



## CONSTITUTION AND STANDARDS COMMITTEE

Thursday, 28 September 2023

<b>REPORT TITLE:</b>	<b>MEMBERS PARENTAL LEAVE POLICY</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF LAW AND GOVERNANCE</b>

### REPORT SUMMARY

At Council on 20 March 2023, a motion was submitted in accordance with Standing Order 13. Council believed that to ensure that in so far as possible, Members are able to take parental leave at the time of birth or adoption and that reasonable and appropriate arrangements are in place to provide cover during any period of leave taken. The Motion was carried and requested that a report be submitted to the Constitution & Standards Committee for consideration and that a proposed policy be submitted as referral to Council for consideration in October 2023.

The purpose of this report is to provide context and a draft parental leave policy for the consideration of the Committee.

The Wirral Plan 2021-2026 sets out the Council's vision to secure the best possible future for our residents, defined by the community prosperity we create and supported by our excellent people and services. The proposed parental leave policy will assist Members in their delivery of the five key themes within that plan:

- Sustainable Environment
- Brighter Futures
- Inclusive Economy
- Safe and Pleasant Communities
- Active and Healthy Lives

This is not a key decision.

### RECOMMENDATION/S

The Constitution & Standards Committee is recommended to comment on and agree the draft policy to be presented for approval at the Council Meeting in October 2023 for inclusion as an addendum to the Members Allowance Scheme.

## SUPPORTING INFORMATION

### 1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 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). A parental leave policy will make it easier for parents and councils alike to plan for when councillors take parental leave.
- 2.1 The objective of the policy is to ensure that where 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 Members in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.

### 2.0 OTHER OPTIONS CONSIDERED

Whilst a suggested draft policy is presented in the appendix to the report, alternative options Members may wish to consider include: -

- 2.1 **Option 1** - Not to consider introducing a draft parental policy. However, this could mean a delay making adequate arrangement to cover a Councillor should they require parental leave. This would also not meet with the request of the Council Meeting
- 2.2 **Option 2** - To approve the policy with the requirement that the SRA revert back to a basic allowance to the elected member for the duration of their parental leave, and paying whoever is appointed to cover the period of absence the SRA.

### 3.0 BACKGROUND INFORMATION

- 3.1 In May 2023 and in time for the all-out election, the Council introduced a Member support package which included an induction programme, Member Learning and Development plan and a refreshed Member wellbeing package. Whilst the request for a Members Parental leave policy was requested by Members at Council, it will help strengthen a robust Members support package.
- 3.2 At Council on 20 March 2023, a motion was submitted in accordance with Standing Order 13. Council believed that to ensure that in so far as possible, Members are able to take parental leave at the time of birth or adoption and that reasonable and appropriate arrangements are in place to provide cover during any period of leave taken. The Motion was carried and requested that a report be brought back to this Committee for referral to Council in October 2023.
- 3.3 Research has indicated that only a small number of local authorities had a parental leave policy in place for councillors. For most, arrangements for leave after the birth of a child is discretionary with agreement with the Leader at the time. However, the

number of Council's with a policy in place has increased over subsequent years, with more Council's adopting the Local Government Association Framework.

- 3.4 Elected Members of Parliament and Councillors are MPs are not employees and therefore not eligible for any statutory parental leave. The terms "leave" or "absence" mean something different for MPs or Councillors because they remain the elected constituency representative. However, the Independent Parliamentary Standards Authority (IPSA) has developed alternative, flexible funding arrangements to support MPs to take absence from work for an extended period, and so that their constituents and their office continue to be supported during that period. A number of MPs have accessed this support for different reasons and in different ways. MPs are paid their full salary throughout their period of leave.

#### **4.0 FINANCIAL IMPLICATIONS**

- 4.1 To support Members with parental leave, any allowances and Special Responsibility Allowances will remain in place during the period of their leave. This will be met from the existing Members Allowances budget and will be closely monitored by the Head of Democratic & Member Services and further reported to the Policy & Resources Committee as required.

#### **5.0 LEGAL IMPLICATIONS**

- 5.1 Section 85(1) of the Local Government Act 1972 (the 1972 Act) states that if a Member fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the Council, unless the failure was due to some reason approved by the Council before the expiry of that period, the Member will cease to be a councillor. Members who take maternity, shared parental or adoption leave will still be subject to the six month attendance rule. Calculation of the six months will begin from the time a Member last attended a meeting prior to the commencement of any maternity, shared parental or adoption leave and not from the date of commencement of the parental leave. Members may therefore need to seek approval of their continued absence before the expiry of the 6 months parental leave and consultation should take place with the Monitoring Officer regarding obtaining approval from Council.
- 5.2 Once approved by Council, the agreed parental leave policy will be included as an addendum to the Members Allowance Scheme in the constitution.

#### **6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS**

- 6.1 Members are not employees and therefore there are no direct resource implications. It will be the responsibility of the political groups to manage the impact on Constituency and Council responsibilities.

#### **7.0 RELEVANT RISKS**

7.1 Not adopting a parental policy means that there are no defined guidelines in place to assist Elected Members or officers should such circumstances arise.

## **8.0 ENGAGEMENT/CONSULTATION**

8.1 Officers have undertaken research with several local authorities in relation to their Elected Members parental policies. A large percentage of Local Authorities do not have such policies in place, however those that do seem to have adopted a variance the LGA Labour Group Model a version of which is attached as appendix 1 of this report.

8.2 As part of the engagement process, Members of the Governance working group were consulted with the draft parental leave policy and feedback was sought.

## **9.0 EQUALITY IMPLICATIONS**

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity. An equality impact assessment has been produced and can be found here.

<https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments>

## **10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS**

10.1 There are no direct Environment and Climate Implications arising as result of this report.

## **11.0 COMMUNITY WEALTH IMPLICATIONS**

11.1 Elected Members are committed to improving the lives of the people across Wirral and that is at the core of the work we do. Wirral Council will continue to develop our Social Value agenda to ensure that Members are assisted to supporting to local communities and adding value.

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## **APPENDICES**

Appendix 1 Draft policy

## **BACKGROUND PAPERS**

LGA Parental Leave Policy

## **TERMS OF REFERENCE**

This report is being considered by the Constitution and Standards Committee in accordance with Section 11.2(a) of its Terms of Reference, to keep the Council's constitutional arrangements under review and to make recommendations as to amendments and improvements to the Council's Constitution, including the codes and protocols.

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b>Council</b>	<b>20 March 2023</b>