

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Cabinet **DATE:** 18 March 2019

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**WARD(S):** All

**PORTFOLIO:** Cllr Natasa Pantelic, Lead Member Health & Social Care

### **PART I** **NON-KEY DECISION**

#### **PARENTAL LEAVE POLICY FOR COUNCILLORS**

1 **Purpose of Report**

To consider the provision of a Council policy in respect of Members' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances.

2 **Recommendation(s)/Proposed Action**

The Cabinet is requested to resolve:

- (a) That the principle of a policy for Parental Leave for Councillors be agreed.
- (b) That the proposed Policy as set out in Appendix A be noted and that the Monitoring Officer report any necessary and consequential amendments to the Constitution to the Member Panel on the Constitution and Audit and Corporate Governance Committee prior to a recommendation to Council.

3. **The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan**

This report supports the Joint Wellbeing Strategy priorities, the JSNA and the Five Year Plan through support to children and young people assisting them in having the best start in life and providing opportunities for them to have positive lives.

3a. **Slough Joint Wellbeing Strategy Priorities**

Adoption of this policy will ensure Members are able to take appropriate leave at the time of birth or adoption and thus improve provision for new parents improving the mental health and wellbeing of the parent(s) and the child(ren) or young people in question.

3b **Five Year Plan Outcomes**

The adoption of this will address the Five Year Plan outcomes in the following ways:

- **Outcome 1** – Enabling Councillors to take parental leave will contribute toward ensuring Slough children will grow up to be happy, healthy and successful.

- **Outcome 5** – Improved provision for Councillors to take parental leave will contribute towards increasing the diversity of experience, age and back background of Slough Borough Council Councillors, will assist in retaining experienced councillors and will make public office more accessible to individuals who might otherwise feel excluded from it.

#### 4 **Other Implications**

##### (a) Financial

There are financial implications relating to the adoption of this policy. The policy entitles members taking parental leave to receive both their basic allowance and any Special Responsibility Allowance (SRA) in full whilst on their period of leave. It makes provision that should a replacement Member be appointed to cover a period of leave that the replacement Member be entitled to receive an SRA on a pro-rata basis for the period of the temporary appointment. It is not considered that the cost implications of introducing the Policy would be significant and can be contained within existing resources. This would need to be reviewed once the Policy was operating take up gauged.

##### (b) Risk Management

Recommendation from section 2 above	Risks/Threats/ Opportunities	Current Controls	Using the Risk Management Matrix Score the risk	Future Controls
That the Parental Leave Policy be approved	It is an opportunity to support Members as they provide support and care for newly born or recently adopted children and interlinks with Outcome 1 of the Five Year Plan and the Joint Wellbeing Strategy priorities			

##### (c) Human Rights Act and Other Legal Implications

There is currently no legal right to parental leave of any kind for people in elected public office.

Elected Members taking maternity, shared parental or adoption leave retain their legal duty under Section 85 of the Local Government Act 1972 to attend a meeting of Full Council within a consecutive six month period unless the reason for the failure to attend is due to some reason approved by Full Council before the expiration of that six month period.

##### (d) Equalities Impact Assessment

Please see Appendix B

## 5 Supporting Information

- 5.1 As of 2017, only 4% of local authorities had a parental leave policy in place for councillors, and in all other councils, arrangements for leave after the birth of a child is discretionary based on arrangements with the Leader at the time.
- 5.2 There is currently no legal right to parental leave of any kind for people in elected public office and Slough Borough Council does not have a policy to support Parental Leave for Councillors.
- 5.3 A parental leave policy will make it easier for prospective parents and Slough Borough Council alike to plan for when councillors take parental leave.
- 5.4 The Council wishes to support its Elected Members in carrying out their duties and therefore will voluntarily implement a parental leave policy that grants Elected Members periods of parental leave as set in out Section 2 of the Parental Leave Policy for Councillors in appendix A.
- 5.5 The Parental Leave Policy for Councillors will cover birth and adoption and will provide for special circumstances of perinatal bereavement.
- 5.6 The Council wishes to ensure that, insofar as possible, Elected 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 holder and others in receipt of an SRA during a period of leave taken.
- 5.7 The Member's Group Leader will be consulted over assigning Ward casework and Ward matters for the period of absence with particular regard to a Ward with only one Member representing it.
- 5.8 In order to ensure Elected Members can take appropriate leave it is proposed that any Member taking a period of parental leave will be entitled to receive their basic allowance in full whilst on maternity, paternity or adoption leave.
- 5.9 Elected Members in receipt of an SRA shall continue to receive this allowance in full whilst on maternity, paternity or adoption leave, and 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.
- 5.10 An Elected Member taking parental leave, unless removed from their post at an Annual Meeting of the Council whilst on leave, or unless the Group to which they belong loses control of the Council during their leave period, shall return at the end of their leave to the same post, or to an alternative post with equivalent status and remuneration which they held before their leave began.
- 5.11 The Council believes this policy will improve provision for new parents which will contribute to increasing the diversity of experience, age and background of it's elected members alongside retaining experienced councillors.
- 5.12 The policy also provides an opportunity to make holding public office more accessible to individuals who might otherwise feel excluded from it.

