

**Report To:** Democratic Services Committee

**Date of Meeting:** 14<sup>th</sup> November 2013

**Lead Member/Officer:** Gary Williams, Head of Legal and Democratic Services

**Report Author:** Gary Williams, Head of Legal and Democratic Services

**Title:** The Family Absence for Members of Local Authorities (Wales) Regulations 2013

**1. What is the report about?**

- 1.1 The report is about the Family Absence for Members of Local Authorities (Wales) Regulations 2013 which are due to come into force on 5<sup>th</sup> December 2013 and the draft Statutory Guidance produced to accompany the Regulations.

**2. What is the reason for making this report?**

- 2.1 To bring to Members' attention the draft Regulations and Statutory Guidance.

**3. What are the recommendations?**

- 3.1 That Members note the contents of the draft Family Absence for Members of Local Authorities (Wales) Regulations 2013 and the Statutory Guidance produced to accompany them.
- 3.2 That Members recommend that the Regulations and Guidance be taken into account when reviewing the Council's Constitution.

**4. Report details.**

- 4.1 The Local Government (Wales) Measure 2011 (the Measure) makes available to Members of local authorities entitlement to a family absence. The Measure creates an entitlement to five types of family absence. These are maternity absence, newborn absence, adopter's absence, new adoption absence and parental absence. Members are entitled these types of absence provided they satisfy certain conditions which the Measure states will be contained in Regulations.
- 4.2 The Family Absence for Members of Local Authorities (Wales) Regulation 2013, a copy of which is attached as Appendix 1, will come into force on 5<sup>th</sup> December 2013 and prescribe the conditions which Members must satisfy in order to be entitled to a period of family absence. They also make provision about the extent of the various periods of absence, the cancellation of them and the bringing of an absence to an end.
- 4.3 The Regulations are divided into six parts.

- 4.4 Part 1 of the Regulations relates to maternity absence. This part provides for a Member to have up to 26 weeks maternity absence and sets out the conditions which must be satisfied in order that the Member qualifies for that period of absence.
- 4.5 Part 2 relates to newborn absence and provides for a Member to be entitled to 2 consecutive weeks of newborn absence. Part 2 also sets out the conditions which must be satisfied in order that a Member be entitled to such absence.
- 4.6 Part 3 of the Regulations provide for a Member to have adopter's absence. The extent of entitlement to adopter's absence is 2 consecutive weeks. Part 3 also sets out the conditions which must be satisfied in order for a Member to qualify for adopter's absence.
- 4.7 Part 4 of the Regulations deals with new adoption absence. A Member is entitled to 2 consecutive weeks of new adoption absence. Part 4 also sets out the conditions which must be satisfied in order that a Member may qualify for new adoption absence.
- 4.8 Part 5 of the Regulations provide for parental absence. Parental absence is available to a Member who becomes responsible for a child who was previously the responsibility of someone else. Parental absence is available for a period of up to 3 months. Part 5 of the Regulations set out the conditions to be satisfied for a Member to be entitled to a period of parental absence.
- 4.9 Part 6 of the Regulations make provision for record keeping, duties to inform, cancellation of family absence by the local authority, complaints and Standing Orders relating to Members whilst taking a period of family absence.
- 4.10 The Welsh Government has issued draft Statutory Guidance in relation to the Regulations and the draft Guidance is attached as Appendix 2. The final Guidance is currently awaited.
- 4.11 The Council will need to consider the requirements of the Regulations and Guidance and review its Constitution accordingly to take account of these requirements.

## **5. How does the decision contribute to the Corporate Priorities?**

- 5.1 The contents of this report do not impact directly on the Corporate Priorities.

## **6. What will it cost and how will it affect other services?**

- 6.1 There is no direct cost associated with this report.

## **7. What consultations have been carried out and has an Equality Impact Assessment Screening been undertaken?**

- 7.1 There is no requirement for an Equalities Impact Assessment.

## **8. Chief Finance Officer Statement**

8.1 There are no financial implications as a result of this report.

## **9. What risks are there and is there anything we can do to reduce them?**

9.1 If the Council does not introduce appropriate measures for recording periods of family absence and amending the Constitution to reflect the various entitlements to family absence there is a risk that the Council will not be wholly compliant with Local Government Wales Measure 2011.

## **10. Power to make the Decision**

10.1 Local Government Wales Measure 2011.