

**North Yorkshire County Council**  
**Executive**  
**14 January 2020**

**Parental Leave Policy for County Councillors**

**1.0 Purpose of the report**

- 1.1 At present, the County Council does not have a Parental Leave Policy for County Councillors. This report provides details of a policy that could be adopted, which has been considered by the Member Working Group on the Constitution, the Member Workforce Planning Group and the Independent Remuneration Panel.
- 1.2 The Executive is asked to consider the comments of the Member Working Group on the Constitution, the Member Workforce Planning Group and the Independent Remuneration Panel and in light of these review the Local Government Association exemplar policy (Appendix 3), making a recommendation to County Council for their meeting on 19 February 2020.

**2.0 Background**

- 2.1 Recent analysis by the Fawcett Society suggests that only 4% of local authorities in England have a parental leave policy in place for elected representatives. North Yorkshire County Council does not have a parental leave policy.
- 2.2 A letter was sent by the Rt Hon Brandon Lewis MP, Chairman of the Conservative party, to all Conservative Group and Council Leaders on 8 March 2019 (see Appendices 1 and 2). The letter asks local authorities to consider introducing arrangements for parental leave for elected members. This letter was considered by the Council's Member Working Group on the Constitution at their meeting on 29 March 2019 also the Member Workforce Planning Group at their meeting on 4 September 2019.
- 2.3 The Local Government Association's (LGA) Labour Group subsequently produced an exemplar policy (see Appendix 3). This was considered by the Independent Remuneration Panel at their meeting on 29 November 2019, in addition to the letter from the Rt Hon Brandon Lewis MP and the findings of the aforementioned working groups.

**3.0 Parental leave for Councillors**

- 3.1 There is no legal right to parental leave for those elected to public office. The letter from the Rt Hon Brandon Lewis MP, however, states that the lack of a Parental Leave policy for elected representatives can act as a barrier to women standing for public office and entering politics.
- 3.2 Under Section 85 of the Local Government Act 1972 Members are required to attend at least one meeting of the authority in any six-month period. Failure to do so results in a by-election. As such, a woman on 12 months' maternity leave who

was a county councillor would risk losing her seat by have an attendance record that triggered a by-election.

- 3.3 The letter from the Rt Hon Brandon Lewis MP included an illustrative Council Motion, which provides further details of what could be considered as part of a policy (see Appendix 2).

#### **4.0 Engagement to date**

- 4.1 The Council's Member Working Group on the Constitution met on 29 March 2019 and there was a discussion about the letter from the Conservative Party Chairman and the adoption of a parental leave policy for councillors.
- 4.2 The conclusion was that the matter be forwarded to the Member Workforce Planning Group for consideration, with strong support for the introduction a Parental Leave Policy. The only concern raised was about payment of Special Responsibility Allowances (SRA) twice. ie. where someone on parental leave receives a SRA, that should only be paid to the person who is covering that role in their absence and not to both.
- 4.3 The Member Workforce Planning Group met on 4 September 2019 and supported the introduction of a Parental Leave Policy. The same concern about paying a SRA twice was raised.
- 4.4 It is of note that both the Member Working Group on the Constitution and the Member Workforce Planning Group are cross party groups.
- 4.5 Subsequent to the meeting of the Member Workforce Planning Group, the LGA produced the exemplar policy. The LGA exemplar policy does not raise any concerns about double payment of SRAs, indicating that where a councillor who would normally be in receipt of a SRA is on Parental Leave, the person covering their position would also be entitled to a SRA.
- 4.6 The Independent Remuneration Panel met on 29 November 2019 and reviewed the letter from the Conservative Party Chairman and the LGA exemplar parental leave policy. They supported the adoption of the exemplar parental leave policy and recommended that no amendment to the exemplar policy was made to prevent the double payment of SRAs. They did note, however, that as with all allowances any member (ie the person on parental leave or the person acting up) can opt to forego such 'double payment' arrangements.

#### **5.0 Equality and legal implications**

- 5.1 Whilst there is no legal right to parental leave for those elected to public office, the Council is subject to the public sector equality duty that is enshrined in section 149 Equality Act 2010. Under this duty the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it

- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

5.2 The Act also identifies both 'sex' and 'pregnancy or maternity' as protected characteristics. As such, it is unlawful to discriminate against people with these characteristics and the Council should advance equality of opportunity.

## **6.0 Financial implications**

6.1 The adoption of a parental leave policy will be either cost neutral or present minimal additional cost to the Council. The implementation of a Parental Leave Policy would negate the need to hold a by-election where a County Councillor was on maternity leave and had more than 6 months of absence. This could yield considerable savings, as illustrated by the cost of the 2018 Knaresborough by-election, which was £14,000.

