

Report to: Governance Committee

Date of meeting: 13 November 2024

By: Deputy Chief Executive

Title: Amendment to the Member Parental Leave Policy

Purpose: The Governance Committee is asked to consider recommending the proposed amendments to the parental leave policy for councillors to County Council.

RECOMMENDATION:

The Governance Committee is recommended to recommend the County Council to agree:

- 1) The proposed amendments to the Member Parental Leave Policy as set out in Appendix 1 and;
 - 2) that the Constitution be amended accordingly.
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1 Background

1.1 In October 2021 East Sussex County Council agreed the adoption of a Member Parental Leave Policy. The policy aims to ensure that so far as is possible Members are able to take appropriate leave at the time of birth or adoption and that reasonable and adequate arrangements are in place to provide cover for any special responsibilities during any period of leave taken.

1.2 The policy also provides clarity to individuals considering standing for election on what to expect in the event of the birth or adoption of a child during their term of office. It is also intended to help make the role as accessible as possible to all sections of the community and supports the diversity of candidates and those elected.

1.3 The policy is underpinned by recognition that the position of elected councillors is different to that of employees. Councillors are entitled to continue to hold elected office and to receive their basic allowance whilst on parental leave. However, this is subject to meeting certain minimum criteria, for example, the legal duty to attend a meeting of the Council within a six-month period would still apply. The policy provides further clarity on expected leave periods, and arrangements in relation to special, and local member, responsibilities.

2 Supporting information

2.1 The policy adopted by the County Council is based on a model policy produced by the Local Government Association (LGA). The LGA recently conducted a review of the model policy, and this has resulted in the inclusion in the policy of provisions relating to still births and parental bereavement leave. As the County Council's current policy does not include reference to these provisions, the Governance Committee is asked to consider the proposed additions to the policy contained in Appendix 1 to this report and which are set out below:

- If a still birth occurs after 24 weeks of pregnancy, full maternity and paternity benefits and leave as set out in this policy will apply. If still birth occurs before 24 weeks of pregnancy, discretion will be given for a shorter period of absence.

- In line with the eligibility for paid employees under the Parental Bereavement (Leave) Regulations 2020, members are entitled to two weeks bereavement leave if they lose a child under the age of 18, with continued entitlement to allowance as set out for parental leave in parts 2 and 3 of the policy.

2.2 It is also proposed that an additional amendment is made to the policy, which sets out the process for obtaining agreement for specific leave periods. Such as, in cases of prematurity of 29 days or more, or if a still birth occurs before 24 weeks of pregnancy. The Governance Committee are asked to consider the proposed addition contained in paragraph 6 of the policy (attached at appendix 1), and set out below:

- In cases where additional leave may be taken by agreement, the leave should be agreed between the councillor requesting leave and their group leader and Chief Executive (or Chief Executive if an Independent Councillor).
- The councillor or the group leader (where the Councillor is a member of a group the group leader) should notify the Chief Executive of cover arrangements. The councillor should keep the group leader and Chief Executive informed of their intentions, giving normally at least one month's notice of their intended return date, including whether the period of absence should be extended to cover a longer period of time than first anticipated.
- Permitted leave will be reflected in attendance records as 'absent with reason'.

2.3 The Member Reference Group was asked to consider and comment on the proposed amendments at their meeting of 22 October 2024. Their feedback has been incorporated into the final version which is attached at appendix 1. The following further amendments were suggested:

- Further clarification on the commencement of maternity leave, to specify whether the leave begins from the due date, or date of birth; and
- Provisions for leave following a miscarriage.

2.4 The policy has therefore been amended to reflect this feedback. The Governance Committee is asked to consider the changes contained in paragraphs 1.1, 1.12, and 1.13 of the policy (attached at appendix 1), and set out below:

- Members giving birth are entitled to up to 6 months maternity leave following or starting around the time of birth, with the option to extend up to 52 weeks by agreement if required.
- If a miscarriage occurs during the first 23 weeks of pregnancy, discretion will be given for a shorter period of absence.
- The Council's counselling and employee assistance service is available 24 hours a day (0333 212 8382). This is a fully confidential service and can provide counselling in the event of a still birth, miscarriage or termination. The Miscarriage Association also provide a range of advice and support at www.miscarriageassociation.org.uk

3 Conclusion and Reason for Recommendation

3.1 Updating the parental leave policy to include reference to still births, miscarriages, and parental bereavement will provide further clarity to Members, candidates for election and those considering standing for election on what to expect in the event of the death of a child during a councillor's term of office. This will also bring the County Council in line with the model policy

produced by the Local Government Association. The addition of paragraph 6 to the Policy will also provide greater clarity on the process for requesting specific leave periods.

3.2 The Governance Committee is asked to recommend to County Council to agree the proposed amendments to the parental leave policy as set out in Appendix 1 and that the Constitution is updated accordingly.

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