



City of Westminster

Committee Report

Meeting or Decision Maker:	General Purposes Committee
Date:	14 September 2023
Classification:	General Release
Title:	Councillors Parental Leave Policy
Wards Affected:	All
Fairer Westminster/Policy Context:	The adoption of an enhanced policy will help the Council advance equality of opportunity and helps to discharge our public sector equality duty in creating positive impacts for protected groups.
Financial Summary:	Potential costs are anticipated to be relatively minimal, should a councillor in receipt of a Special Responsibility Allowance (SRA) take time off for parental leave. No additional budget provision has been identified as required at this stage since the existing budget has provision for more than the current allowances scheme requires.
Report of:	Parveen Akhtar (Director of Law and Governance)

1. Executive Summary

- 1.1 This report presents a revised parental leave policy for Councillors. The policy has been reviewed as it has not been reviewed since the adoption of the original policy in September 2019, but also in response to the 'Fairer Westminster' motion passed by Full Council on 28 June 2023 which committed the Council to "Review the Council's parental leave policy, setting out members' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances to ensure it as inclusive and fair as possible".
- 1.2 It is considered that improving the current provisions for new parents may help contribute towards increasing the diversity of sex, gender, experience, age and background of local representatives.

2. Recommendations

- 2.1 That the revised Parental Leave Policy for Councillors, attached at Appendix A - WCC Proposed New Parental Policy for Members 2023 be approved and adopted into the Council's Constitution as part an Appendix to the Member's Allowances Scheme.

3. Reasons for Decision

- 3.1 The policy has been reviewed as a matter of good practice in periodically reviewing such policies but also in response to the 'Fairer Westminster' motion passed by Full Council on 28 June 2023 which committed the Council to "Review the Council's parental leave policy, setting out members' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances to ensure it as inclusive and fair as possible".
- 3.2 The proposed amendments to the policy represent greater alignment with practice across London as well as clarifying and simplifying the process by which parental leave may be requested and handled.
- 3.3 The revised policy is designed to enable Councillors who have or adopt children to take appropriate leave, mirroring provisions made for staff as recommended by the Independent Remuneration Panel for London.
- 3.4 It is important that parental leave must apply to parents regardless of their gender and covers adoption leave to support those parents who choose to adopt.

4. Background, including Policy Context

- 4.1 It is anticipated that the adoption of updated parental leave policies will help ensure that the councillor role is accessible as possible to all sections of the

community, offering greater opportunity for diversity and representativeness of candidates. Although this is primarily a matter for political parties, the council's policies and support for councillors have a direct impact on the ability of councillors to perform their duties and therefore the Council retains an responsibility to ensure that such policies are as supportive and enabling as possible. A parental leave policy provides anyone considering standing for election with clarity on what to expect in the event of the birth or adoption of a child during their term of office.

- 4.2 Employees have defined statutory rights in relation to maternity, paternity, adoption, and shared parental leave and pay. However, there are currently no equivalent legal rights for elected representatives, hence the need for Councils to make local arrangements which are applicable to the position of councillors who hold elected office rather than employment.
- 4.3 In September 2019, the Council approved the existing parental leave policy for Councillors. In terms of allowances the current parental policies for Councillors at Westminster ensure all Councillors continue to receive their Basic Allowance, in full, in the case of pregnancy, maternity, paternity and sickness leave. Councillors entitled to a Special Responsibility Allowance continue to receive their allowance in the case of maternity, shared parental or adoption leave at a rate of three months full pay and the following three months at half pay.
- 4.4 In accordance with Section 85 of the Local Government Act 1972, Members of the Council are required 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. In the event that the councillor is a member of the Council's Executive, they must attend a meeting of the Executive within a six-month period. Where a Councillor requires extended absence, in light of parental leave, they should seek a dispensation from the Full Council by submitting an application in writing to the Head of Governance and Councillor Liaison.
- 4.5 In reviewing the current policy a comparative analysis of the parental leave policies of seven London councils and guidance provided by the Labour Group at the Local Government Association were reviewed; as per Appendix B. This has shown that Westminster is an outlier in the length of time the payments of Special Responsibility Allowances (SRAs) are paid. In most other Councils researched the SRA is paid either in full for the length of the maternity leave period or provided at the full rate for 6 months, followed by payment at 50% for 6 months.

5 Proposals

- 5.1 The proposed revisions to the existing policy, are set out in more detail below:
 - Clarity that Members taking maternity leave are entitled to 12 months leave, provided the 'six month rule' set out in Section 85 as noted above is adhered to.

- An extension to the length of time for the payment of any Special Responsibility Allowance (SRA).
- Revision of the shared parental leave policy so that any Councillors who have partners, who are not Council Members, but are taking parental leave, are entitled to share that leave and be reimbursed appropriately.
- The inclusion of clearer processes on how Councillors apply for parental leave and expectations on what arrangements should be put in place when Councillors are taking this leave.

5.2 Extension of the payment of any Special Responsibility Allowance

It is recommended that any policy for Councillors reflects the current staff policy and also those of other similar London councils. Therefore, the proposal is to increase the length of time of the payment of any Special Responsibility Allowance (SRA) from the current three months full pay followed by three months half pay to six months full pay followed by six months half pay.

In cases of shared parental leave the payment amount, would replicate when the shared leave was taken e.g in the first six months of the baby's life it would be full pay and if in the second six months then half pay.

5.3 Shared parental leave

The current policy only allows for Councillors to take shared parental leave if both parties are Council Members. This is outdated and does not reflect the desire of the Council to become more family friendly and encourage a more diverse range of people to stand as local Councillors; nor does it reflect the staff policy.