6.2 It is anticipated that the take up of parental leave, should the policy be implemented, would be low.

## **7.0 Conclusion**

7.1 There is cross party support for the introduction of a parental leave policy and the exemplar policy that has been provided by the LGA could be adopted in its entirety. The only point of contention between the three bodies that have reviewed the options for a parental leave policy relates to the duplication of SRA payments. The Council's Independent Remuneration Panel did not seek to amend the LGA exemplar policy to remove this possibility.

## **8.0 Recommendation**

8.1 The Executive is asked to consider the comments of the Member Working Group on the Constitution, the Member Workforce Planning Group and the Independent Remuneration Panel and in light of these review the LGA exemplar policy, making a recommendation to County Council for their meeting on 19 February 2020.

Barry Khan  
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Northallerton  
11 December 2019

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## **Appendices:**

Appendix 1 – Letter from the Party Chairman  
Appendix 2 – Council Parental Leave Policy  
Appendix 3 – LGA Exemplar



**The Rt. Hon. Brandon Lewis MP**  
Chairman of the Conservative Party

To: *Conservative Group & Council Leaders*

Friday 8<sup>th</sup> March 2019

Dear Colleague,

In my speech to the Conservative Councillors Association Conference last month, I spoke about how I want to see more women get involved in our Party and succeed in Local Government.

Local Government is the cornerstone of our democracy; delivering services that people rely on and serving our communities. Like many colleagues in Parliament, Local Government is where I started my career and I'm proud of the difference I was able to make as a Councillor.

I want women to have more opportunities to make a difference and start a political journey, but to do this we need to break down the barriers where we can.

One barrier is the lack of parental leave for elected members in local authorities. Just 4% of Councils across England have a formal Parental Leave Policy in place for elected members and we know that this impacts the likelihood of women standing for Council and is seen as a barrier to fulfilling their role.

The Conservative Party has a strong tradition of equality and opportunity, giving everybody a fair chance to participate and succeed; from the first woman MP to sit in Parliament to the first, and second, female Prime Ministers. As I announced in my speech, I want Conservative run Councils and Council Groups to lead on extending this equality by introducing a Parental Leave Policy in their Council.

Attached to this letter is an illustrative Council Motion and policies to help each Council create a policy that works for them and their elected members.

I hope that every Council across the country will take action on this important matter and I'm asking you to keep me updated on your progress by contacting [cca@conservatives.com](mailto:cca@conservatives.com)

Yours ever,

**THE RT. HON. BRANDON LEWIS MP**  
Chairman of the Conservative Party

Parental Leave Policy for Elected Members of Local Authorities.

**Illustrative Council Motion:**

The Council notes that [Name of Authority] Council does not currently have a formalised policy relating to Parental Leave for elected Members. At present there is no legal right to Parental Leave for those elected to public office.

It is proposed that this Council should adopt a Parental Leave Policy for elected Members.

This council resolves to set up a working group to consider the attached policy proposals on Parental Leave and where necessary to convene an Independent Remuneration Panel to consider proposals which relate to Member allowances.

**Notes:**

There is at present no legal right to parental leave of any kind for people in elected public office. This applies to MPs as well as councillors. Therefore councils may only take action on a voluntary basis.

According to an analysis by the Fawcett Society:

- Just 4% of local councils in England currently have a formal Parental Leave policy in place for elected representatives.
- It identified that one third of female councillors of child-bearing age found a lack of maternity leave to be a barrier to fulfilling their role.
- Fewer than 1 in 5 council leaders are women.
- From 1997 to 2017 female councillor representation only rose by from 27 per cent to 32 per cent whilst the female proportion of the House of Commons rose 14 percentage points to 32 per cent.<sup>1</sup>

**Illustrative Policy:**

- i) Within this policy, Parental Leave refers to the period of absence taken by an elected Member following the birth or adoption of a child. (*Individual political groups would be encouraged to formulate their own policy for a member of that Group to cover the Member's roles/work.*)
- ii) Under Section 85 of the Local Government Act 1972 Members are required to attend at least one meeting of the authority in any six month period. This requirement still applies to Members on Parental Leave.<sup>2</sup>

The Council will ensure that Members on leave are aware of this requirement and are provided with information on qualifying meetings and the process by which they may apply for dispensation.

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<sup>1</sup> Fawcett Society, 10 March 2017, [link](#).

<sup>2</sup> Legislation.gov.uk, *Local Government Act 1972*, [link](#).

