

## Parental leave for councillors

### Purpose of Report

For decision.

**Is this report confidential? No**

### Summary

This report sets out the findings of a recent LGA survey of council policies on parental leave for councillors and proposes options for policy and actions that the LGA could undertake in order to promote parental leave policies as a means to encourage greater diversity of councillors, and issues on which the LGA could usefully engage with incoming ministers to clarify and simplify parental leave policies.

**LGA Plan Theme:** Stronger local economies, thriving local democracy

### Recommendation(s)

#### That the Executive Advisory Board

- 1. considers the options in paragraphs 26-28 for the adoption of a model LGA policy on parental leave for councillors, to support diversity and remove barriers to election.**
- 2. comments on and agrees the lobbying activities set out in paragraph 29.**

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## Parental leave for councillors

### Background

1. Councillors exist in a unique, grey area in regards to their employment status. As they are not legally considered to be employees of their council, they also have no legal recourse to the range of protections and entitlements that arise from the suite of employment law. This includes there being no automatic entitlement to maternity, paternity or adoption leave. While a significant number of councils have chosen to adopt parental leave policies for councillors, this is a voluntary decision, requiring proactive action by officers and politicians. This means that there is a patchwork of provision across English councils for those seeking election as to whether they would be entitled to parental leave and what form it would take.
2. A lack of parent- and family-friendly policies for councillors can represent a significant barrier to seeking election for many people, particularly but by no means limited to women. This lack is therefore detrimental to efforts to ensure that councillors are from diverse backgrounds and are representative of the communities they represent. The LGA's councillor census found that while there has been an ongoing and significant increase in the number of female councillors, they still represent only around 41 per cent of the English councillor population. A lack of parental leave provision is also likely to have particularly impact younger councillors or potential candidates, who are also under-represented within the councillor population – the average age of English councillors is around 60, with only 16 per cent of councillors aged under 45. Just under 20 per cent had caring responsibilities for a child, though the census does not break this down by the age of the child.
3. The LGA Labour Group has produced and promoted a [model parental leave policy for councils](#) (see Appendix 1), which covers leave periods for councillors giving birth; leave periods for councillors whose partners are giving birth; adoption; shared parental leave; requirements regarding attendance at meetings; entitlement to basic allowance; entitlement to special responsibility allowances (SRAs); entitlements to SRAs for a councillor covering for a colleague on parental leave; and the expectation of a right to return to the same or equivalent post following parental leave. This model policy, or variations of it has been widely adopted by councils in England, and the LGA's survey (see below) has found examples of its adoption by councils under a range of political control.
4. The government has been broadly supportive of the principle of parental leave policies for councils, though ministers have not shown an intention to make the provision of leave a statutory requirement. On 21 March 2024, following the coming-into-force of the Neonatal Care (Leave and Pay) Act 2023, Minister for Local Government Simon Hoare MP [wrote to the leaders of English councils](#) to

encourage them to use the provisions of Section 85 (1) of the Local Government Act 1972 (which gives councils the discretion to permit longer periods of absence beyond the six-month rule requirement) to accommodate the needs of councillors with young children, including those in receipt of neo-natal care.

5. In his letter, the minister said that: *“The Government encourages councils to look sympathetically at accommodating such requests, and to show understanding and flexibility to councillors who need to care for their children, including those who are receiving neonatal care.”*
6. In a letter of 9 April 2024, in response to queries raised by LGA Labour Group leader Cllr Nesil Caliskan, Simon Hoare MP reiterated the government’s support for councils adopting parental leave policies. He further stated that it was for local independent remuneration panels to make recommendations around SRA eligibility (this issue is discussed further below) and that it is for individual councils to determine their decision making processes for approving absences in excess of the six month rule.

## LGA Survey

7. To better understand the extent to which parental leave policies for councillors have been introduced, in February 2024 the LGA undertook a survey of all heads of democratic services in England. The full report of the findings of this survey is provided at Appendix 2. Around one third of councils responded to the survey, and responses were weighted to ensure results were representative by region and council type. The key findings included:
  8. Overall, councils are relatively evenly split as to whether they have formal leave policies or arrangements in place – 48 per cent reported that they have at least one parental leave policy in place (i.e. at least one of general paternal, maternity, paternity or adoption leave policies), with 52 per cent having no such policies. However, there was substantial variation between council types, with 81 per cent of county councils and 79 per cent of London boroughs having policies, compared to 35 per cent of unitaries. Councils with policies overwhelmingly reported that they were formal rather than informal arrangements.
  9. Only a small proportion of councils without parental leave policies in place reported that they had plans to introduce policies in the future.
  10. The survey also asked about whether specific issues were addressed in councils’ parental leave policies. Almost all (98 per cent) reported that their policies provided for continued payment of allowances and SRAs during the leave period. The issue of exemptions from the six-month attendance rule under the 1972 Local Government Act was explicitly addressed by 71 per cent of policies.
  11. A large majority (69 per cent) of policies included an expectation that councillors with specific roles (e.g. committee chairs, cabinet portfolio holders) would be able

to resume those roles and responsibilities after returning from parental leave. This was as high as 100 per cent of metropolitan boroughs, but just 52 per cent of county council policies.

