

# Notice of Meeting

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## Personnel Committee

**Friday, 24th April, 2020 at 10.30 am**

**This meeting will be held in a virtual format in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020 (“the Regulations”).**

**Details of how to Access this meeting will be published shortly**

**Note:** . The Council will be live streaming its meetings. If you object to your image being shown please use audio functionality only

Date of despatch of Agenda: Thursday, 16 April 2020

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Moira Fraser / Janet Giddings on (01635) 519045/519422

e-mail: [moira.fraser@westberks.gov.uk](mailto:moira.fraser@westberks.gov.uk) / [janet.giddings@westberks.gov.uk](mailto:janet.giddings@westberks.gov.uk)

Further information and Minutes are also available on the Council’s website at [www.westberks.gov.uk](http://www.westberks.gov.uk)



**To:** Councillors Adrian Abbs, Dennis Benneyworth, Jeff Brooks (Vice-Chairman), Garth Simpson (Chairman) and Howard Woollaston

**Substitutes:** Councillors Lee Dillon, Nassar Kessell, Richard Somner and Joanne Stewart

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# Agenda

## Part I

Page No.

1. **Apologies for Absence**  
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 5 - 8  
To approve as a correct record the Minutes of the meeting of the Committee held on 11<sup>th</sup> February 2020.
3. **Declarations of Interest**  
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Parental Leave for Members Report (PC3841)** 9 - 26  
*Purpose: To adopt a parental leave policy for Councillors in accordance with the motion that was approved at the 12 September 2019 Council meeting.*
5. **Future Meeting Dates**
  - 17 July 2020 at 10.30am in the Committee Room
  - 13 November 2020 at 10.30am in the Committee Room
  - 12 February 2020 at 10.30am in the Committee Room

Sarah Clarke  
Head of Strategy and Governance

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.



## DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

### PERSONNEL COMMITTEE

#### MINUTES OF THE MEETING HELD ON TUESDAY, 11 FEBRUARY 2020

**Councillors Present:** Adrian Abbs, Dennis Benneyworth, Jeff Brooks (Vice-Chairman) and Garth Simpson (Chairman)

**Also Present:** Rebecca Bird (HR Officer), James Townsend (Democratic Services Manager) and Moira Fraser (Democratic and Electoral Services Manager)

**Apologies for inability to attend the meeting:** Councillor Howard Woollaston

#### PART I

##### 14. Minutes

The Minutes of the meeting held on 15 October 2019 were approved as a true and correct record and signed by the Chairman.

##### 15. Declarations of Interest

There were no declarations of interest received.

##### 16. Statutory Pay Policy 2020 (C3813)

The Committee considered a report (Agenda item 4) concerning the Statutory Pay Policy 2020.

Rebecca Bird in introducing the item noted that this was an annual report which the Council, under the Localism Act 2011, was required to publish by the 01 April. The format of the report was substantially the same as previous iterations. The most notable changes pertained to the changes to the senior management structure following the report on Senior management posts of Chief Executive, Executive Director (Place), Service Director and Service Lead which was discussed at the 19 December 2019 Executive meeting.

Some of the ratio's relating to remuneration would not be able to be updated until the pay award was agreed and this was not likely to happen before June.

Councillor Abbs queried whether the Chief Executive's salary had not already been agreed. Officers confirmed that changes had been agreed at the 19 December meeting but that it would not be finalised until the pay award was agreed.

Councillor Simpson asked whether the new structure was relatively cost-neutral. Rebecca Bird commented that she had not been involved in the revisions to the senior management posts but that she understood that the changes would be cost neutral in the long term. Both the Leader and Deputy Leader had been involved with South East Employers when they had undertaken the work on the restructure.

