



SHEFFIELD CITY COUNCIL Report to Council

Report of: Director of People and Organisational Culture

Date: 17th July 2024

Subject: Members' Parental Leave Policy

Author of Report: Jane English, Director of People and Organisational Culture

Purpose of Report:

Employees have statutory entitlements to family-related leave and pay, such as maternity, paternity, adoption, and shared parental leave and pay. There is at present no legal right to parental leave of any kind for people in elected public office, such as councillors, because they are not legally classed as employees.

Many Councils have implemented voluntary policies relating to Members' Parental Leave. This report presents a draft Sheffield City Council Members' Parental Leave Policy for approval, to be added to the Constitution as an Appendix to the Members' Allowances Scheme at Part 6.

Recommendations:

That the Council

(a) Approves the Parental Leave Policy attached as an appendix to this report and agrees that it be added to the Constitution as an Appendix to the Members' Allowances Scheme at Part 6.

(b) Approves that maternity, paternity, shared parental or adoption leave taken under this policy is an approved reason under section 85 of the Act without needing the further approval of the Council.

Background Papers: NONE

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial & Commercial Implications
YES – Cleared by Philip Gregory
Legal Implications
YES – Cleared by Andrea Simpson
Equality of Opportunity Implications
YES – Cleared by Richard Bartlett
Climate impact
NO
Tackling Health Inequalities implications
NO
Human Rights implications
NO
Economic impact
NO
Community Safety implications
NO
Human Resources implications
NO
Property implications
NO
Area(s) affected
ALL
Is the item a matter which is reserved for approval by the City Council?
YES
Press release
YES/NO

1. INTRODUCTION & BACKGROUND

- 1.1 Employees have statutory entitlements to family-related leave and pay, such as maternity, paternity, adoption, and shared parental leave and pay. There is at present no legal right to parental leave of any kind for people in elected public office, such as councillors, because they are not legally classed as employees.
- 1.2 Many Councils have implemented voluntary policies relating to Members' Parental Leave. This report presents a draft Sheffield City Council Members' Parental Leave Policy for approval, to be added to the Constitution as an Appendix to the Members' Allowances Scheme at Part 6.

2. PROPOSALS

- 2.1 The objective of the policy, attached to this report as an appendix, 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 Members in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.
- 2.2 The role of a Member is a demanding position with significant time commitments. It is difficult to juggle the demands of being a new parent with Council responsibilities, as it is with any other job. Parental leave for Members entitles any Member who becomes a parent, whether through birth or adoption, to take a period of leave with payment of their allowance(s) continuing as they adjust to their new parental responsibilities.
- 2.3 The policy also recognises that Members who are or wish to be foster carers should not be deterred and should be offered appropriate support, and that Members who need to take time of while they undergo IVF or fertility treatment should also be supported.
- 2.4 It is important that having children whilst being a Member is not a disadvantage, both to encourage potential candidates to stand for election and to ensure the Council is more representative. Improved provision for new parents will contribute towards retaining and increasing the diversity of experience, age, and background of local authority Members over time by improving accessibility to public office. Parents are an important demographic for councils as they often rely on local authority services. Through adopting this policy, the Council aims to reflect the communities it serves and recognises that having Members who are parents can support improved decision making.
- 2.5 Section 85 of the Local Government Act 1972 places a requirement on Members to attend at least one meeting of the authority within a six consecutive month period. A Member who fails to do so ceases to be a

member of the authority unless the failure was due to some reason approved by the authority before the expiry of that period. The Council is asked to approve that maternity, paternity, shared parental or adoption leave taken under this policy is an approved reason under section 85 of the Act without needing the further approval of the Council.

3. RISK ANALYSIS & IMPLICATIONS

3.1 Legal Implications

3.1.1 The legal implications are set out in the body of the report. There is no statutory entitlement to parental leave for elected Members' but there is no prohibition on granting such entitlement on a voluntary basis. The provisions for parental leave in the policy are generally equivalent to the provisions relating to the Council's employees.

3.1.2 Meetings of the authority for the purposes of section 85 of the Local Government Act 1972 include attendance as a member at a meeting of Full Council, any committee or sub-committee of the authority, or at a meeting of any joint committee, joint board or other body by whom for the time being any of the functions of the authority are being discharged, or who were appointed to advise the authority on any matter relating to the discharge of their functions, and attendance as representative of the authority at a meeting of any body of persons. Members taking maternity, paternity, shared parental or adoption leave under the policy will be exempted from the requirement to attend any such meeting.

3.2 Financial and Commercial Implications

3.2.1 The policy provides for a Member to receive their allowances during their parental leave. This may incur an additional cost to the Council if another Member is eligible to receive a Special Responsibilities Allowance whilst covering their work. It is difficult to quantify the financial implications as the number of Members who may take parental leave under the policy, and the length of such leave, is unknown. It is however unlikely to create a significant cost pressure that cannot be managed.

3.3 Equality of Opportunity Implications

3.3.1 The Council has a duty (the Public Sector Equality Duty) under the Equality Act 2010 to, in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation.
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
- Foster good relations between people who share a relevant protected characteristic and those who do not.

- 3.3.2 The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion and or belief, sex, and sexual orientation. Everyone has protected characteristics.
- 3.3.3 The Act explains that having due regard for advancing equality involves:
- Removing or minimising disadvantages suffered by people due to their protected characteristics.
 - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
 - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
- 3.3.4 The Parental Leave Policy contributes to these aims. Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of Sheffield City Council Members. 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.
- 3.3.5 Introducing this policy is likely to have a very positive impact, particularly for women and people under the age of 45 who are currently underrepresented in England as councillors. There will need to be some monitoring to ensure that the process is properly managed and that councillors who take parental leave are communicated with in a timely manner to ensure the risk of being recalled is minimised and that the benefits of the policy are maximised. Longer term there should be some ongoing monitoring to see whether there is an increase of candidates standing for election from the underrepresented groups mentioned above. Encouraging councillors to complete their demographic information would also help us to understand the overall impacts of this policy.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Not having a Members' Parental Leave Policy - this was rejected as it would fail to recognise the difficulties experienced by Members who are new parents and would not encourage diversity or retention among Members.
- 4.2 Having a policy with significantly greater or lesser entitlements than the equivalent for – this was rejected because it would not be equitable.

5. REASONS FOR RECOMMENDATIONS

- 5.1 The policy will have an overall positive impact by delivering parental leave entitlement for Members in a clear and transparent way, guaranteeing they are able to retain their elected office and continue to receive their allowances. Further, this reduces the risk of discrimination arising from being a new parent.

- 5.2 Even though there is no legal requirement to implement this policy, there are significant benefits as it supports the Council's Equality objectives and may contribute to improving the diversity of election candidates and long-term retention of Members.