

General Purposes Committee

Date:	11 September 2019
Classification:	For General Release
Title:	Parental Leave Policy for Councillors and Amendment of 2019-20 Members' Allowance Scheme
Report of:	Director of People Services Head of Committee and Governance Services
Wards Involved:	None
Policy Context:	Management of the Council
Financial Summary:	The financial impacts arising from the proposals in this report can be met within the existing Members' Allowances budget
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1. Executive Summary

- 1.1 This report sets out proposals for a Maternity and Parental Leave policy for Members which will, if adopted, require an amendment to the Members' Allowances Scheme. The amendment to the 2019-2020 scheme also includes the provision for Councillors to claim reimbursement of care expenses they incur in arranging carers to look after dependants when they are undertaking approved Council duties.
- 1.2 The General Purposes Committee is asked to recommend the new policy and amendments to the Members' Allowances Scheme to full Council for adoption.

2. Recommendation

That the Council be recommended to approve:

- 2.1 The adoption of a Maternity, Paternity and Adoption Leave Policy for Councillors attached as **Appendix A**.

- 2.2 The ability for Councillors to claim reimbursement of care expenses when they attend approved duties and incur costs for the provision of care for children or adult dependants.
- 2.3 The amendments to the Members' Allowances Scheme for 2019-2020 attached as **Appendix B** which incorporate the above mentioned provisions.

3. Background

- 3.1 A number of informed groups including the London Councils' Independent Remuneration Panel have identified the lack of parental leave for elected Members in the majority of local authorities as a barrier to new parents becoming and remaining Councillors. The London Councils' Independent Remuneration Panel also identified that child care costs can be a significant deterrent to service as a Councillor and expressed the view that in appropriate cases Councillors should be entitled to claim an allowance for care of dependants when undertaking their Council duties.
- 3.2 Last year the Leader of the Council approved changes to Westminster's parental policy for officers, improving the Council's parental pay in line with its ambition to be an employer of choice for working parents. The Leader of the Council has asked officers to set out how the Council could adopt such a policy for Councillors. Following feedback from Members, officers have also developed proposals to enable Members to claim an allowance for care of dependants when undertaking their approved duties as this entitlement is not currently included in the Members' Allowances Scheme.
- 3.3 Subsequently, a focus group of members made up of nominees from each party, met with officers to discuss these issues and consider different options.

Proposals for a Parental Leave Policy for Elected Members and Dependant Carers' Allowance

- 3.4 The proposed maternity, paternity and adoption leave policy for elected members will require an in-year amendment to the Council's Members' Allowances Scheme. The Local Authorities (Members' Allowances) Regulations 2003 sets out the legal requirements for making a scheme which provides for the payment of an allowance in respect of members of an authority.
- 3.5 Under Part 4. 21 (1) of the aforementioned Regulations the Council must have regard to the recommendations of an independent remuneration panel, which in the case of London Government is facilitated via London Councils. In its last report published in 2018 the Panel considered that the Members' Allowances Scheme should allow the continuance of Special Responsibility Allowances in the case of sickness, maternity and paternity leave in the same terms that the Council's employees enjoy such benefits.

- 3.6 Following a meeting with the Member focus group, officers have drawn up a policy for any Member who takes maternity, shared parental or adoption leave that provides 3 months' full Special Responsibility Allowance (SRA) and the following 3 months at half SRA. For paternity leave, Members shall be entitled to take 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren). (**see Appendix A**).
- 3.7 An illustrative policy for maternity, shared parental and adoption leave submitted by the Chairman of the Conservative Party provides for a financial entitlement that is slightly more favourable than that currently provided for employees of the Council (basic allowance to be paid for up to 39-52 weeks as opposed to 26 weeks). A policy put forward by the Greater London Authority Labour Group is also more favourable (both basic and SRA to be paid in full). The Members' focus group considered these propositions carefully before deciding that the recommendation for Westminster should be as outlined above and in the attached Policy.
- 3.8 The London Councils' Independent Remuneration Panel also considered that the dependant carers' allowance should be set at the London Living Wage but (on presentation of proof of expenses) payments should be made at a higher rate when specialist nursing skills are required.
- 3.9 Each year London Councils produce benchmark data in a report entitled "*Borough Allowances Schemes 2017-18*". This report indicates that all London boroughs, except for Westminster and 4 others, have a 'dependant carers allowance' for members. This allowance differs in size and ranges from £5.27 an hour at the bottom end to the London living wage at the top end. Some of the boroughs set a weekly or monthly cap on the amount members are entitled to claim.
- 3.10 Analysis of the 12 Inner London Councils data shows that Westminster is one of only two such Councils that do not have a 'dependant carers' allowance'.
- 3.11 On the 15th July 2019 Cabinet agreed to adopt a Living Wage policy whereby staff working for contractors delivering services on behalf of the Council are paid at least the London Living Wage or the National Living Wage outside of London. In line with this policy and the recommendations of the Panel, the Members' Allowances Scheme has been amended so that dependant carers' allowances are set at the London Living Wage.
- 3.12 The dependant carers' allowance will be paid to Councillors in accordance with the criteria set out in the amended Members' Allowances Scheme (Appendix B). Annex C to the scheme sets out the approved duties for the purposes of claiming the allowance.
- 3.13 Councillors will need to submit and claim reimbursement of dependant carer expenses by the same method that they claim travel or subsistence expenses which is through the IBC self-service portal. All expenses are claimed under a trust model. The amount of expenses claimed will be monitored on a quarterly