## PERSONNEL COMMITTEE - 11 FEBRUARY 2020 - MINUTES

Councillor Abbs asked whether these salaries were inclusive of the pension scheme and any other benefits as he believed that a package would be more indicative and it would also enhance transparency. Officers noted that not all employees were signed up to the pension scheme which could make the calculations difficult. The pension contributions were also adjusted on a sliding scale which could affect ratios. Rebecca Bird said that staff were auto-enrolled onto the scheme but that they could opt out of it if they wished to do so. Councillor Brooks asked about the Local Government Pension Scheme (LGPS) and whether there was a qualification period for this. It was agreed that some information on the Local Government Pension Scheme should be set out under a separate heading after 'Pay ratios in the Council' and before 'Review'.

Councillor Brooks stated that he had issues with paragraphs 3.1.7, 3.1.9 3.13 and 3.14 and asked whether these were robust enough in their wording.

Paragraph 3.1.7 stated that 'additional Special Recruitment Payment (SRP) of £5,000 - £8,000 may be paid to any Service Director subject to approval by Head of Paid Service in liaison with the Leader of the Council.' Councillor Brooks queried how many of these were being paid. He was concerned that Members would not have visibility of the number of payments that were being made. Members requested that the word 'liaison' be replaced with the word 'consultation'. They also asked that the number of payments be reported back to the Committee on an annual basis. Officers noted that these types of decisions should be published as Delegated Officer Decisions which would give Members some visibility. There were also only a small number of Service Director Posts so there were unlikely to be many of these payments made. Rebecca Bird commented that to date two payments had been considered albeit that neither had been agreed as yet. Work on internal processes was ongoing.

Paragraph 3.1.9 stated that 'Appointments will normally be made to the minimum point of the grade. Managers may take into account the previous experience and skills of the employee to offer appointment above the salary minimum for the post.' Councillor Brooks stated that he would feel more comfortable if HR were involved in this process as he wanted to ensure that the necessary checks and balances were in place. Rebecca Bird clarified that managers did have discretion to pay above the minimum of a pay scale and that HR were kept in the loop when this occurred. These payments would always have to be signed off by the relevant Head of Service (Hos) and Budget Managers checked to ensure the necessary funding was in place. Moira Fraser stated that the Scheme of Delegation (Part 3 of the Constitution) already delegated authority to 'Determine the starting point within grade (paragraph 3.3.2.6) to HoS. Members stated that they would like to see a line included which explained that 'all of these decisions would be signed off by the relevant Head of Service' to aid clarity and transparency.

Paragraph 3.1.13 stated that 'An additional increment may be awarded in any one year to an employee, at the discretion of the Head of Service/ Service Director, on the grounds of special merit or ability, provided the maximum of the grade is not exceeded.' Members queried if this was robust enough and concluded that, as it would have to be signed off at HoS or Service Director Level, that it was.

Paragraph 3.1.14 stated that 'Additional payment may be made for additional hours, overtime, undertaking higher responsibilities, and for non-standard working arrangements such as stand-by or evening work, or for exceptional working conditions.' Councillor Brooks queried if Senior Managers could claim for their attendance at evening meetings. Rebecca Bird explained that the flexi-time scheme and overtime payments for

**PERSONNEL COMMITTEE - 11 FEBRUARY 2020 - MINUTES**

attendance at evening meetings did not apply to anyone on Grade M and above and that they also did not receive any time off in lieu. Councillor Brooks stated that he believed that there needed to be more clarity around item 3.1.14 and who qualified for overtime payments. Councillor Brooks said that there needed to be clearer reference to job grades in this policy.

Councillor Garth Simpson noted that there was a typographical error in paragraph 3.1.18 where reference was made to paragraph 3.3.4 which did not exist. Officers agreed to amend this.

**RESOLVED** to recommend to Council that the Statutory Pay Policy, as amended at this meeting, be published on the 01<sup>st</sup> April 2020

**17. Date of Next Meeting**

The Committee stated that they would like to include four meetings a year on the timetable of meetings. They should take place on a Friday at 10.30am. Additional ad hoc meetings could be arranged when required. Moira Fraser agreed to circulate suggested dates outside of the meeting.