12. Asked about take up, a slim majority of councils with policies (51 per cent) reported that all or some of those eligible for parental leave had taken it, though there was a significant proportion (19 per cent) who responded 'don't know' to this question.
13. In general, very few councils sought feedback from those taking leave on the conditions and suitability of their policies. However, reported feedback where it was sought included concerns about the gendered dynamic of parental leave (at many councils, maternity leave is set at up to six months and paternity leaves at two weeks) and that this impacted both women, as the possibility of their seeking a lengthy leave period might see their being framed as a potential 'liability' for selection or role allocation; and men, with respondents noting that two weeks could be inadequate, especially in cases of complicated births or single parents.
14. In additional comments, around 15 councils set out details of informal arrangements in place at their council instead of a formal policy. In most instances this took the form of making arrangements on a case-by-case basis or making arrangements for cover through the councillor's political group. A small number of councils reported that parental leave had never been raised as an issue for councillors, and two councils said that introduction of a parental leave policy had been proposed, but subsequently defeated.
15. As part of the survey, 37 councils shared their policies. A light-touch analysis of these has been undertaken to identify trends and similarities. A substantial number of the adopted policies are either the model policy promoted by the LGA Labour Group, or draw heavily upon it.
  - 15.1. Entitlements and allowances: the majority of policies provide for six months of maternity or adoption leave, extendable to twelve months by agreement (though not all mention this extension); two weeks of paternity leave; and that efforts will be made to replicate a councillor's employer's arrangements for shared parental leave. Most allow for full payment of allowances throughout the leave period, though a small number limit this to a maximum of six months and in the case of one unitary and one metropolitan borough, allowances are reduced in line with the policy for council employees. Two district councils and two counties operate a gender-blind approach to parental leave, offering up to 6 or 12 months for either parent. Another county offers up to 12 weeks of parental leave, to be taken at any time up to a child's 18th birthday. One unitary council requires that a minimum of two weeks maternity leave be taken.

One county council and one district have policies that state there is no set or formal entitlement to leave and that it should be made by agreement.

- 15.2. Six month attendance rule: almost all policies set out that members must fulfil their attendance requirements under the Local Government Act 1972, unless a dispensation is granted by full council, though in many cases policies are worded in such a way as to suggest that a dispensation would always be granted for a councillor on maternity leave. One London borough's policy states that absences will not be recorded for a councillor on parental leave and that the six month rule will not apply. Another London borough explicitly sets out that their local councillor recall scheme does not apply to members on parental leave.
- 15.3. Special responsibility allowances (SRAs) for councillors taking leave: the most common approach in the policies provided is for SRAs to be paid in full for six months – or until a council's AGM or election – with a potential for an extension of a further six months following a review at that point. A small number of councils offer reduced or graduated SRAs, for example one metropolitan borough and a London borough pay SRAs at 90 per cent for the first 6 weeks and at 50 per cent beyond that.
- 15.4. Special responsibility allowances (SRAs) for councillors covering for those on leave: almost all policies state that an SRA may be paid pro-rata to a councillor covering the responsibilities of another who is on parental leave, within the ordinary rules that no councillor may receive more than one SRA. A number specifically state that where a committee chair takes leave, their deputy is automatically entitled to an SRA at the chair level throughout the period of leave. One county council places a two month limit on the payment of an SRA to a member on leave and a replacement is only entitled to an SRA payment after those two months have expired.
- 15.5. Returning to a previously-held role: While a substantial minority of policies make no mention of a right to return to a previously-held role, the majority of policies state that there is an expectation that a councillor returning from leave will be able to resume their previous role (or one equivalent in status and remuneration), unless they have been removed from their post at the council's AGM, or their party loses control of the council.
- 15.6. Premature births: Many councils have adopted a policy that additional maternity leave may be taken between the actual birth date and the expected birth date, and that if an extension of maternity leave is agreed beyond six months, those additional days are subtracted from the extension. One London borough awards an additional day of maternity leave for every day a premature baby spends in hospital if born before 37 weeks.
- 15.7. Pregnancy-related sickness: This is not covered by most policies. However, one London borough has a policy that maternity leave commences if a councillor has sickness absence for a pregnancy-related reason in the four

weeks before the due date. A further unitary explicitly states that any absence from council meetings due to pregnancy-related sickness will automatically be recorded as 'approved leave'.

