



# Carlisle City Council

## Report to Council

### Report details

Meeting Date: 26 April 2022  
Portfolio: Cross Cutting  
Key Decision:  
Policy and Budget: Yes/No  
Framework:  
Public / Private: Public

Title: REPORT OF THE INDEPENDENT REMUNERATION PANEL:  
MEMBERS' MATERNITY AND PARENTAL LEAVE POLICY  
Report of: Corporate Director of Governance and Regulatory Services  
Report Number: GD.25/22

### Purpose / Summary:

The Independent Remuneration Panel was requested, by Council, to investigate the adoption by Council of a maternity and parental leave policy for Councillors. This report presents to the Council the report and recommendations of Carlisle City Council's Independent Remuneration Panel.

### Recommendations:

It is recommended that Council, having had regard to the report of the Independent Remuneration Panel, thank the Panel for their Report and resolve one of the following options:

- a. approve for implementation the Maternity & Parental Leave Policy for Members as attached at Appendix A which covers maternity, paternity, adoption and shared parental leave.
- b. to not accept the recommendation and have no Maternity & Parental Leave Policy for Members
- c. to propose and agree an alternative

### Tracking

Council:	26 April 2022
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## 1. Background

1.1 Council, at its meeting on 4 January 2022, agreed the following motion:

"This council agrees to investigate the issue of adopting a maternity and paternity leave policy. However rather than at this stage accepting a preprepared policy from the LGA, it will refer the matter to Carlisle City Council's Independent Remuneration Panel, as established through The Local Authorities (Members Allowances) (England) Regulations of 2003. It will request that they investigate the following:-

To adopt a maternity and parental leave policy to give all councillors an entitlement to parental leave after giving birth or adopting; either through the adoption of LGA guidance, or through establishing our own policy as other Councils have done. To ensure that Councillors with children are supported as appropriate, whilst wishing that as a result of any changes, Councillors do not receive a more advantageous maternity and paternity policy than is presently available to employees of Carlisle City Council."

1.2 The Carlisle City Council Independent Remuneration Panel (the Panel) was established in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003.

1.3 The Panel has now produced its report and recommendations for consideration by the Council and this is appended to this report.

## 2. Options for the Council

2.1 The options available to the Council once it has had regard to the report of the Independent Remuneration Panel are as follows:

- a. approve for implementation the Maternity & Parental Leave Policy for Members as attached at Appendix A which covers maternity, paternity, adoption and shared parental leave.
- b. to not accept the recommendation and have no Maternity & Parental Leave Policy for Members
- c. to propose and agree an alternative

### Contact details:

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### Appendices attached to report:

- Report of the Independent Remuneration Panel

Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:

- None

**Corporate Implications:**

Legal – There are no direct legal implications from this report other than to highlight that Council authorisation is required in circumstances where a Member does not attend a meeting of the authority for a period of six months. The proposed policy contains this requirement. Any required approval must be given before the expiry of the six months (section 85, Local Government Act 1972).

Property Services – N/A

Finance – Any additional costs incurred as a result of adopting this Members' Maternity and Parental Leave Policy can be accommodated within the Democratic Representation budget and specifically Members Allowances, which has a history of underspending.

Equality – Pregnancy and maternity are protected characteristics under the Equality Act 2010.

Information Governance- N/A

**Report to: CARLISLE CITY COUNCIL**

**From: The Independent Remuneration Panel**

**Title: Members' Maternity & Parental Leave Policy**

## **INTRODUCTION**

1.1 At the Council Meeting on 4 January 2022 the Independent Remuneration Panel (IRP) was requested to investigate the following:

a) To adopt a maternity and parental leave policy to give all Councillors an entitlement to parental leave after giving birth or adopting; either through the adoption of LGA guidance, or through establishing our own policy as other Councils have done and

b) To ensure that Councillors with new children are supported as appropriate, whilst wishing that as a result of any changes, Councillors do not receive a more advantageous maternity and paternity policy than is presently available to employees of Carlisle City Council .i.e. does not extend to other aspects of childcare within family friendly employee schemes such as child related illness, school events, family holiday time etc.

## **METHODOLOGY**

2.1 The IRP reviewed the Local Authorities (Members' Allowances) (England) Regulations 2003/1021 - specifically regulation 21 re recommendations of Panels - in respect of its statutory role and duties.