The proposal is to revise the Councillor policy to reflect the staff policy, and that of other Councils, so that Members who have partners who are taking parental leave can share this.

5.4 Notification of leave, and of return

Councillors wishing to request parental leave under the policy shall notify the Chief Executive, no later than 28 days before the date they wish the period of leave to start, who will be empowered to determine if the request meets Council policy and accordingly authorise such a period of absence.

The period of leave should be agreed between the councillor requesting leave and their group leader, group whip and Chief Executive. The group leader, group whip or councillor concerned should notify the Chief Executive of cover arrangements.

The councillor should keep the group leader and Chief Executive informed of their intentions, giving at least one month's notice of their intended return date, including whether the period of absence should be extended to cover a longer period than first anticipated.

In addition to the above it is suggested that revisions to the policy include what specific information is required on application for parental leave as per the below. This mirrors the Council's policy for employees.

For maternity or paternity leave:

- i) The expected date of childbirth
- ii) Provision of a copy of the MATB1 (available from a doctor or midwife)
- iii) Confirmation of the dates which the Councillor will be absent.

For shared parental leave:

- i) Confirmation of their entitlement to shared parental leave and the expected (or actual) date of birth/placement
- ii) Confirmation of the start and end dates of the Mother/Main Adopter's maternity/adoption leave, the amount of shared parental leave available and how much each parent intends to take
- iii) Provision of a copy of the MATB1 or matching certificate/official notification
- iv) Confirmation of the dates which the Councillor will be absent.

For adoption leave:

- i) Confirmation they are the Main Adopter and the date the child is expected to be placed for adoption (UK Adoption) or the date on which the date on which the child is expected to enter Great Britain (Overseas Adoption);
- ii) Provision of a copy of the matching certificate/official notification;
- iii) Confirmation of the dates which the Councillor will be absent.

5.5 Arrangements for Councillors taking leave.

In light of changes to the policy for parental leave it was thought prudent to set out a general expectation for Councillors when taking any type of leave.

As a basic requirement it is suggested that all Councillors place an out of office on emails to advise residents of alternative sources of advice and that Councillors put in place any arrangements for the cover of their responsibilities over the period of leave.

Individual considerations will apply in all different circumstances based on the roles held by different Members but the main considerations which will be reviewed with the Member in advance of taking parental leave are as follows:

- Handling ward work, inc. ward budgets – this can be handled informally within the ward with the agreement of other ward members;
- Seat on committees – this will generally require cover arrangements to be made by the Group whip, on the advice of the Monitoring Officer,

and consideration may be given as to whether to make such changes on a temporary or permanent basis; and

- Executive decision-making authority and portfolio management – when a Cabinet Member is unavailable to exercise their delegated authority or manage their portfolio due to parental leave, arrangements will be made at the Leader's discretion having had regard to appropriate advice from the Monitoring Officer.

5.6 These proposed revisions to the Councillor Parental Leave Policy underscores the Council's commitment to creating a supportive work environment that recognises the diverse needs of our members. This practice reflects the Council's commitment to inclusivity and gender equality, enhancing diverse representation. By offering enhanced parental leave, the council ensures members' well-being, fostering a positive environment and promoting sustainable, dedicated public service. Ultimately, parental leave strengthens the council's effectiveness, responsiveness, and connection with the community it serves.

5.7 A revised Councillor Parental Leave Policy, taking into consideration the revisions above has been drafted and is attached as Appendix A.

6. Financial Implications

6.1 There are no direct financial implications arising from this report. However, there will be costs, anticipated as relatively minimal, associated with the parental leave policy should a Councillor in receipt of a Special Responsibility Allowance (SRA) take parental leave and cover arrangements are put in place which involve additional SRAs to be paid, but there is not currently any such arrangement in place or planned. No additional budget provision has been identified at this stage since there is deemed to be sufficient headroom in the overall Member allowances budget to accommodate take up of the policy. This position will be kept under review.

7. Legal Implications

7.1 There is no legal requirement for the Council to adopt a parental leave policy for Councillors. However, the introduction of such a policy will help the Council advance equality of opportunity and helps to discharge our public sector equality duty in creating positive impacts for protected groups.

In accordance with Section 85 of the Local Government Act 1972, Members of the Council are required 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. Any request for parental leave beyond a six-month period would need to take account of this with either a plan to attend a qualifying meeting during the required time window or a plan to request extended leave.

- 7.2 Under Regulations 4 (1) (a) and (b) of the Local Authorities (Members' Allowances) (England) Regulations 2003 (S12003/1021) there is a requirement that any amendments to a council's Member Allowances scheme must be made with regard to the report of the Independent Remuneration Panel. The last report of the Independent Remuneration Panel for London last reported in 2022 and noted that:

“Our view is that members’ allowances schemes 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 (that is to say, they follow the same policies)”.

Accordingly the policy changes proposed are consistent with the recommendations of the Independent Remuneration Panel where possible.

8. Carbon Impact

- 8.1 There are no carbon implications arising out of this report.

9. Equalities

- 9.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 9.2 The implementation of a parental leave policy for councillors will provide councillors who are elected to public office with appropriate leave in relation to maternity, paternity adoption or other appropriate parenting responsibilities. It is considered that access to such entitlements may contribute towards increasing the diversity of gender, experience, age, and background of those standing for election and local authority groups.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:

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APPENDICES

LIST APPENDICES ABOVE BACKGROUND PAPERS

Appendix A - WCC Proposed New Parental Policy for Members 2023

Appendix B - Benchmarking on Parental Leave Policies for Members

BACKGROUND PAPERS

WCC Current Parental Leave Policy for Members – adopted September 2019

WCC Current Employees' Parental Leave Policy