15.8. Loss of a baby: Two of the council policies provided include reference to policy in cases of baby loss. One unitary and one county set out that where loss occurs before 24 weeks of pregnancy any absence from council meetings will be 'approved leave', and that if the loss is after 24 weeks or a death occurs after birth, there will be an entitlement to full maternity leave.

15.9. Keeping in Touch days: One unitary sets out that up to ten Keeping in Touch days may be used by a councillor while on maternity leave without impacting on eligibility for such leave.

## Legal issues around payment of Special Responsibility Allowances

16. Concerns have been raised around how to balance regulations around the payment of SRAs, as set out in the Local Authorities (Members' Allowances) (England) Regulations 2003, with the continued payment of such allowances to members on parental leave. In particular, the reference in these regulations to payment of SRAs being made to members 'acting' in a role has led to concern that such payments could be challenged if a member is on leave and therefore not technically 'acting'.

17. The LGA has sought the advice of leading counsel. Their view is that the payment of basic allowances during parental leave is not prohibited by the Local Government and Housing Act 1989 or the 2003 regulations. In relation to this, counsel has approved this aspect of the LGA Labour Group model policy. Counsel notes that the payment of SRAs is specifically for the active task of undertaking specified activities and it is therefore a separate matter.

18. Counsel takes the view that the continuation of payments equivalent to SRAs during parental leave and the adoption of a policy to do so would be an action taken by a council using the General Power of Competence (GPOC) under Section 1 of the Localism Act 2011.

19. Counsel notes "*There are many arguments for continuing to pay the allowances under the 1989 Act/2003 Regulations for active participation, where possible, and pay the equivalent during maternity and paternity leave as leave payment under GPOC. These are legitimate aims. These include promoting diversity and inclusion and avoiding discrimination under the Equality Act 2010.*"

20. The GPOC must be exercised reasonably and proportionately, in accordance with "best value". Counsel's conclusion on the issue of SRA payments for councillors on parental leave is: "*The ultimate question is reasonableness. To my mind the arguments against are not of such force that they make adopting the policy inherently and inevitably unreasonable. A contrary view can reasonably, and in my view lawfully, be taken. This is a matter for authorities.*"

21. There has, to date, been no legal challenge to any council's parental leave policy.
22. Notwithstanding counsel's positive view regarding the reasonableness of making SRA payments under GPOC, it would clearly be of assistance and reassurance to councils for the government to provide legal clarity on the payment of SRAs, whether by amendment to the 2003 regulations or other means. It would also be helpful to have clarity that members on parental leave can be disregarded in terms of counting towards the maximum legal size of an executive.

### Six-month rule

23. The findings of the LGA survey suggest that in general, councils are open to waiving the six-month attendance rule for councillors on parental leave who require it. As noted above, DHLUC ministers have asked that councils look sympathetically on such requests.
24. However, this remains a formal process, normally requiring a vote at full council. There is anecdotal evidence to suggest that in some cases, members requesting such an extension have been required to make an oral argument in person for such an extension to be made, sometimes meaning that they are required to divulge sensitive personal information in a public forum. This clearly has the potential to be distressing for the councillor concerned, leaves them open to the information being used against them for political purposes, with the requirement to attend in person being itself a barrier in some cases.
25. In his letter of 24 April 2024 to Cllr Caliskan, Simon Hoare MP noted that the relevant legislation (Local Government Act 1972) "*does not stipulate that councillors need to attend a meeting of full council to make their case to obtain such approval. It is for individual councils to determine their own decision-making processes.*"

### Proposal

26. Given the wide-spread adoption of the LGA Labour Group model policy, the LGA could adopt this, or an amended version developed in consultation with councils, LGA political groups, and other stakeholders, as a template to promote to all councils for adoption, on the basis of removing barriers to seeking election or re-election and promoting the diversity of the councillor population.
27. Members may wish to consider whether any of the policies identified through the LGA survey and not included in the Labour Group's model policy should be incorporated into any model policy promoted by the wider LGA, such as policies on pregnancy-related sickness, loss of a baby, neo-natal care or gender-blind leave entitlements.
28. Work to promote a model policy would include updating relevant guidance to councils, such as the Twenty-first Century Councils toolkit. As well as promoting the adoption of the policy itself, this would include recommending that parental

leave policies are well-promoted and easily accessible on council websites so there is good visibility of leave arrangements for potential council candidates.

29. The LGA could, as part of our introductory approaches to new ministers, lobby for clarity, through either legislative change or clear ministerial advice to monitoring officers, as appropriate, around the payment of SRAs to councillors on parental leave; that councillors on parental leave do not count towards the maximum size of an executive; and on arrangements for waiving the six-month rule being light-touch and requiring as little personal information to be divulged as possible.

### Implications for Wales

30. Councillors in Wales have statutory rights to a range of family absence arrangements under the Local Government (Wales) Measure 2011. The 2003 Regulations that clarity might be sought on through amendment are applicable only to England.