2.2 The IRP undertook a literature review of the current position i.e., LGA parental leave policy guidance, Carlisle City Council employee policy dated September 2016 and a range of existing such policies in other comparative Local Authorities in England in order to identify best practice.

## **RECOMMENDATION**

The Council is recommended to approve for implementation the Maternity & Parental Leave Policy for Members as attached at Appendix A which covers maternity, paternity, adoption and shared parental leave.

## **APPENDIX A: MEMBERS 'MATERNITY & PARENTAL LEAVE POLICY**

### **INTRODUCTION**

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

The objective is to ensure that in so far 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's) 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. The Parental Leave Policy constitutes best practice but will require regular review on an ongoing basis.

### **1. Leave periods**

#### **Maternity Leave**

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, with agreement, the Member is entitled to take leave during the period between the due 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 the total 52-week entitlement.

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.

#### **Paternity Leave**

1.4 Members shall be entitled to take a minimum of 2 weeks paternity leave if they have or expect to have responsibility for the child's upbringing, are the biological father or the

mother's husband or partner, or nominated carer of their partner/spouse following the birth/adoption of their child(ren).

### **Shared Parental Leave**

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 the Council.

1.6 Where both parents are Members, leave may be shared up to a maximum of 24 weeks for the first 6 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.

### **Adoption Leave**

1.7 A Member who adopts a child through an approved adoption agency shall be entitled to take up to 6 months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required.

### **Leave Arrangements**

1.8 Any Member who takes maternity, shared parental or adoption leave is still required under the Local Government Act 1972 to attend a meeting of the Council within a 6-month period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that 6-month period.

1.9 Any Member intending to take maternity, paternity shared parental or adoption leave will be responsible for fully 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 their Group Leader (if applicable) and Corporate Director of Governance and Regulatory Services 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, shared parental or adoption leave.

### **3. Special Responsibility Leave**

3.1 Any Member entitled to a Special Responsibility Allowance (SRA) 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 maximum period of 6 months; or until the date of the next Annual General Meeting of the Council; or until the date when the Member taking leave is up for election (whichever is soonest). At such point, the position will be reviewed, and will be subject to a possible extension for a further 6 month period.

3.4 Should a Member appointed to replace the Member taking maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowance 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 paternity or adoption leave they must inform 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 paternity or adoption leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and Special Responsibility Allowance if appropriate will cease from the Monday after the election date when they would technically leave office.

## **5. Practical Arrangements**

5.1 A Member intending to take parental leave must in the first instance inform their Group Leader (if applicable) and the Corporate Director of Governance and Regulatory Services in writing. Members are asked to provide notice of their intention to take parental leave in accordance with the timescales set out below:

- a) Pregnant mothers should give notice no later than 28 days before they want to commence their maternity leave, confirmation of the pregnancy and the expected week of childbirth is usually via a MAT B1 certificate (a form given to a woman by their doctor or midwife after the 20<sup>th</sup> week of pregnancy and shows the expected date of childbirth). As soon as practicable after the birth they should notify the same of the baby's date of birth in writing.
- b) A Member who is a primary adopter should give notice within 7 days of being told they have been matched with a child and provide confirmation of the adoption through the provision of a matching certificate, and the child is to be placed with the Member.
- c) For paternity leave a Member should give notice by the 15<sup>th</sup> week before the expected week of childbirth.
- d) A Member who is intending to take Shared parental leave must advise of their intention at least 8 weeks before.

5.2 Any Member taking leave for more than a 2-month period must meet with the Corporate Director of Governance and Regulatory Services and Group Leader (if applicable) to discuss practical issues including how to keep in touch and about expected dates of return.

5.3 The Corporate Director of Governance and Regulatory Services will ensure that business support and payroll are informed of arrangements to ensure that allowances are paid in accordance with the Policy.

5.4 Any requests for special or exceptional circumstances, or an extension in line with the policy will be agreed by the Corporate Director of Governance and Regulatory Services in consultation with the Leader of the Council, and the Group Leader (if applicable)

5.5 For multi - Member wards it will be the responsibility of the Group Leader to allocate another Member to undertake the 'caretaking role' to ensure that local casework is covered, following consultation with the Corporate Director of Governance and Regulatory Services.

5.6 If a Member is an independent and not part of a group, the Corporate Director of Governance and Regulatory Services will liaise with that member and any other independent Members as to who is best placed to take on the 'caretaking' role and ensure that local casework is covered.