*(The meeting commenced at 10.30 am and closed at 10.56 am)*

**CHAIRMAN** .....

**Date of Signature** .....

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## Parental Leave for Members Report

**Committee considering report:** Personnel Committee 24<sup>th</sup> 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 12<sup>th</sup> September 2019).

### 3. Implications and Impact Assessment

Implication	Commentary			
<b>Financial:</b>	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.			
<b>Human Resource:</b>	The policy only applies to elected members (there are a number of separate policies for employees based on the legislation).			
<b>Legal:</b>	There is no legal requirement to have this policy.			
<b>Risk Management:</b>	None.			
<b>Property:</b>	None			
<b>Policy:</b>	N/A			
	<b>Positive</b>	<b>Neutral</b>	<b>Negative</b>	<b>Commentary</b>
<b>Equalities Impact:</b>				
<b>A</b> 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>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		<b>x</b>		
<b>Environmental Impact:</b>		<b>x</b>		
<b>Health Impact:</b>		<b>x</b>		
<b>ICT or Digital Services Impact:</b>		<b>x</b>		
<b>Council Strategy Priorities or Business as Usual:</b>		<b>x</b>		
<b>Data Impact:</b>		<b>x</b>		
<b>Consultation and Engagement:</b>	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

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**Background Papers:**

N/A

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**Subject to Call-In: Yes**

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**Wards affected: N/A**

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**Officer details:**

Name: Abigail Witting

Job Title: HR Manager

Tel No: 01635 503501

E-mail Address: [Abigail.witting@westberks.gov.uk](mailto:Abigail.witting@westberks.gov.uk)

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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.

<b>What is the proposed decision that you are asking the Executive to make:</b>	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.
<b>Summary of relevant legislation:</b>	There is at present no legal right to parental leave of any kind for people in elected public office
<b>Does the proposed decision conflict with any of the Council's key strategy priorities?</b>	No
<b>Name of assessor:</b>	Abigail Witting
<b>Date of assessment:</b>	12/12/2019

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

<b>What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>	
<b>Aims:</b>	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.
<b>Objectives:</b>	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.

<b>Outcomes:</b>	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.
<b>Benefits:</b>	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.)

<b>Group Affected</b>	<b>What might be the effect?</b>	<b>Information to support this</b>
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	
<b>Further Comments relating to the item:</b>		
None		

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

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](#).

<b>Identify next steps as appropriate:</b>	
<b>Stage Two required</b>	No
<b>Owner of Stage Two assessment:</b>	N/a
<b>Timescale for Stage Two assessment:</b>	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](mailto:rachel.craggs@westberks.gov.uk)), for publication on the WBC website.

### 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](mailto: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 <sup>th</sup> March 2020



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

	No
<p><b>Will you be processing SENSITIVE or “special category” personal data?</b></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><b>Will you be processing data on a large scale?</b></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><b>Will your project or system have a “social media” dimension?</b></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><b>Will any decisions be automated?</b></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><b>Will your project/system involve CCTV or monitoring of an area accessible to the public?</b></p>	<input type="checkbox"/>
<p><b>Will you be using the data you collect to match or cross-reference against another existing set of data?</b></p>	<input type="checkbox"/>
<p><b>Will you be using any novel, or technologically advanced systems or processes?</b></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.**

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# Parental Leave for Members Policy

## Contents

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1	Preamble .....	2
2	Applicability.....	2
3	Legislative Framework.....	2
4	Roles and Responsibilities .....	2
5	Notification.....	3
6	Duration .....	3
7	New Members .....	3
8	Return.....	4
9	Allowances etc.....	4
	Appendix (worked examples) .....	5
	Document control / Change history .....	6



## 1 **Preamble**

- 1.1 This policy sets out the entitlement to maternity or adoption leave (together “Qualifying Parental Leave”), and relevant allowances, for elected members (“Members”) of West Berkshire Council (“the Council”). There is no statutory right to such leave for those in elected public office, hence this policy.
- 1.2 In particular this policy seeks to ensure that Members are able to take appropriate leave at the time of birth or adoption.
- 1.3 In addition this 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. This policy may also assist with retaining Members and making public office more accessible to individuals who might otherwise feel excluded from it.
- 1.4 The Council’s Personnel Committee is responsible for approving this policy and reviewing it from time to time and the Council’s Monitoring Officer is responsible for applying it.

