

GOVERNANCE

REPORT OF THE GOVERNANCE COMMITTEE

The Governance Committee met on 13 November, 10 December 2024 and 28 January 2025. Attendances:

Councillor Glazier (Chair) (3)
Councillors Bennett (3), Denis (3), Tutt (3), Robinson (2) and Webb (1)

1. Amendment to the Member Parental Leave Policy

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.

1.4 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.

1.5 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 (appendix 1 of this report), and set out below:

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- 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'.

1.6 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 of the report. 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.

1.7 The policy has therefore been amended to reflect this feedback. The Governance Committee is asked to consider the changes contained in paragraphs 1.4, 1.5, and 1.6 of the report, 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

1.8 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.

1.9 The Committee recommends the County Council to:

✧ (1) Approve the proposed amendments to the parental leave policy as set out in Appendix 1 of the report; and

(2) Approve to amend the Constitution accordingly.

2. Pay Policy Statement

2.1 The Localism Act 2011 requires local authorities to formulate and publish a pay policy statement on the pay of its Chief Officers and the relationship between these pay levels

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and the rest of the workforce, excluding schools. This policy statement has to be approved annually by full Council by 31 March.

2.2 At its meeting on 27 March 2012, County Council agreed that the Governance Committee should have formal responsibility for the approval of posts at Chief Officer, Deputy Chief Officer and Assistant Director level with a remuneration package of £100,000 or more, provided the existing grade bands and terms and conditions are applied and any proposed exceptions to these are reported to full County Council. The actual appointment decision will continue to be made using existing delegations. Any proposed exceptions to this would require the approval of the full County Council.

Pay Policy Statement

2.3 The Localism Act 2011 requires local authorities to prepare an annual pay policy statement relating to the remuneration (total pay package) of its Chief Officers, as defined by statute, Deputy Chief Officers (and, by definition, Assistant Directors), the Monitoring Officer and its lowest-paid employees, excluding schools. The pay policy also has to state the relationship between the remuneration of Chief Officers and the remuneration of its employees who are not Chief Officers.

2.4 The Hutton report on Fair Pay in the Public Sector recommended the publication of an organisation's pay multiple as a means of illustrating the relationship between the remuneration arrangements for Chief Officers in comparison with the rest of the non-schools workforce. This is a calculation in the form of a ratio between the median average earnings across the organisation and the highest paid employee. In addition, in 2021, revised guidance on the publication of fair pay disclosures was issued, requiring the publication of additional data; the top to median, lower quartile and upper quartile staff pay multiples (ratios) as set out below.

2.5 Fair Pay disclosures (pay multiples) March 2024 compared with March 2023:

Date of Calculation	Pay Multiple (median)	Pay Multiple (25 th Percentile)	Pay Multiple (75 th Percentile)	% change in highest paid director's salary & allowances	% change in all employees' salary & allowances
March 2023	6.52:1	8.26:1	4.95:1	0.9%	10.0%
March 2024	5.94:1	7.95:1	4.75:1	3.5%	7.3%

The fair pay disclosures data is published on our website with the Pay Policy Statement and will be updated in March 2025.

2.6 It is necessary to include definitions and the authorities' policies relating to levels and elements of remuneration including all additional payments and benefits in kind. The statement must also indicate the approach to the payment of Chief Officers on ceasing employment, including eligibility for the award of additional pensionable service and on the engagement or re-engagement of Chief Officers previously made redundant or accessing a local government pension.

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2.7 The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 placed a new requirement on all employers with 250 or more employees to publish gender pay data on the gov.uk website by 30 March each year. The median gender pay gap for March 24 is 6.1% compared to 6.69% in March 23; the gender pay report for East Sussex County Council is published annually on our website, along with the Pay Policy Statement.

2.8 The Committee recommends the County Council to:

✧ approve the updated Pay Policy Statement for 2025/26 as set out in Appendix 2 of the report.

28 January 2025

KEITH GLAZIER
(Chair)