### Financial Implications

31. None

### Equalities implications

32. A wider adoption of parental leave policies for councillors has the potential to increase the diversity of the councillor population in England through removal of barriers to seeking election or re-election. In particular, there is a potential to increase the representation of women and younger people within local government.

### Next steps

33. Officers will consider the comments of members and use these, if that is the direction given, to draw up a model policy, based on the LGA Labour Group's model policy, for promotion to councils in England. Officers would work with the political groups in drafting this policy.
34. The asks identified for ministers would be raised with new DHLUC ministers following the general election.



## **Appendix 1 LGA Labour Group Parental Leave Policy for Councils**

### **Parental leave policy for councils**

This policy sets out members' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances.

#### **Introduction**

The objective of the policy 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 portfolio-holders and others in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.

Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of local authority councillors. 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.

There is at present no legal right to parental leave of any kind for people in elected public office. This applies to MPs as well as councillors, and has been the subject of lengthy debate. These policies can therefore only currently be implemented on a voluntary basis, although Labour Councils are encouraged to implement them as per the Labour Party Democracy Review which has called for Labour-controlled councils and Labour Groups to adopt a parental leave policy. Discussions are ongoing about changing the law to enable compulsory provision, but until then these policies constitute best practice which Labour Groups (and the councils they control) are strongly advised to adopt.

Legal advice has been taken on these policies, and they conform with current requirements.

### **1. Leave Periods**

**1.1** Members giving birth are entitled to up to 6 months maternity leave from the due date, with the option to extend up to 52 weeks by agreement if required.

**1.2** In addition, where the birth is premature, the Member is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.

**1.3** In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement, and such exceptional leave shall not be deducted from the total 52 week entitlement.

**1.4** Members shall be entitled to take a minimum of 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren).

**1.5** A Member who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council.

**1.6** Where both parents are Members leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks. Special and exceptional arrangements may be made in cases of prematurity.

**1.7** A Member who adopts a child through an approved adoption agency shall be entitled to take up to six months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required.

**1.8** Any Member who takes maternity, shared parental or adoption leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that six month period.

**1.9** Any Member intending to take maternity, paternity, shared parental or adoption leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.

**1.10** Any member taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

## **2. Basic Allowance**

**2.1** All Members shall continue to receive their Basic Allowance in full whilst on maternity, paternity or adoption leave.

## **3. Special Responsibility Allowances**

**3.1** Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave.

**3.2** Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro rata basis for the period of the temporary appointment.

**3.3** The payment of Special Responsibility Allowances, whether to the primary SRA holder or a replacement, during a period of maternity, paternity, shared parental or adoption leave shall continue for a period of six months, or until the date of the next Annual Meeting of the Council, or until the date when the member taking leave is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for a further six month period.

**3.4** Should a Member appointed to replace the member on maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowances shall apply.

**3.5** Unless the Member taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, or unless the Party to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

#### **4. Resigning from Office and Elections**

**4.1** If a Member decides not to return at the end of their maternity, paternity, shared parental or adoption leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.

**4.2** If an election is held during the Member's maternity, paternity, shared parental or adoption leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the Monday after the election date when they would technically leave office.

## **Appendix 2 – Parental Leave Policies for Councillors: LGA Research Report, February 2024**

### **Background**

In February 2024, the Local Government Association sent an online survey to heads of democratic services in all councils in England. The purpose of the survey was to understand the extent to which parental leave policies or arrangements had been introduced for councillors across England, and the content and uptake of these policies where they had been introduced. Of the 317 councils in England, a total of 102 councils responded, representing a response rate of 32 per cent.

### **Key findings**

- **Forty-eight per cent** of respondent councils had at least one parental leave policy in place for councillors, whilst **fifty-two per cent** of respondent councils did not have any.
- In the **vast majority of cases**, these were formal policies rather than informal arrangements.
- **Over half of respondents** who did not have maternity, paternity, adoption, or general parental leave policies in place did not have any plans in place to introduce them.
- **Almost all** of those with policies (98 per cent) reported that the policy included the continued payment of allowances.
- **Seventy-one per cent** of those with policies in place reported that these explicitly addressed exemptions from the six-month attendance rule, whilst **69 per cent** reported that the policy allowed for the councillor to return to any special roles or responsibilities after their leave.
- Given the opportunity to provide further comments, around a third of these comments noted that although they did not have a policy or arrangement in place, a councillor could arrange their own leave with group members, or requests would be reviewed case-by-case.

## Introduction

In February 2024, the Local Government Association sent an online survey to heads of democratic services in all councils in England. The purpose of the survey was to understand the extent to which parental leave policies or arrangements had been introduced for councillors across England, and the content of these policies. Of the 317 councils in England, a total of 102 councils responded, representing a response rate of 32 per cent.

