

Report to:	Independent Remuneration Panel	Date of Meeting:	10 June 2024
Subject:	Parental Leave Policy		
Report of:	Chief Legal and Democratic Officer	Wards Affected:	All
Cabinet Portfolio:	Regulatory, Compliance and Corporate Services		
Is this a Key Decision:	No	Included in Forward Plan:	No
Exempt / Confidential Report:	No		

Summary:

To seek the views of the Independent Remuneration Panel on the adoption of a Parental Leave Policy for elected Members.

Recommendation(s):

That the Panel give consideration to the submission of views to Council on the approval of a Parental Leave Policy for elected Members.

Reason for Recommendation(s):

The Independent Remuneration Panel's views must be sought on the approval of any policy impacting on the allowances made to elected Members.

Alternative Options Considered and Rejected: (including any Risk Implications)

None. The Independent Remuneration Panel is requested to either approve or not approve the policy.

What will it cost and how will it be financed?

(A) Revenue Costs – It is difficult to accurately predict the revenue costs of the implementation of the policy as this is dependent on the amount of parental leave taken in any year. Budgetary provision has already been made for the payment of basic and special responsibility allowances (SRA) to all Members/Cabinet Members and Chairs of Committees. Additional costs would only be incurred where a replacement Member was appointed to cover the period of absence of a Member who received an SRA on a pro rata basis for the period of the temporary appointment.

(B) Capital Costs - None

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets): See revenue costs section above	
Legal Implications: The Local Authorities (Members Allowances) (England) Regulations 2003 (as amended) require authorities to make a scheme for the payment of allowances for members and before it makes or amends a scheme, to have regard to the recommendations of an Independent Remuneration Panel.	
Equality Implications: 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.	
Impact on Children and Young People: To ensure that councillors with children and other caring commitments are supported as appropriate	
Climate Emergency Implications: The recommendations within this report will	
Have a positive impact	No
Have a neutral impact	Yes
Have a negative impact	No
The Author has undertaken the Climate Emergency training for report authors	Yes
There are no direct climate emergency implications arising from this report.	

Contribution to the Council's Core Purpose:

Protect the most vulnerable: Not applicable
Facilitate confident and resilient communities: Not applicable
Commission, broker and provide core services: Not applicable
Place – leadership and influencer: Not applicable
Drivers of change and reform: Not applicable
Facilitate sustainable economic prosperity: Not applicable
Greater income for social investment: Not applicable
Cleaner Greener: Not applicable

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD7670/24/24) has been consulted and any comments have been incorporated into the report. The Chief Legal and Democratic Officer (LD5770/24) is the author of this report.

(B) External Consultations – Local Government Association

Implementation Date for the Decision

With immediate effect. The decision of the Independent Remuneration Panel will however be submitted to Council for consideration and approval.

Contact Officer:	Paul Fraser
Telephone Number:	0151 934 2068
Email Address:	paul.fraser@sefton.gov.uk

Appendices:

The following appendix is attached to this report:

Appendix 1 – Parental Leave Policy

Appendix 2 – Letter from Simon Hoare MP, Minister for Local Government to all leaders of local authorities in England

Appendix 3 - response to the Minister's letter from Councillor Nesil Caliskan, Leader of the LGA Labour Group and Leader of Enfield Council

Appendix 4 - Minister's response to Councillor Nesil Caliskan, Leader of the LGA Labour Group and Leader of Enfield Council

Background Papers:

There are no background papers available for inspection.

1. Introduction/Background

1.1 At its meeting held on 18 July 2019 the Council considered and approved the following Motion:

To Adopt Parental Leave

This Council notes:

- That analysis of the 2018 Local Election results by the Fawcett Society found that only 34% of councillors in England are women, up 1% since 2017. Of the seats that were up for election in 2018, 38% went to women, up just 3 percentage points on 2014 when these seats were last contested;
- That across England, Labour has improved its representation since seats were last up for grabs, with 45% women compared with 40% in 2014, Liberal Democrat representation up from 34% to 36% whilst the Conservative Party saw a fall from 31% to 29% in the share of its councillors who are female;
- As of summer 2017, only 4% of councils in England and Wales have parental leave policies, according to research by the Fawcett Society;
- That the role of a councillor should be open to all, regardless of their background,

and that introducing a parental leave policy is a step towards encouraging a wider range of people to become councillors, and is also a step to encourage existing councillors who may want to start a family to remain as councillors;

- That parental leave must apply to parents regardless of their gender, and that it should also cover adoption leave to support those parents who choose to adopt.

This Council resolves:

- To adopt a parental leave policy, as per the attached indicative policy, to give all councillors an entitlement to parental leave after giving birth or adopting but noting the implementation of a policy will be subject to the Independent Remuneration Panel considering the implications and reporting back to Council;
- To ensure that councillors with children and other caring commitments are supported as appropriate; and
- To notify the LGA (Local Government Association) that this Council has passed a motion at Full Council to adopt a parental leave policy.