basis to assist officers to understand demand in order to inform future budgets.

- 3.14 Subject to approval by Full Council, guidance for members on claiming the dependant carers' allowance will be developed and circulated to all councillors. A training session, if desired, can also be provided as part of the Members Development Programme.

4. Legal Implications

- 4.1 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 within a six-month period unless the Council agrees to an extended leave of absence prior to the expiration of that six-month period. The attached policy seeks to ensure that members taking periods of leave for maternity and adoption are supported whilst at the same time complying with the Local Government Act provisions on member attendance.
- 4.2 The Local Authorities (Members' Allowances) (England) Regulations 2003 (S12003/1021) sets out the legal requirements for making a scheme which provides for the payment of an allowance in respect of Members of an authority.
- 4.3 The Council is required, if it wishes to pay such allowances, to adopt a Members' Allowances Scheme on an annual basis with effect from 1 April each year. The Members' Allowances Scheme for 2019-2020 received initial approval by the General Purposes Committee at its meeting on 16 January 2019, and was formally adopted by the full Council on 23 January 2019. Under Regulation 10 (3) schemes can be amended at any time during the year. The approval of the full Council is necessary for any amendments to existing schemes or the adoption of new schemes.
- 4.4 Regulations relating to Members' Allowances require the publication of the report of the Independent Remuneration Panel, the scheme of allowances and details of the total sums paid to each Member under each category of allowance in each year. The statutory guidance on the publicity requirements suggests that details of allowances paid are made available on the Council's website together with information on the responsibilities of elected Members and the duties and time commitment which the basic allowance is intended to remunerate. This has previously been agreed by this Committee.

5. Financial Implications

- 5.1 As the proposed amendments were not offered in the past, we have no data that indicates how many Members took leave (maternity, paternity or adoption) or are likely to make expense claims where care arrangements are needed. Therefore, estimating the financial impact will be difficult but, prima facie, the likely financial impact is not expected to be material. An analysis of expenses claimed by councillors in other London boroughs has revealed that few claims are submitted for either travel, subsistence or dependent care.

- 5.2 The recurring budget for Members' Allowance is £1.060m and any financial impact from the proposed amendments are expected to remain within budget. The financial impact will be monitored on a quarterly basis and if a financial risk does arise then, it will be mitigated through the review of actual commitments and the wider Council's financial planning.
- 5.3 The 2019-2020 Members' Allowances Scheme was budgeted on the basis of paying SRAs to members of three Planning Application Sub-Committees, each with their own memberships. Following the deletion of one of these, there is likely to be an underspend in the scheme at year-end, £0.012m.

6. Consultation

- 6.1 A Member Working Party was established, consisting of Councillors Dean, Bright and Qureshi, to consider the proposals for both a parental leave policy for members and to paying a dependent carer's allowance for members. The dependents' carer's allowance has been developed taking on board their views.
- 6.2 The Chief Whips of both the Majority Group and the Minority Group have been consulted on the proposals set out in this report. The Chief Whip of the Majority Party is supportive of the proposals. Any comments provided by the Chief Whip of the Minority Party will be reported verbally at the meeting.

If you have any questions about this report, or wish to inspect one of the background papers, please contact Reuben Segal:

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LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1972 BACKGROUND PAPERS

The documents referred to in compiling this report are as follows:

- Report of the Independent Remuneration Panel 2018
- Report of the General Purposes Committee – 16 January 2019