The Council may exercise its right to waive the expulsion if non-presence relates to Parental Leave, constituting ‘some reason approved by the authority before the expiry of that period’ with prior agreement between the Councillor and the Council.

- iii) Absences from Council meetings during any period of Parental Leave will be noted as such, rather than being attributed to general absence.
- iv) Members are entitled to up to 52 weeks Maternity/Adoption leave. The requirements for notification of the intention to take leave and the date on which the leave will commence will reflect the Council’s policy for paid employees.
- v) 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). During this period Members will continue to receive their basic allowance and any special responsibility allowances without deduction.
- vi) Where councillors have made Shared Parental Leave arrangements, the Council will make every effort to replicate such arrangements in terms of leave from Council.
- vii) Members on Parental Leave will continue to receive their basic allowance without deduction for a period of between 39 and 52 weeks dependent on the recommendation of an Independent Remuneration Panel.
- viii) The Council will determine a policy relating to any Special Responsibility Allowances. *(We suggest that the Conservative Group formulate a proposal on the payment of Special Responsibility Allowances and arrangements for covering a Member’s absence from their role during a period of leave.)*
- ix) The Council will facilitate any arrangements made by relevant Members which allow for the case work of a Member on Parental Leave to be completed by a Ward/Division colleague or another Member of the relevant Council Group. *(We suggest that the Conservative Group discuss the format of these arrangements and recommend a structure as part of their proposed policy.)*
- x) The Council will periodically review its Member Allowance Scheme to ensure adequate provisions relating to Parental Leave, including any Dependents’ Carers’ Allowance available during the period of leave and upon returning to their role. Members will be provided with information on the allowance available and how they may make a claim.<sup>3</sup>
- xi) The Council will ensure that Members have access to adequate IT provision to allow them to work from home while on Parental Leave and upon returning to their role.

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<sup>3</sup> Legislation.gov.uk, *The Local Authorities (Members’ Allowances) (England) Regulations 2003*, [link](#).

- xii) With the introduction of these policies, all Councillors to be formally provided with details of pastoral care, illness or bereavement leave entitlements and other associated resources available to all members.

## **Parental Leave Policy for Councils**

### **Introduction**

This Policy sets out Members' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances.

The objective of the policy is to ensure that insofar as possible 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-holders and others in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.

Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of local authority councillors. It will also assist with retaining experienced councillors – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it.

There is at present no legal right to parental leave of any kind for people in elected public office. This applies to MPs as well as councillors, and has been the subject of lengthy debate. These policies can therefore only currently be implemented on a voluntary basis, although Labour Councils are encouraged to implement them as per the Labour Party Democracy Review which has called for Labour-controlled councils and Labour Groups to adopt a parental leave policy. Discussions are ongoing about changing the law to enable compulsory provision, but until then these policies constitute best practice which Labour Groups (and the councils they control) are strongly advised to adopt.

Legal advice has been taken on these policies, and they conform with current requirements.

### **1. Leave Periods**

1.1 Members giving birth are entitled to up to 6 months maternity leave from the due date, with the option to extend up to 52 weeks by agreement if required.

1.2 In addition, where the birth is premature, the Member is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.

1.3 In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement, and such exceptional leave shall not be deducted from the total 52 week entitlement.

1.4 Members shall be entitled to take a minimum of 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren).



1.5 A Member who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council.

1.6 Where both parents are Members leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks. Special and exceptional arrangements may be made in cases of prematurity.

1.7 A Member who adopts a child through an approved adoption agency shall be entitled to take up to six months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required.

1.8 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 Meeting agrees to an extended leave of absence prior to the expiration of that six month period.

1.9 Any Member intending to take maternity, paternity, shared parental or adoption leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.

1.10 Any member taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

## **2. Basic Allowance**

2.1 All Members shall continue to receive their Basic Allowance in full whilst on maternity, paternity or adoption leave.

## **3. Special Responsibility Allowances**

3.1 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave.

3.2 Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro rata basis for the period of the temporary appointment.

3.3 The payment of Special Responsibility Allowances, whether to the primary SRA holder or a replacement, during a period of maternity, paternity, shared parental or adoption leave shall continue for a period of six months, or until the date of the

next Annual Meeting of the Council, or until the date when the member taking leave is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for a further six month period.

3.4 Should a Member appointed to replace the member on maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowances shall apply.

3.5 Unless the Member taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, or unless the Party to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

#### **4. Resigning from Office and Elections**

4.1 If a Member decides not to return at the end of their maternity, paternity, shared parental or adoption leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.

4.2 If an election is held during the Member's maternity, paternity, shared parental or adoption leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the Monday after the election date when they would technically leave office.