

Parental Leave for Members Report

Committee considering report: Personnel Committee 24th April 2020

Portfolio Member: Councillor Howard Woollaston

Date Portfolio Member agreed report: 16 April 2020

Report Author: Abigail Witting

Forward Plan Ref: PC3841

1. Purpose of the Report

To adopt a parental leave policy for Councillors in accordance with the motion that was approved at the 12 September 2019 Council meeting.

2. Recommendations

- 2.1 Personnel Committee to consider and if appropriate adopt the policy.
- 2.2 Authority be delegated to the Personnel Committee to make any changes to the policy once it is reviewed.
- 2.3 To note the Service Director Strategy & Governance to make any changes to the Constitution arising from the approved Council motion (approved 12th September 2019).

3. Implications and Impact Assessment

Implication	Commentary			
Financial:	If an elected member has a special responsibility allowance (SRA) and is on parental leave there will be a financial implication because the role will be covered by another elected member who will also receive the SRA.			
Human Resource:	The policy only applies to elected members (there are a number of separate policies for employees based on the legislation).			
Legal:	There is no legal requirement to have this policy.			
Risk Management:	None.			
Property:	None			
Policy:	N/A			
	Positive	Neutral	Negative	Commentary
Equalities Impact:				
A Are there any aspects of the proposed	x			See equality impact assessment for details-Improved provision for new parents mat

decision, including how it is delivered or accessed, that could impact on inequality?				contribute to increasing the diversity of elected members and make public office more accessible.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		x		
Environmental Impact:		x		
Health Impact:		x		
ICT or Digital Services Impact:		x		
Council Strategy Priorities or Business as Usual:		x		
Data Impact:		x		
Consultation and Engagement:	The Monitoring Officer, leader and deputy leader of the Council and Portfolio holder has been consulted in relation to this policy.			

4. Executive Summary

- 4.1 The objective of this policy is to ensure that in so far as possible Elected Members are able to take appropriate leave at the time of birth or adoption thereby increasing the likelihood that there will be a greater diversity of experience, age and background of members. In addition the policy may also assist in retaining members and making it more accessible to individuals who might otherwise feel excluded from it.
- 4.2 The proposal is to effectively “stop the clock” at the point leave is taken so that a Member taking parental leave does not find themselves in breach of S85(1), Local Government Act 1972 which requires members to attend at least one meeting during a consecutive period of six months.
- 4.3 By introducing a policy for parental leave for members which allows a member to effectively “stop the clock” whilst they are on leave the Council will improve provision for new parents and increase the diversity of councillors and making public office more accessible.

5. Supporting Information

Introduction

- 5.1 At the Executive meeting on the 12 September 2019 the Leader of the Council tabled the following motion:

“This Council notes that 96% of councils across England do not have a formal Parental Leave Policy in place for elected members and considers that the lack of such a Policy may deter new or prospective parents, and particularly women, in standing for election in the first place and, if they are elected, could be a barrier to their fulfilling their role.

Local Government is the cornerstone of our democracy; delivering services that people rely on and serving our communities. There is at present no right to parental leave for those in elected public office, but we should do all we can to encourage as wide as possible a range of candidates to stand for election. Improved provision for new parents should contribute towards increasing the diversity of experience, age and background of local authority councillors. It should also assist with retaining experienced councillors – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it.

An issue with introducing a Parental Leave Policy for Members is that a Member taking parental leave in accordance with the policy could find themselves in breach of s85(1), Local Government Act 1972 (“if a member of a Local Authority fails, throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the Authority they will, unless the failure was due to some good reason approved by the Authority before the expiry of that period, cease to be a member of the Authority”).

It is therefore proposed that this Council agrees the following resolution with the intention of (a) introducing a Parental Leave Policy for Members in due course, (b) delegating to the Personnel Committee the ownership of the new policy, and (c) suspending the effect of s85(1) whilst a Member is taking parental leave.

This Council resolves that (a) the Personnel Committee shall be delegated with (i) the agreement and adoption of a Parental Leave Policy for Members and (ii) any subsequent amendments to it, (b) if a Member takes parental leave in accordance with the Policy once adopted the period of such parental leave (“the Period”) shall be treated as a good reason for the Member failing to attend any meeting or meetings during the Period for the purposes of section 85(1) of the Local Government Act 1972, and (c) the Monitoring Officer is authorised to approve such absences during the Period and to make any consequent amendments to the Council’s Constitution necessary.”

- 5.2 The motion was seconded by Councillor Howard Woollaston and following a discussion was agreed by full Council.
- 5.3 The proposed Policy sets out Councillors’ entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances. The Policy is shown at Appendix C.

6. Background

West Berkshire Council seeks to encourage and promote equality and diversity.