## Methodology

Each authority in England was sent one unique link to participate in the online survey. The survey was circulated to heads of democratic services between 5 and 26 February 2024, and was managed by the LGA's Research and Information team.

Of the 317 councils in England, 102 councils responded to the survey, equivalent to a response rate of 32 per cent. This level of response rate means that these respondents should not necessarily be taken to be widely representative of the views of all heads of democratic services. Rather, they are a snapshot of the views of this particular group of respondents. Furthermore, where questions in this report are broken down by council type, caution should be taken when interpreting these findings due to the low base sizes.

**Table 1** shows the response rate by council type, demonstrating that county councils had the highest response rate, at 48 per cent, whilst metropolitan district councils had the lowest response rate, at 25 per cent.

**Table 1: Response rate by type of council**

Type of council	Number of questionnaires	Number of responses	Response rate
District	164	50	30%
County	21	10	48%
London borough	33	14	42%
Metropolitan district	36	9	25%
Unitary	63	19	30%

**Table 2** shows the response rate by region, demonstrating that councils in London had the highest response rate, at 42 per cent, closely followed by the South West, at 41 per cent, whilst the North East had the lowest response rate, at 17 per cent.

**Table 2: Response rate by region**

Region	Number of questionnaires	Number of responses	Response rate
East of England	50	11	22%
East Midlands	39	8	21%
London	33	14	42%
North East	12	2	17%
North West	36	13	36%
South East	70	27	39%
South West	29	12	41%
West Midlands	33	10	30%
Yorkshire and Humber	15	5	33%

To make the results of this survey more representative of all councils in England, responses have been weighted by region and council type.

In addition, the following should be considered when interpreting the findings of this survey:

- Where tables and figures report the base, the description refers to the group of people who were asked the question. The number provided refers to the unweighted number of respondents who answered each question. Please note that bases can vary throughout the survey.
- Numbers and percentages are provided for any questions where the base was less than 50.
- Throughout the report, percentages may not appear to add up to exactly 100 per cent due to rounding.

## **Parental leave policies for councillors**

This section contains analysis of the full results from the survey.

Policies and arrangements in place currently

*Percentage of councils with policies or arrangements in place currently*

Respondents were first asked which, if any, parental leave policies they currently had in place for councillors in their authority. Respondents were able to select as many policies as applicable. Table 3 shows the results of this question, demonstrating that just over half (52 per cent) of all respondent authorities reported that they did not have any parental leave policies or arrangements in place. Conversely, 48 per cent reported that they had at least one policy in place; of these policies, respondent authorities were most likely to have a general parental leave policy in place, as reported by 35 per cent of all respondents. General parental leave was defined as a policy or arrangement around the birth or placement of a child that applies equally to either parent, as opposed to a specific maternity or paternity arrangement. Considering specific policies, just over a quarter of all respondents reported having maternity leave (27 per cent), paternity leave (27 per cent), and adoption leave (27 per cent) policies or arrangements in place. One per cent of respondents were unsure which, if any, policies or arrangements their authority had in place.

**Table 3: The percentage of councils with parental leave policies or arrangements in place**

	Per cent
<b>At least one policy in place</b>	<b>48%</b>
No policies or arrangements in place	52%
General parental leave	35%
Maternity leave	27%
Paternity leave	27%
Adoption leave	27%
Don't know	1%

Base: all respondents (102). Note: respondents were able to select more than one policy.

**Table 4** shows the results for this question broken down by council type. The table shows that county councils and London boroughs were most likely to have at least one policy or arrangement in place, as reported by around four-fifths of respondents from county councils (81 per cent) and London boroughs (79 per cent), compared to 35 per cent of unitary authority respondents, 42 per cent of shire district respondents, and 46 per cent of metropolitan district respondents. London borough and unitary authorities were both more likely to have separate policies or arrangements in place (maternity, paternity, or adoption) as opposed to a general parental leave policy.



**Table 4: The percentage of councils with parental leave policies or arrangements in place, by council type**

	County	District	London borough	Metro-politan	Unitary
<b>At least one policy in place</b>	<b>81%</b>	<b>42%</b>	<b>79%</b>	<b>46%</b>	<b>35%</b>
No policies or arrangements in place	19%	56%	21%	54%	65%
General parental leave	66%	36%	36%	46%	17%
Maternity leave	66%	14%	71%	19%	31%
Paternity leave	66%	12%	71%	19%	31%
Adoption leave	66%	14%	71%	19%	31%
Don't know	0%	2%	0%	0%	0%

Base: all respondents – county (10); district (50); London borough (14); metropolitan (9); unitary (19).