## 2 **Applicability**

- 2.1 This policy applies to Members only - employees are covered by a number of policies (available on the intranet).
- 2.2 It is the responsibility of each Member to familiarise themselves with and adhere to this policy.

## 3 **Legislative Framework**

- 3.1 S.85 (1), Local Government Act 1972 (“the Section”) reads *“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”*.
- 3.2 Thus, in the absence of this policy, a Member not attending a meeting of the Council within the meaning of the Section (a “Qualifying Meeting”) for six consecutive months due to maternity, etc, would (unless the Council specially voted to approve the particular absence in accordance with the Section) be ‘timed out’ and cease to be a Member.
- 3.3 The Council has therefore resolved that, where a Member takes Qualifying Parental Leave in accordance with this policy, such will be taken as a good reason for absence within the meaning of the Section and the six month period relating to that Member (“the Period”) will be extended by up to an additional six months to a maximum of twelve months (“the Extended Period”).
- 3.4 It should be emphasised that there is no obligation on Members to take Qualifying Parental Leave and whether they do so or not they remain entitled to attend Council meetings in accordance with the Council’s constitution.

## 4 **Roles and Responsibilities**

- 4.1 The Monitoring Officer is responsible for providing advice to Members on this policy and has been delegated with authority to approve a Member’s absence in compliance with this policy.

- 4.2 A Member intending to take Qualifying Parental Leave will be responsible for ensuring that they comply with this policy and respond to reasonable requests for information as promptly as possible, so that they keep officers and colleagues informed and updated in relation to their intended date of return (“Return Date”).
- 4.3 If a Member decides not to return (ie not to attend a Qualifying Meeting) by the end of the Extended Period, thus occasioning a by-election, they should notify their political group leader and the Monitoring Officer at the earliest opportunity.

## 5 **Notification**

- 5.1 Requests to take Qualifying Parental Leave must be made in writing to the Monitoring Officer and should be made at least 28 days before the date the Qualifying Parental Leave is due to start (the due birth date or expected date of placement as the case may be).
- 5.2 The request should include the due date for the birth or expected placement date, the date the Member wishes leave to commence, the length of leave requested, and the intended Return Date.

## 6 **Duration**

- 6.1 Members giving birth or adopting a child through an approved adoption agency are entitled to a maximum of six months Qualifying Parental Leave and thus an Extended Period of a maximum of twelve months.
- 6.2 For example, unless an election intervenes (see below), if the Member last attended a Qualifying Meeting two months prior to their Qualifying Parental Leave starting, and they take the maximum period of Qualifying Parental Leave, they will have a further four months from the Return Date to attend their next Qualifying Meeting so as to avoid a breach of the Section (see worked examples in the Appendix).
- 6.3 In the event that an election of Council is called prior to the Return Date and the Member decides not to stand for re-election, or stands but is not re-elected, the Qualifying Parental Leave (and the Member’s entitlement to allowances) will cease from the Monday after the election date.
- 6.4 In the event that an election of Council is called prior to the Return Date and the Member stands and is re-elected, a fresh Period will commence in accordance with the Section from the date of election for all Members. In these circumstances the date by which the Member has to attend a Qualifying Meeting so as to comply with the Section will either be the end of the Extended Period, or six months from the date of the election, whichever is later (see worked examples in the Appendix).
- 6.5 In the event that a Member attends a Qualifying Meeting during the Extended Period the date by which the Member has to attend a further Qualifying Meeting so as to comply with the Section will either be the end of the Extended Period, or six months from the date of the Qualifying Meeting, whichever is later (see worked examples in the Appendix).

