

Parental Leave Policy for Elected Members

REPORT TO COUNCIL



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PORTFOLIO	
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PURPOSE

- 1. To consider the adoption of a parental leave policy for elected members.

RECOMMENDATION

- 2. To approve the inclusion of the Parental Leave Policy as part of the Members Allowance Scheme (Part 6 of the Constitution).

REASONS FOR RECOMMENDATION

- 3. To ensure that the elected member role is as accessible as possible to all sections of the community, enhancing the diversity and representativeness of candidates and those elected.
- 4. Adoption of a parental leave policy will provide clarity to elected members, candidates for election and those considering standing for election on what to expect in the event of the birth or adoption of a child during an elected member’s term of office.

SUMMARY OF KEY POINTS

5. The position of elected members is not considered employment, so there is no legal right to 'parental leave' of any kind for those holding public office. This applies to MPs as well as Councillors. Subject to meeting certain minimum criteria, elected members are entitled to continue to hold elected office and to receive their basic allowance.
6. One of the minimum criteria mentioned above is the 'six-month rule'. The Local Government Act 1972 states that when a Council Member fails to attend any meeting for six consecutive months from the date of their last attendance, they cease to be a member of the authority, unless the Council accepts a reason for the failure to attend before the six months period expires.
7. It is recognised that elected members may become parents during their term of office, and may need or wish to take a period of leave from their duties as a result.
8. Some local authorities have drawn up parental leave policies which recognise the position of elected councillors is different to that of employees.
9. Following review of a range of policies in place at other local authorities and information provided by the Local Government Association (LGA), it is proposed that Burnley Council adopts the model policy provided by the LGA – adapted version attached at appendix 1. This policy has been adopted or adapted by a number of other authorities and the LGA indicates that it has taken legal advice on the policy, and that it conforms with current requirements. The policy is underpinned by recognition that the position of elected members is different to that of employees. The policy therefore focuses on providing clarity on expected leave periods, and arrangements in relation to special responsibilities.
10. The LGA policy does not provide any guidance on cover for local member responsibilities, for example casework. An addition (section 5 of appendix 1) has been made to the standard LGA policy to reference the need for a member planning to take a period of leave to make appropriate arrangements for an alternative member point of contact for residents in their division. This recognises that the specific arrangements will be dependent on individual circumstances and that flexibility should be retained.
11. At paragraph 3.2 of the draft policy a clarification regarding the process to appoint replacement members has been added to the LGA model: ***Any replacements will be appointed in the usual way: Executive appointed by the Leader; Committee Chairs and Vice-Chairs by a meeting of Full Council.***

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

12. Appointment of cover for Special Responsibility positions would result in additional cost. This would be managed through the budget monitoring process.

POLICY IMPLICATIONS

13. The Parental Leave Policy will sit within Part 6 of the Constitution – Members Allowance Scheme.

DETAILS OF CONSULTATION

14. Director of Resources, Strategic HR Manager, Member Structures Working Group

BACKGROUND PAPERS

15. None.

FURTHER INFORMATION PLEASE CONTACT Alison McEwan