*Whether these are formal policies or informal arrangements*

For each option that a respondent indicated was in place in their authority, the respondent was asked whether this was a formal policy or an informal arrangement. Table 5 shows the results for this question, demonstrating that for almost all respondent councils, these were formal policies rather than informal arrangements. Three per cent of respondent councils reported that their maternity, paternity, and adoption guidance was an informal arrangement, whilst 4 per cent reported that their general parental leave guidance was an informal arrangement. For all four options, no respondents were unsure whether or not this was a formal policy or an informal arrangement.

**Table 5: Whether formal policies or informal arrangements are in place**

	Formal	Informal	Don't know
Maternity leave	97%	3%	0%
Paternity leave	97%	3%	0%
Adoption leave	97%	3%	0%
General parental leave	96%	4%	0%

Base: all respondents with each policy in place – maternity (32); paternity (31); adoption (32); general (36).

#### Plans to introduce policies or arrangements

Those without each policy in place were asked whether or not their council had plans to introduce a policy or arrangement for their councillors. **Table 6** shows the results of this question, demonstrating that the majority of respondent councils without each policy in place did not have any plans to do so; this was highest for maternity leave, as 63 per cent of those without maternity leave policies did not plan to introduce them, compared to 54 per cent of those without general parental leave policies. Seven per cent of those without maternity leave, paternity leave, or adoption leave reported that they planned to introduce a policy or arrangement for each area in the next six months, while around 10 per cent reported that they planned to introduce one at some point in the future. One in five respondents (21 per cent) without maternity leave, paternity leave, or adoption leave were unsure whether or not they would introduce a policy or arrangement, whilst almost a third (31 per cent) were unsure whether or not they would introduce general parental leave.

**Table 6: Whether or not councils without these policies were planning to introduce a policy or arrangement**

	Yes, in the next 6 months	Yes, at some point in the future	No, and no plans to do so	Don't know
Maternity leave	7%	9%	63%	21%
Paternity leave	7%	10%	62%	21%
Adoption leave	7%	10%	62%	21%
General parental leave	0%	14%	54%	31%

Base: all respondents who did not have each policy in place – maternity (67); paternity (68); adoption (67); general (65).

#### Features of the policies or arrangements

Respondents with at least one policy or arrangement in place were then asked a series of questions about the features of their policies or arrangements.

#### Allowances

Respondents were asked whether their council's policies or arrangements currently included the continued payment of allowances and special responsibility allowances (SRAs) whilst councillors were on parental leave. **Table 7** shows the results for this question, demonstrating that almost all respondents (98 per cent) with a parental leave policy or arrangement in place reported that this did include the continued payment of allowances and SRAs whilst the councillor was on parental leave. Two per cent of respondents with a policy or arrangement in place were unsure whether or not it included this.

**Table 7: Whether or not the continued payment of allowances and SRAs is included in the policies or arrangements**

	Per cent
Yes	98%
No	0%
Don't know	2%

Base: all respondents with at least one policy in place (51).

*Six-month attendance rule*

Respondents were asked whether or not their council's policies or arrangements explicitly addressed the issue of exemptions from the six-month attendance rule. This rule originates from Section 85 of the 1972 Local Government Act and stipulates that if a councillor fails to attend a meeting within six months of their last attendance, they cease to be a member of the council, unless an exemption is granted by the council. **Table 8** shows the results of this question, demonstrating that seven in 10 respondent councils (71 per cent) with policies or arrangements in place reported that these explicitly addressed exemptions from the six-month attendance rule. Twenty-seven per cent reported that their policies or arrangements did not explicitly address this, whilst 2 per cent of respondents were unsure whether or not exemptions from the rule were addressed.

**Table 8: Whether or not the policies or arrangements explicitly address the issue of exemptions from the six-month attendance rule**

	Per cent
Yes	71%
No	27%
Don't know	2%

Base: all respondents with at least one policy in place (51).

**Table 9** shows the results broken down by council type. The results show that respondents from metropolitan district councils were most likely to report that their policies explicitly addressed the issue of exemptions from the six-month attendance rule, as reported by 100 per cent of respondents, compared to 55 per cent of respondents from London borough. These results are, however, a snapshot of the views of these respondents, due to the low base size.

**Table 9: Whether or not the policies or arrangements explicitly address the issue of exemptions from the six-month attendance rule, by council type**

	County	District	London Borough	Metro-politan	Unitary
Yes	82%	62%	55%	100%	87%
No	18%	38%	36%	0%	13%
Don't know	0%	0%	9%	0%	0%

Base: all respondents with at least one policy in place – county (8); district (21); London borough (11); metropolitan (4); unitary (7).

*Ability to return to position held prior to period of leave*

Respondents were asked whether or not their council's policies or arrangements included an expectation that a councillor taking parental leave would be able to return to the specific responsibilities or roles (e.g., cabinet, portfolio, or chair positions) at the end of their period of leave. **Table 10** shows the results of this question, demonstrating that just over two-thirds (69 per cent) of respondents with at least one policy or arrangement in place reported that these included the expectation that councillors taking leave would resume any specific positions upon their return. A fifth (21 per cent) reported that their policies or arrangements did not include this expectation, whilst 10 per cent were unsure whether or not this expectation was included.