The Council therefore approved a Motion at its meeting in September 2019, which agreed to introduce a 'Parental Leave Policy' for members. At present, there is no legal right for those elected as local authority councillors, to take parental leave. It is intended by the introduction of this policy, that some of the barriers which may deter people from standing for public office will be removed.

The policy seeks to improve provision for new parents, thereby increasing the likelihood that there will be greater diversity of experience, age and background of members. The policy may also assist with retaining members and making public office more accessible to individuals who might otherwise feel excluded from it

Whilst the introduction of such a policy has some financial implications it is considered that this is de minimus. The costs should also be balanced against the opportunity to encourage a more diverse group of individuals to stand for election to the Council.

7. Proposals

- 7.1 The Personnel Committee to consider and if appropriate adopt the policy.
- 7.2 Authority be delegated to the Personnel Committee to make any changes to the policy once it is reviewed.
- 7.3 To delegate authority to the Head of Legal and Strategic Support to make any changes to the Constitution arising from this report.

8 Other options considered

Not to adopt the policy

9 Conclusion

The new policy would be a step towards encouraging a wider range of people to become councillors, to support those who have caring and parental responsibilities, and to encourage existing councillors who may want to have more children to remain as councillors.

10 Appendices

- 10.1 Appendix A – Equalities Impact Assessment
- 10.2 Appendix B- Data Protection Impact Assessment
- 10.3 Appendix C- Parental Leave Policy for elected members

Background Papers:

N/A

Subject to Call-In: Yes

Wards affected: N/A

Officer details:

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Appendix A

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:**
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
 - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
 - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

What is the proposed decision that you are asking the Executive to make:	To consider the implementation of a parental leave policy for councillors. Improved provision for new parents may contribute towards increasing the diversity of experience, age and background of the Council'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.
Summary of relevant legislation:	There is at present no legal right to parental leave of any kind for people in elected public office
Does the proposed decision conflict with any of the Council's key strategy priorities?	No
Name of assessor:	Abigail Witting
Date of assessment:	12/12/2019

Is this a:		Is this:	
Policy	Yes	New or proposed	Yes
Strategy	No	Already exists and is being reviewed	No
Function	No	Is changing	No
Service	No		

What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
Aims:	The policy is designed to give West Berkshire Councillors formalised access to parental leave in the case of maternity, paternity, shared parental or adoption leave. It covers both birth and adoptions.
Objectives:	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 Allowances (SRA) during a period of leave taken.

Outcomes:	Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of its elected members alongside retaining experienced – and particularly female – councillors, alongside making public office more accessible to individuals who might otherwise feel excluded from it.
Benefits:	See above

Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.

(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)

Group Affected	What might be the effect?	Information to support this
Age	Improved provision for new parents may contribute towards increasing the diversity of experience and age of the Councils elected members alongside retaining experienced councillors.	
Disability	N/A	
Gender Reassignment	N/A	
Marriage and Civil Partnership	N/A	
Pregnancy and Maternity	Improved provision for new parents may contribute towards retaining experienced – and particularly female – councillors	
Race	N/A	
Religion or Belief	N/A	
Sex	Improved provision for new parents will contribute towards increasing the diversity of its elected members alongside retaining experienced – and particularly female – Councillors, alongside making public office more accessible to individuals who might otherwise feel excluded from it.	

Sexual Orientation	N/A	
Further Comments relating to the item:		
None		

Result	
Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer:	
Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer:	

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	N/a
Timescale for Stage Two assessment:	N/a

Name: Abigail Witting

Date: 12/03/2020

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) (rachel.craggs@westberks.gov.uk), for publication on the WBC website.

Appendix B

Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via dp@westberks.gov.uk

Directorate:	Resources
Service:	Human Resources
Team:	Human Resources
Lead Officer:	Abigail Witting
Title of Project/System:	Parental Leave for Members
Date of Assessment:	12 th March 2020

Do you need to do a Data Protection Impact Assessment (DPIA)?

	No
<p>Will you be processing SENSITIVE or “special category” personal data?</p> <p><small>Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”</small></p>	<input type="checkbox"/>
<p>Will you be processing data on a large scale?</p> <p><small>Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both</small></p>	<input type="checkbox"/>
<p>Will your project or system have a “social media” dimension?</p> <p><small>Note – will it have an interactive element which allows users to communicate directly with one another?</small></p>	<input type="checkbox"/>
<p>Will any decisions be automated?</p> <p><small>Note – does your system or process involve circumstances where an individual's input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?</small></p>	<input type="checkbox"/>
<p>Will your project/system involve CCTV or monitoring of an area accessible to the public?</p>	<input type="checkbox"/>
<p>Will you be using the data you collect to match or cross-reference against another existing set of data?</p>	<input type="checkbox"/>
<p>Will you be using any novel, or technologically advanced systems or processes?</p> <p><small>Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised</small></p>	<input type="checkbox"/>

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.