972 (As amended) which requires that councillors attend at least one meeting of the council in any six month period. As currently implemented, this requirement applies to all councillors, including during times of parental leave.
- 1.5 According to an analysis done by the Fawcett Society (2017 report):
- Just 4% of local councils in England currently have a formal Parental Leave policy in place for elected representatives. This had improved to 7% in 2019;
 - 20 councils (8%) have a maternity policy in place for their senior cabinet level councillors;
 - It identified that one third of female councillors of child-bearing age found a lack of maternity leave to be a barrier to fulfilling their role;
 - Fewer than 1 in 5 council leaders are women;
 - From 1997 to 2017 female councillor representation only rose by from 27 per cent to 32 per cent whilst the female proportion of the House of Commons rose 14 percentage points to 32 per cent. (Fawcett Society, 10 March 2017, <https://www.fawcettsociety.org.uk/local-government-commission>)

2.0 The Current Situation

- 2.1 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.
- 2.2 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.
- 2.3 There is at present no legal right to parental leave of any kind for people in elected public office. This applies to councillors as well as Members of Parliament, and the issue has been the subject of lengthy debates. These policies can therefore only currently be implemented on a voluntary basis.
- 2.4 However it is worth noting that some councils across the country are being encouraged to adopt and implement a parental leave policy. Discussions are ongoing about changing the law to enable compulsory provision, but until then the Local

Government Association guide remains what constitutes best practice. Councils are being strongly advised to consider adopting a Member parental leave policy.

- 2.5 Councils that have introduced Parental Leave Policy for Members include Birmingham City Council in 2018, Sunderland City Council (November 2018) and Newcastle City Council (January 2019).

3.0 Main Aspects of the Draft Policy

- 3.1 In the proposed policy Members who are expecting a child would automatically be entitled to parental leave on the conditions set out in the draft parental leave policy document at Annex 1 to the report.
- 3.2 The Member would continue to receive their Basic Member Allowance and where applicable a Special Responsibility Allowance on the terms spelt out at para 4.1 in the Policy document (Annex 1 to the report). Any replacement (or substitute) post holder whose role attracts an SRA, would be paid on a pro rata basis.
- 3.3 The provisions of the policy would also mean that the Member could be absent from Council meetings for up to six months or a longer period if agreed without triggering the legal obligation to attend a council meeting or risk being disqualified from being a councillor as required under the Local Government Act 1972 (as amended).
- 3.4 There are three options for payment of members' allowances and special responsibility allowances during the period of parental leave, which members are asked to consider.

4.0 Review by the Constitutional Review Working Party

- 4.1 The draft proposals were reviewed by the Constitutional Review Working Party at their meeting on 15 June and they made the following recommendation:

“To recommend the draft parental leave policy to the Standards Committee including the pay rates as shown at Option 2, namely:

Option 2

6 months full pay of Special Responsibility Allowance with any remaining leave being unpaid.”

5.0 Options

- 5.1 Members could agree with the recommendation from the Constitutional Review Working Party and make that recommendation to Council.
- 5.2 Members could disagree with the recommendation from the Constitutional Review Working Party and make an alternative recommendation to Council.

5.3 Members could reject the draft proposals and either recommend to Council that no changes are made or make no recommendation at all to Council.

6.0 Next Steps

6.1 Full Council will consider this report and any recommendation from this committee.

6.2 If agreed by the Full Council the Member Parental Policy will be added to the Council's Constitution and would become effective from the date of the Full Council decision.

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Reporting to: *(Nick Hughes, Committee Services Manager)*

Annex List

Annex 1: Draft Member Parental Leave Policy

Background Papers

None

Corporate Consultation

Finance: *Chris Blundell (Director of Finance)*

Legal: *Estelle Culligan (Director of Law and Democracy)*