

# Report of the Director of Legal and Governance to the meeting of Executive to be held on 6 December 2022

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## **Subject:**

**PARENTAL LEAVE POLICY FOR ELECTED MEMBERS**

## **Summary statement:**

**To consider the draft Parental Leave Policy for Elected Members as set out in Appendix A and to decide whether to recommend to Council its adoption.**

## **EQUALITY & DIVERSITY:**

The draft Parental Leave Policy for Elected Members aims to ensure that, insofar as possible, Elected Members are able to take appropriate leave at the time of the birth or adoption of a child(ren).

It is hoped that by introducing this policy for new parents, it will make the role of a councillor more accessible and appealing to individuals of all ages, backgrounds and experience. This policy will hopefully also assist the Council to retain its experienced councillors.

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Asif Ibrahim  
Director of Legal and Governance

## **Portfolio:**

**Leader and Corporate**

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## **Overview & Scrutiny Area:**

**Corporate**

## **1. SUMMARY**

- 1.1 The Council does not have a Parental Leave Policy for Elected Members. This report asks Executive to consider the draft Parental Leave Policy for Elected Members (“the Policy”) as set out in Appendix A and to decide whether to recommend to Council its adoption.

## **2. BACKGROUND**

- 2.1 The Council does not 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.
- 2.2 In March 2019 the Local Government Association (LGA) and the Ministry of Housing, Communities and Local Government produced a toolkit: “Twenty-First Century Councils- Enabling and Supporting Women and Carers to stand and serve in Local Government.” The toolkit was developed “to help councils create the underlying policies, procedures, ethos and environment that encourages and empowers women, parents and carers to become local councillors and take on leadership positions.”
- 2.3 The toolkit recommends that councils adopt a parental leave policy and it provides a link to the model parental leave policy produced by the LGA Labour Group.
- 2.4 The attached draft Policy at Appendix A is based on this model policy with a number of amendments for clarification having considered policies adopted by other councils and following consultation with the Council’s Group Leaders and Group Whips.

## **3. OTHER CONSIDERATIONS**

- 3.1 The draft Policy has been considered by the Council’s Group Leaders and Group Whips resulting in a number of amendments being made to the Policy. Generally, there is cross party support for adopting the Policy.
- 3.2 The draft Policy entitles members to up to 6 months’ maternity and adoption leave with the option to extend by a further 6 months by agreement. Requests to extend leave are to be determined by the Monitoring Officer in consultation with the relevant Group Leader (if applicable). The Policy also entitles relevant members to take a maximum of 2 weeks’ paternity leave.
- 3.3 The draft Policy also entitles all members to receive their basic allowance in full whilst on maternity, paternity or adoption leave. In addition, members entitled to a special responsibility allowance (SRA) shall continue to receive their allowance in full whilst on such leave. If a replacement is appointed to cover the period of absence that person is also entitled to an SRA on a pro-rata basis for the period of the temporary appointment. Again this is for a period of up to 6 months with exceptions as detailed in the Policy, with an option to apply to extend the leave and the payment for a further 6 months if the member remains entitled to the SRA.

- 3.4 The LGA website reports that, as of February 2022, 33 Council's had "passed" the LGA's Labour Group's parental leave policy and an additional 7 councils have their own policies in place.

## **RECOMMENDATIONS FROM THE INDEPENDENT REMUNERATION PANEL**

- 3.5 As the draft Policy provides for the continued payment to elected members of the basic allowance, and SRA if applicable, and also provides that where a replacement is appointed to cover a member with an SRA the replacement shall also receive an SRA, it was necessary for the Independent Remuneration Panel to consider the Policy in respect of the proposals regarding the allowances.
- 3.6 The majority of the Panel support the suggested amendment to the members' allowances scheme, believing that the amendment is a welcome attempt to make service as a councillor more attractive to younger people and redress the imbalance of age. The majority of the Panel also acknowledged it is consistent with practice elsewhere.

## **4. FINANCIAL & RESOURCE APPRAISAL**

- 4.1 The adoption of the Parental Leave Policy for Elected Members represents a limited additional cost to the Council. The additional cost arises if the member taking leave under the policy is in receipt of an SRA. If so they would be entitled to retain the SRA and any replacement appointed to cover the absence would also be entitled to an SRA on a pro-rata basis. The actual cost will vary according to the numbers taking parental leave and the level of SRA involved for the individuals concerned. Currently, based on August payment levels of £47,250 across 54 members, the average SRA cost is £875 per month. The additional average cost if cover was required for 1 member for 6 months would be £5,250.

## **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

- 5.1 There are no significant risks arising out of the implementation of the proposed recommendation.

## **6. LEGAL APPRAISAL**

- 6.1 There is no legal right for Elected Members to take parental leave and any arrangement adopted would be voluntary.
- 6.2 When reaching its decision Executive must have regard to any recommendations of the Independent Remuneration Panel but does not have to adopt them. Similarly, if Executive recommend to Council that the Policy be adopted Council must also have regard to any such recommendations but does not have to adopt them.

## **7. OTHER IMPLICATIONS**

### **7.1 SUSTAINABILITY IMPLICATIONS**

7.1.1 None arising from this report.

### **7.2 GREENHOUSE GAS EMISSIONS IMPACTS**

7.2.1 Not applicable.

### **7.3 COMMUNITY SAFETY IMPLICATIONS**

7.3.1 Not applicable.

### **7.4 HUMAN RIGHTS ACT**

7.4.1 No issues arising from this report.

### **7.5 TRADE UNION**

7.5.1 No issues arising from this report.

### **7.6 WARD IMPLICATIONS**

7.6.1 No issues arising from this report.

### **7.7 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE**

7.7.1 No issues arising from this report.

### **7.8 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT**

7.8.1 Not applicable.

## **8. NOT FOR PUBLICATION DOCUMENTS**

8.1 None.

## **9. OPTIONS**

9.1 The following options are available to the Executive:

9.1.1 having regard to the recommendation of the Independent Remuneration Panel, Executive may agree the draft Parental Leave Policy for Elected Members and recommend to Council the adoption of the Policy as set out in Appendix A to this Report subject to realignment with the Members' Allowance Scheme; or

9.1.2 having regard to the recommendation of the Independent Remuneration Panel, Executive may recommend to Council the adoption of the draft Parental Leave Policy for Elected Members as set out in Appendix A to this Report, subject to such amendments as Executive considers appropriate and subject to realignment with the Members' Allowance Scheme; or

9.1.3 Executive may decide that a Parental Leave Policy for Elected Members should not be recommended to Council for adoption.

## **10. RECOMMENDATIONS**

It is recommended:

10.1 that Executive agrees the draft Parental Leave Policy for Elected Members as set out in Appendix A, and recommends to Council that the Policy be adopted, subject to realignment with the Members' Allowance Scheme.

10.2 that if the Policy is agreed by Executive and adopted by Council, the Policy is kept under review with the first review being undertaken after one year of adoption.

## **11. APPENDICES**

11.1 Appendix A – Draft Parental Leave Policy for Elected Members.

## **12. BACKGROUND DOCUMENTS**

12.1 None.