**Table 10: Whether or not the policies or arrangements include an expectation that a councillor taking leave will be able to resume their specific roles or responsibilities held prior to the period of parental leave**

	Per cent
Yes	69%
No	21%
Don't know	10%

Base: all respondents with at least one policy in place (51).

**Table 11** shows the results broken down by council type. The results show that respondents from metropolitan district councils were most likely to report that their policies included the expectation that a councillor would be able to resume their specific roles or responsibilities after their return from leave, as reported by 100 per cent of respondents, compared to 52 per cent of county council respondents.

**Table 11: Whether or not the policies or arrangements include an expectation that a councillor taking leave will be able to resume their specific roles or responsibilities held prior to the period of parental leave, by council type**

	County	District	London Borough	Metro-politan	Unitary
Yes	52%	59%	82%	100%	74%
No	21%	30%	18%	0%	13%
Don't know	27%	11%	0%	0%	13%

Base: all respondents with at least one policy in place – county (8); district (21); London borough (11); metropolitan (4); unitary (7).

[Take-up of parental leave offer](#)

Respondents with at least one policy or arrangement in place were asked whether or not, as at February 2024, councillors within their authority who were eligible for parental leave had taken it. Table 12 shows the results of this question, demonstrating that around the same proportion of respondent councils reported that no councillors who were eligible had taken parental leave (30 per cent) as those who reported that all who were eligible had taken it (29 per cent). Twenty-two per cent reported that some who were eligible had taken it, whilst 19 per cent were unsure whether or not those eligible had taken the leave.

**Table 12: Proportion of councillors eligible for parental leave that had taken it**

	Per cent
<b>Yes – all or some</b>	<b>51%</b>
Yes - all who are eligible have taken it	29%
Some who are eligible have taken it	22%
No - those who are eligible have not taken it	30%
Don't know	19%

Base: all respondents with at least one policy in place (51).

**Table 13** shows the results for this question broken down by council type. The results show that respondents from London boroughs were most likely to have had take-up of their parental leave policies, as 64 per cent reported that all or some of their eligible councillors had taken parental leave. This was lowest among county council and unitary council respondents, as 35 per cent of county council respondents and 36 per cent of unitary council respondents reported that some or all of their eligible councillors had taken their parental leave.

**Table 13: Proportion of councillors eligible for parental leave that had taken it, by council type**

	County	District	London Borough	Metro-politan	Unitary
<b>Yes – all or some</b>	<b>35%</b>	<b>53%</b>	<b>64%</b>	<b>60%</b>	<b>36%</b>
Yes - all who are eligible have taken it	8%	31%	36%	41%	25%
Some who are eligible have taken it	26%	22%	27%	19%	12%
No - those who are eligible have not taken it	39%	36%	18%	40%	13%
Don't know	26%	11%	18%	0%	51%

Base: all respondents with at least one policy in place – county (8); district (21); London borough (11); metropolitan (4); unitary (7).

### Feedback

Respondents who reported that some or all of those councillors eligible for parental leave had taken it were asked whether or not they had asked for feedback on the conditions of the leave. **Table 14** shows the results of this question, and demonstrates that the majority (70 per cent) of respondents from councils where some or all eligible councillors had taken leave had not asked for feedback on the conditions. Twenty per cent had asked for feedback, whilst 9 per cent were unsure whether or not feedback had been sought.



**Table 14: Whether or not councils had sought feedback from those who had taken leave on the conditions of their policies or arrangements**

	Number	Per cent
Yes	5	20%
No	20	70%
Don't know	2	9%

Base: all respondents from councils where some or all eligible councillors had taken leave (27).

Respondents who had sought feedback from eligible councillors were asked to describe the feedback that had been received. **Table 15** shows the results for this question, however as only five respondents answered this question, these results must strictly be taken as a snapshot view of this particular group of respondents. The table shows that four of the five respondents who had sought feedback deemed this feedback very or fairly positive, including three respondents who described it as very positive. One respondent reported that they were unsure, explaining in the follow-up open text box that the feedback had not yet been received.

**Table 15: Whether or not councillors eligible for parental leave had taken it**

	Number	Per cent
<b>Very or fairly positive</b>	<b>4</b>	<b>81%</b>
Very positive	3	66%
Fairly positive	1	15%
Neither positive nor negative	0	0%
Fairly negative	0	0%
Very negative	0	0%
Don't know	1	19%

Base: all respondents who had sought feedback on the conditions of their parental leave (5).