1.2 A copy of the indicative policy referred to above is attached as an appendix to this report.

1.3 Statistics referred to in the above resolution relate to 2018. To provide updated information, the latest LGA published national census of local authority councillors 2022 indicates that 59 per cent of councillors were male, and 41 per cent female.

2. Delay in Submission of Report to the Independent Remuneration Panel

2.1 Panel Members will note that consideration is sought of a decision taken by Council in 2019. A meeting of the Panel was arranged to take place on 23 September 2019 to consider this matter but, unfortunately, a Panel member resigned shortly before the meeting leaving the Panel with only 2 members. Regulations state that the IRP must consist of at least three members and therefore the meeting had to be cancelled.

2.2 A recruitment process therefore commenced for additional Panel members, but this was hindered by the Covid-19 pandemic. Four additional members were eventually appointed by Council on 15 July 2021.

2.3 Unfortunately, due to the time between the cancellation of the meeting in September 2019 and the appointment of new members in July 2021, the arrangement of the Panel to consider this matter was overlooked.

3. Parental Leave Policies in England and Wales

3.1 Contact has been made with the LGA to find out statistics on the numbers of English and Welsh local authorities who have introduced parental leave policies.

3.2 The LGA have advised that they have been notified that over 80 local authorities have adopted parental leave policies. However, the LGA anticipate that more Councils will have adopted the policy but that they have not yet notified the LGA.

4. Recent Update

- 4.1 On 21 March 2024, Simon Hoare MP, Minister for Local Government, wrote to all leaders of local authorities in England regarding accommodating councillors with need of maternity, paternity or neonatal care leave. A copy of the letter is attached as Appendix 2.
- 4.2 The purpose of the Minister's letter was to ensure that councils consider the provisions at Section 85 (1) of the Local Government Act 1972 as a means of providing flexibility to those councillors who may need to care for their children, including those who are receiving neonatal care.
- 4.3 Section 1.8 of the policy approved by Council complies with the wishes of the Minister's letter.

5. Response of LGA Labour Group to Minister's Letter

- 5.1 The Chief Legal and Democratic Officer has been made aware of a response to the Minister's letter from Councillor Nesil Caliskan, Leader of the LGA Labour Group and Leader of Enfield Council. A copy of the letter is attached as Appendix 3 and a copy of the Minister's response is attached as Appendix 4.
- 5.2 As can be seen from the letter, Councillor Caliskan sought clarification on a number of issues. These issues are highlighted in A to C below and the Minister's responses are set out immediately below:

A. Payment of Special Responsibility Allowances

Clarity is sought around cover arrangements – for example, when a cabinet member takes leave and cover is appointed, can the councillor covering the cabinet role receive an SRA for the work they are doing in the interim?

A clear decision on this matter would be helpful as Section 3.2 of the policy approved by Council allows such an allowance to be made.

Minister's response

In your letter you raised a query about whether Members would be able to continue to receive Special Responsibility Allowances whilst on parental leave, and whether those covering their position are entitled to these allowances. Councils are required by Part 4 of the Local Authorities (Members' Allowances) (England) Regulations 2003 to establish and maintain an Independent Remuneration Panel – it is for such Panels to make recommendations to the authority about the level of these allowances and to whom they should be paid.

B. Number of payable Special Responsibility Allowances

Section 9.5 of Chapter 2 (Executive Arrangements) of the Local Government Act 2000 limits the number of executive SRAs to no more than ten.

Clarity is sought on whether paying a SRA to a member covering a cabinet position can be made or would such a payment breach the limit.

As above, a clear decision on this matter would be helpful as Section 3.2 of the

policy approved by Council allows such an allowance to be made.

Minister's response – none directly received

This issue has not been specifically addressed in the Minister's response. The Minister does mention (as set out above) the role Independent Remuneration Panels can play in determining allowances, but it is not considered that Panels could change the Executive Arrangements limiting the number of executive SRAs to no more than ten.

However, Sefton currently has 9 Cabinet Members who receive an executive SRA. There is therefore some flexibility locally for the payment of an additional SRA to a Member covering a Cabinet position if the need arises.

C. Waiving the six-month rule

At present, a vote of full council should take place to waive the need for a councillor to attend a council meeting once in a six-month period. Clarity is sought around the process to make it work in the interests of the councillor on leave so they are not made to feel uncomfortable doing so.

This has implications in respect of Section 1.8 of the policy approved by Council.

Minister's response

I also note your concerns that Councillors may feel compelled to share personal information in circumstances where local custom and practice is that members are required to notify full Council of a leave of absence. Section 85(1) of the Local Government Act 1972 gives authorities the discretion to allow longer periods of absence as needed. The legislation only specifies a requirement for the absence to be "due to some reason approved by the authority" and does not stipulate that Councillors need to attend a meeting of full Council to make their case to obtain such approval. It is for individual Councils to determine their own decision-making processes.

As noted in my original letter to Council Leaders, the Government encourages Councils to look sympathetically at accommodating such requests, and to show understanding and flexibility to Councillors who need to care for their children.

6. Conclusion

- 6.1 The views of the Panel are sought on the adoption of Parental Leave policy for submission to Council.