## 7 **New Members**

- 7.1 This part of this policy applies where, following an election or by-election, someone who was not a Member immediately prior to that election or by-election is elected (the “New Member”).

7.2 If paragraph 6.4 would have applied to the New Member had they been a Member prior to the election or by-election, the Monitoring Officer has the authority to determine that the date by which the New Member has to attend a Qualifying Meeting so as to comply with the Section is either a date calculated as if a period of Qualifying Parental Leave had applied to the New Member, or six months from the date of the election or by-election, whichever is later (see worked examples in the Appendix).

## 8 **Return**

8.1 On returning to Member duties (or commencing duties if a New Member), a Member can request a 'parental buddy' to support them – for example, someone who has experience of returning to duties following a period of maternity or adoption leave.

8.2 If a Member decides to return to (or commence) their duties while their baby is breast-feeding, they will be permitted to feed their baby in the Chamber, meeting room, etc. If they do not wish to do so, a private room will be made available to them for feeding or pumping from one hour before the meeting until the time that the meeting ends.

## 9 **Allowances etc**

9.1 A Member taking Qualifying Parental Leave shall continue to receive their Basic Allowance.

9.2 Whether a Member taking Qualifying Parental Leave retains a position entitling them to a Special Responsibility Allowance or remains as a member of a committee or other body is a matter for the person or body with the right of appointment to that position, etc, (thus, for example, it would be for the Leader of Council to decide if the Member remained a member of the Executive, for Council to decide if the Member remained a member of a Council committee, and for a Committee to decide if the Member remained as Chairman or Vice-Chairman).

## **Appendix**

(All examples are based on the maximum possible Extended Period)

### ***Example 1***

If a Member last attended a Qualifying Meeting on 1 October and elects to take Qualifying Parental Leave from 1 December, they will need to ensure that they attend a Qualifying Meeting by no later than the end of the Extended Period, ie 30 September.

### ***Example 2 (as for 1 but intervening election)***

If in example 1 there was an election on 7 May and the Member stands and is re-elected, they will need to ensure that they attend a Qualifying Meeting by no later than 6 November (six months from the date of the election, since this is later than the end of the Extended Period, ie 30 September).

### ***Example 3***

If a Member last attended a Qualifying Meeting on 1 Jan and elects to take Qualifying Parental Leave from 1 April, they will need to ensure that they attend a Qualifying Meeting by no later than the end of the Extended Period, ie 31 December.

### ***Example 4 (as for 3 but intervening election)***

If in example 3 there was an election on 7 May and the Member stands and is re-elected, they will need to ensure that they attend a Qualifying Meeting by no later than 31 December (the end of the Extended Period, since this later than six months from the date of the election, ie 6 November).

### ***Example 5 (as for 3 but intervening Qualifying Meeting A)***

If in example 3 the Member attended another Qualifying Meeting on 10 June, they will need to ensure that they attend a further Qualifying Meeting by no later than 31 December (the end of the Extended Period, since this is later than six months from the date of the Qualifying Meeting they attended, ie 9 December).

### ***Example 6 (as for 3 but intervening Qualifying Meeting B)***

If in example 3 the Member attended another Qualifying Meeting on 15 September, they will need to ensure that they attend a further Qualifying Meeting by no later than 14 March (six months from the date of the Qualifying Meeting they attended, since this is later than the end of the Extended Period, ie 31 December).

### ***Example 7***

If a New Member is elected on 7 May and has recently adopted or given birth, and agrees with the Monitoring Officer to take a period of Qualifying Parental Leave, they will need to ensure that they attend a Qualifying Meeting by no later than the end of the Period, ie 6 November, or such later date as may be determined by the Monitoring Officer.

### ***Example 8***

If a New Member is elected on 1 June and is expecting, or adopting, a baby, and elects to take Qualifying Parental Leave from 1 July - prior to their attending any Qualifying Meetings- they will need to ensure that they attend a Qualifying Meeting by no later than the end of the Extended Period, ie 31 May.

## Document Control

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