Respondents had the opportunity to describe the feedback in greater detail. All five respondents provided additional comments to develop their scaled rating. Furthermore, a follow-up discussion with one of these five authorities after the survey enabled the sharing of more in-depth feedback from three councillors in their authority, and one councillor from another authority (this authority had also completed the survey).<sup>1</sup> The following analysis has therefore considered the comments of six authorities, which have been grouped into common themes.

Respondents reported that their councillors' feedback emphasised the value of having the support of other group members to cover casework, surgeries, and meetings. Among this group of respondents, it appears that it was the responsibility of the person taking leave to arrange their own cover. For one councillor, however, this generated a sense of guilt, as those covering were undertaking more work without extra pay. Another raised the question of what would happen if there wasn't someone available to cover their work (although this was not an issue for them).

Some of the comments from councillors explored the gendered dynamic of parental leave. One councillor who had taken maternity leave expressed that the larger allocation of maternity leave compared to paternity leave may frame women as a "liability" due to "the possibility of them taking leave," and suggested increasing the allocation for paternity leave to alleviate this dynamic. This sentiment was echoed by comments from two councillors who had taken paternity leave, who expressed that the allocation of two weeks is inadequate, particularly if the birth is complicated, or if they are a single parent. Furthermore, one councillor who had taken paternity leave called for greater clarity around exemptions from the six-month attendance rule, reporting that this rule is less likely to pose a problem for someone on paternity leave but someone on maternity leave, who may feel "forced" to attend when not yet ready.

Two councillors who had taken paternity leave reported confusion around the policies. One of these did not formally take paternity leave as they did not know that the policy existed, whilst the other felt the process was overly formal and therefore open to misinterpretation and would have instead preferred a more informal conversation. Furthermore, this councillor

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<sup>1</sup> All four councillors gave their express permission for their comments to be shared with the LGA, to be used in this report anonymously.

reported confusion around whether or not they had to resign from their committee roles. Although after seeking clarification, he was reassured that resignation was not required, the councillor feared that their lack of voting may appear “lazy” to ward residents.

Other comments included:

- Praise for the clarity of the policy.
- The value of ongoing communication during the period of leave, to ensure that potential issues were addressed.
- The value of discussions to support the return to work, including consideration of access to facilities in the building.
- In one case, there were challenges with the maximum number of cabinet appointments.
- In one case, the policy did not address the issue of the six-month attendance rule, however, an exception was made by the council to support the councillor in question.
- The majority of those who had taken the leave were not in receipt of an SRA, therefore had not tested this aspect of the policy.
- One respondent explained that they were currently awaiting feedback.

#### Further comments

Respondents had the opportunity to provide any further comments about their authority’s position on parental leave. Forty-five authorities provided additional comments, which have been grouped into common themes, the following themes emerged most frequently from the comments, organised in descending order from the most common theme downwards.

Around a third of these respondents detailed the informal arrangements in place within their authority. Many of these respondents reported that although they did not have a formal policy, parental leave had been allowed when a case had been presented, or that councillors were able to agree their own arrangements with their political group to cover a period of absence. For some authorities, this form of arrangement would also be in place in cases of long-term sick leave. Some respondents explained that the issue of leave would only surface if a councillor was to fall foul of the six-month attendance rule, at which point attendance would be required or an exemption would need to be agreed.

Some respondents addressed the legal employment status of councillors, as unlike officers, councillors are not employees of the authority. In some cases, respondents expressed that because councillors are not employees, there is not the same obligation to provide employment benefits, but rather they are free to take leave provided they fulfil their duties (i.e., complying with the six-month attendance rule). As one county council explained,

“This issue raises a question many of us are wrestling with about the employment status of councillors and our obligations as a council to them (...). It’s essential that councillors are properly supported, but their legal status leaves them (and us) in a kind of limbo.”

On the other hand, some respondents believed that the policy for councillors should be aligned to the policy for employed officers.

Some respondents reported that their council was currently in the process of, or beginning to consider, bringing in a parental leave policy.

Around a tenth of respondents reported that they had a dependent carer’s allowance in place for councillors. Where detail was provided, this constituted the reimbursement of costs incurred for arranging care for dependent children, elderly relatives, or disabled relatives whilst undertaking official duties.

A few respondents reported that they had a broad leave policy in place, covering all forms of parental leave, and in one case also including bereavement and compassionate leave, and long-term sick leave.

A few respondents explained that they did not have a policy in place as there had not been a desire to introduce one. One metropolitan council reported that this had “never been raised as an issue”, whilst two further councils reported that they had sought to introduce a policy, but it had been defeated due to a lack of support.

Smaller themes mentioned by a handful of respondents each included:

- Difficulty or reluctance to introduce a policy due to grey areas or uncertainty around specific points (allowances, six-month attendance rule, positions).
- A policy or arrangement was in place but had not yet been used.
- No plans to bring in a policy or arrangement.

- Policy or arrangement not required due to the current demography of the councillor body; there may be a need in future, if a more diverse range of councillors were to be elected.