## 6 **Comments of Other Committees**

This report has not been considered by any other committees. The Member Panel on the Constitution at its meeting on 26<sup>th</sup> February 2019 considered and recommended amendments to the Constitution to facilitate a policy on maternity, paternity, and adoption leave for Members if the Policy were agreed.

## 7 **Conclusion**

Members are requested to review and endorse the principle of the policy and request the Monitoring Officer to consider the necessary amendments to the Constitution.

## 8 **Appendices Attached**

'A' - Parental Leave Policy for Councillors

'B' - Equalities Impact Assessment

## 9 **Background Papers**

'1' - The LGA Labour Women's Taskforce Parental Leave Policy for Councils

## **Parental Leave Policy for Councillors**

### **1. Introduction**

- 1.1 This Policy sets out Member's entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances.
- 1.2 The objective of the policy is to ensure that insofar as possible Elected 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 holder and others in receipt of Special Responsibility Allowance (SRA) during a period of leave taken.
- 1.3 Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of it's elected members alongside retaining experienced – and particularly female – councillors, alongside making public office more accessible to individuals who might otherwise feel excluded from it.
- 1.4 There is currently no legal right to parental leave of any kind for people in elected public office.

### **2. Leave periods**

- 2.1 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.
- 2.2 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.
- 2.3 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.
- 2.4 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).
- 2.5 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 reasonable effort will be made to replicate such arrangements in terms of leave from Council.
- 2.6 Where both parents are Members leave may be shared up to a maximum of 24 weeks for the first 6 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.

- 2.7 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.
- 2.8 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 with a 6 month period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that six month period.
- 2.9 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.
- 2.10 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

### **3. Basic Allowance**

- 3.1 All members shall continue to receive their Basic Allowance in full whilst on maternity, paternity, shared parental or adoption leave.

### **4. Special Responsibility Allowance (SRA)**

- 4.1 Members entitled to a SRA shall continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave.
- 4.2 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
- 4.3 The payment of the SRA, whether to the primary SRA holder or the replacement, during a period of maternity, paternity 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 point, the position will be reviewed, and will be subject to a possible extension for another period of up to six months.
- 4.4 Should a member appointed to replace the member on maternity, paternity or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one SRA shall apply.
- 4.5 Unless the Member taking leave is removed from their post at an Annual Meeting of the Council whilst on leave, or unless the Group 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

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

- 5.1 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.
- 5.2 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 on the fourth day after the day of election.

## **6. Arrangements for effective representation of constituents**

Members exercising rights granted under this policy shall use all reasonable endeavours to ensure that arrangements made through their party groups or with other Members are in place for constituents' interests to be effectively represented during their period of absence.

## **7. Special circumstances relating to perinatal bereavement**

7.1 in the tragic circumstances that a Member gives birth to a still born baby or the baby dies at, or shortly after birth after 24 weeks of pregnancy, their entitlement to rights under this policy shall be unaffected. In the event that a Member has had a still birth or whose baby has died indicates a desire to return to their duties early and then changes her mind, or resumes her duties but is absent again should be shown patience and understanding and offered all possible support. Any Member whose partner has had a stillbirth after 24 weeks of pregnancy, or whose child has died after birth, shall be entitled to leave from their duties and to receive allowances under this policy in the same manner as they would have in other circumstances.

7.2 Members returning to duties after such sad events should be shown special sensitivity. Any member with concerns about the grieving process impacting on the performance of their duties should discuss this in confidence with their Group Leaders or the Chief Executive to ensure that any reasonable arrangements that may be necessary are discussed and put into place and that the Member is supported in the full range of their duties prior to the bereavement or their duties are adjusted as necessary. The member may want to return to duties on a phased return basis. All requests must be carefully considered. Members may also access support from Child Bereavement UK at [www.childbereavementuk.org](http://www.childbereavementuk.org)