

Bath & North East Somerset Council

MEETING	Council	
MEETING DATE:	4th May 2021	
TITLE:	Parental leave policy – report back	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: None		

1 THE ISSUE

1.1 Council, on 10th September 2020, adopted a Parental Leave policy and asked for 2 aspects to be further explored, to be reported back to the Council AGM in May 2021. They asked;

- the Constitution Group to consider options for proxy voting; and
- the Corporate Policy Development & Scrutiny Panel to investigate options for handling casework.

2 RECOMMENDATION

The Council is asked to;

2.1 Note the position regarding proxy voting;

2.2 Agree the principles set out at paragraph 3.1, incorporating the action points from the Corporate PDS Panel's consideration.

3 THE REPORT

Proxy voting

- 3.1 It is not currently legally possible for proxy voting to take place, as Councillors must be 'present and voting'*. Group Leaders agreed therefore that there was no rationale for convening the Constitution Working group, as they would have no options to consider. [While virtual meeting regulations are in place, the requirement to be 'present' is satisfied by the Councillor being present at the meeting being streamed on YouTube.]
- 3.2 Should Council wish to do so, they could write to the Government to call for a change in the law in this regard.

Handling casework

- 3.3 The Corporate Policy Development & Scrutiny panel considered a report on this at their meeting on 29th March 2021 covering the points below;
- (1) The Council recognises a duty of care to Councillors and must seek to support Councillors in those areas which it can manage and control. However, Councillors are not employees of the Council so employee benefits do not apply to them.
 - (2) A number of Councils (just under 40) were contacted to see how they handled this. None of those that responded reported formal arrangements being put in place to manage casework during a period of parental or other such absence. The majority stated that it was a matter for the member taking the leave of absence to decide which responsibilities (if any) they wished to continue e.g. meeting attendance, a degree of casework, special responsibilities etc. and to discuss and agree this with their Group Leader.
 - (3) For those wards represented by two councillors, a councillor taking a leave of absence may naturally signpost to their ward colleague. For single member wards, if they chose not to call upon their ward colleague, another named councillor from their group should be identified for constituency casework. One Council stated an example of a councillor employing a caseworker to assist, as a private arrangement not organised or funded by the Council.
 - (4) A key theme from consulting other Councils was that the arrangements political groups make to cover member's roles must go across party politics to ensure that there is no democratic deficit to constituents.
 - (5) Council officers do not manage casework for councillors so this must remain a matter between the councillor and their political group, although the Council can help to facilitate such arrangements.
 - (6) As B&NES has a Political Assistant or Group Support Officer for each political group, which is not the case in many Councils, they are best placed to handle the necessary liaison between the Group Leader and absent councillor.
- 3.4 The Panel agreed the following steps, when a councillor indicates they intend to take a period of parental leave;
- (1) *The Group Leader has a discussion with the councillor to establish;*

- a) *A formal agreement of relevant dates for start and end of period of leave (end date could be amended) and an agreement to notify this and any changes to Democratic Services;*
- b) *Whether the councillor would like to maintain any councillor responsibilities during this period and, if so, which ones;*
- c) *How and how often the councillor would like to be contacted;*
- d) *How they would like their Councillor Contact webpage to be amended regarding contact details;*
- e) *Record keeping arrangements during the period of leave;*
- f) *A review and handover of open issues at the start of the period of parental leave;*
- g) *Return/settling back in review at the end of the leave (work handover, whether further support is needed)*
- h) *Any other relevant considerations including undertaking a risk assessment as required;*
- i) *The Group Leader or Political Assistant then communicates the above information to Democratic Services and they jointly agree what is needed. Understandably, each case will be individual, and so a flexible approach will be needed, and the arrangements may need to adapt with circumstances.*
- j) *Advice and support will be available from Democratic Services.*

3.5 The Panel raised the following further points in their discussion;

- (1) Arrangements should be determined on a case by case basis and flexibility will be key.
- (2) Good record keeping will be needed so that an audit of activity is available, and handing issues back to the returning councillor is efficient and doesn't disadvantage any resident with an ongoing case.
- (3) It was noted that the relevant Group Leader needed to keep arrangements under review to check that the covering councillor is managing the extra workload.
- (4) Clarity was sought about whether proof of circumstances is required, with a view to ensuring transparency to the public.
- (5) The Panel noted that the issue of allowances for basic and special responsibility was covered in the adopted policy and not for the Panel's consideration. The usual substitution arrangements for committees would be available.
- (6) The Panel welcomed these arrangements as part of a package of benefits to encourage people to stand as councillors.

(7) The Panel would like to review these arrangements at a suitable point, should the policy have been utilised in the interim.

4 STATUTORY CONSIDERATIONS

4.1 The Local Government Act 1972, Schedule 12, para 39 – ‘present and voting’*.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

5.1 The finance implications of the Parental Leave policy are addressed within the policy.

6 RISK MANAGEMENT

6.1 Risk assessment issues would be addressed as part of the support for the councillor taking parental leave.

7 EQUALITIES

7.1 The role of a councillor should be open to all, regardless of their background, and adopting principles to support a Parental Leave policy is a step towards encouraging a wider range of people to become councillors, and also to encourage existing councillors who may want to start a family to remain as councillors.

8 CLIMATE CHANGE

8.1 No direct considerations.

9 OTHER OPTIONS CONSIDERED

9.1 No other options considered as this was a request of Council.

10 CONSULTATION

10.1 Chair and Vice Chair of Corporate Policy Development & Scrutiny Panel, Group Leaders, Chief Executive, Monitoring Officer, Section 151 Officer.

Contact person	Jo Morrison, Democratic Services Manager
Background papers	Report to Corporate PDS Panel; https://democracy.bathnes.gov.uk/documents/s65047/Report%20Parental%20leave.pdf Parental leave policy adopted by Council; https://democracy.bathnes.gov.uk/documents/s62883/7a%20-%20Parental%20Leave%20Policy.pdf
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