

**BRIDGEND COUNTY BOROUGH COUNCIL**

**REPORT TO COUNCIL**

**11 DECEMBER 2013**

**REPORT OF THE MONITORING OFFICER**

**FAMILY ABSENCE FOR ELECTED MEMBERS**

**1. Purpose of Report**

1.1 The purpose of the report is to inform Council of new legislation on Family Absence for Elected Members.

**2. Connection to Corporate Improvement Plan / Other Corporate Priority**

2.1 There are no direct links to the Corporate Improvement Plan and Corporate Priorities.

**3. Background**

3.1 The Local Government (Wales) Measure 2011 makes available to Members of local authorities entitlement to a period of family absence, during which a Member is entitled to be absent from Authority meetings. The Measure creates an entitlement to five types of family absence:

- Maternity absence – for the mother of a child, granted up to a maximum of twenty-six weeks
- Newborn absence – for the parent of a child other than the mother, for a period of up to two weeks
- Adopter's absence – for the adopter of a child, for a period of up to two weeks
- New adoption Absence – for the partner of an adopter, for a period of up to two weeks
- Parental Absence – for a Member who becomes responsible for a child (and does not meet the conditions for newborn absence, adopter's absence or new adoption absence), for a period of up to three months.

3.2 The entitlement created by the Measure is subject to Members satisfying conditions prescribed by the Welsh Ministers in regulations.

**4. Current situation / proposal**

4.1 The Family Absence for Members of Local Authorities (Wales) Regulations 2013 made under the powers conferred by Part 2 of the Measure came into force on 5<sup>th</sup> December 2013.

4.2 The Regulations prescribe the conditions that Members must satisfy to be entitled to a period of family absence and set out an administrative process.

4.3 The administrative process provides:

- (i) The Member must provide the Head of Democratic Services with notice of their intention to take family absence, the intended start date, the duration of the intended absence and whether the absence is intended to be taken as a single period or as a series of absences;
- (ii) The Member if requested to do so must provide the Head of Democratic Services with evidence in relation to the extent of the responsibility for the child;
- (iii) The Head of Democratic Services must maintain a record of all notifications and periods of family absence taken and must inform the Chair of Council, the Chair of the Democratic Services Committee and the leader of each political group of the Authority;
- (iv) Where the Head of Democratic Services has reasonable grounds to suspect that a Member may not be entitled to family absence he must inform the Authority and the absence may be cancelled or brought to an end. If the Member then fails to return from a period of family absence, the Authority may withhold the Member's remuneration;
- (v) A Member may complain in writing to the Head of Democratic Services regarding a decision made;
- (vi) The Authority must appoint a panel of 3 Members (the Chair of the Council cannot be appointed) to determine any complaints made by Members. The decision of the panel is final.

4.4 It is recommended that the functions of the Panel referred to in paragraph 4.3 be allocated to a sub-committee of the Democratic Services Committee and that 3 Members be appointed at the next meeting of the Democratic Services Committee on January 23<sup>rd</sup> 2014.

4.5 The Authority is required under the Regulations to make standing orders as soon as reasonably practicable after the Regulations come into force. The Constitution has therefore been amended at Article 2 – Members of the Council and at Part 3 – Responsibility of Functions as set out in Appendix 1 of the report.

**5. Effect upon Policy Framework & Procedure Rules**

5.1 The report proposes amendment of the Procedure Rules.

**6. Equality Impact Assessment**

6.1 There are no equality implications.

**7. Financial Implications**

7.1 There are no direct financial implications.

## **8. Recommendation**

Council is recommended to:

- 8.1 Note the report and the provisions of the Family Absence for Members of Local Authorities (Wales) Regulations 2013;
- 8.2 Approve the establishment of the Panel (as set out in paragraph 4.3 of the report) to be a sub-committee of the Democratic Services Committee;
- 8.3 Approve the amendments of the Constitution as set out in Appendix 1 of the report.

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## **Background documents**

None

