

PART 4 – RULES OF PROCEDURE

FAMILY ABSENCE PROCEDURE RULES

Different Types of Family Absence

1. A Member may be entitled to family absence pursuant to the Local Government (Wales) Measure 2011, subject to compliance with the Family Absence for Members of Local Authorities (Wales) Regulations 2013 (“the Regulations”), as amended, as follows:
 - (i) Maternity absence – for the mother of a child, granted up to a maximum of twenty six weeks;
 - (ii) Newborn absence – for the parent of a child other than the mother, for a period of up to two weeks;
 - (iii) Adopter’s absence – for the adopter of a child, for a period of up to twenty six weeks;
 - (iv) New adoption absence - for the partner of an adopter, for a period of up to two weeks; and
 - (v) 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.

Prescribed Conditions

2. The Regulations prescribe the conditions that Members must satisfy to be entitled to each type of family absence, make provisions regarding the durations, start, cancellation and end of periods of family absence, and set out the administrative process for dealing with family absences. A copy of the Regulations can be obtained from the Council’s Head of Democratic Services and must be referred to by any Member considering taking family absence.

Requirement for Member to give Written Notice

3. A Member intending to take family absence is required to give written notice to the Head of Democratic Services, specifying the type of family absence the Member intends to take and the intended start date, as well as certain other specified information in respect of particular types of family absence. Any changes to, or cancellation of, family absence must similarly be notified to the Head of Democratic Services. Members should refer to the Regulations for the prescribed information which must be included in the notice, and advice is available in this respect from the Head of Democratic Services.

Records and Notification of Family Absence

4. The Head of Democratic Services will keep a record of all notifications and periods of family absence taken and will inform the Chair of Council, the Chair of the Democratic Services Committee, and the leaders of each political group, and other recognised group, of the authority. The Head of Democratic Services

may also inform any other persons, as he/she considers necessary, for example, fellow ward Members.

Cancellation of Family Absence by Council

5. If the Head of Democratic Services reasonably suspects that a Member may not be entitled to the family absence notified, he/she shall inform the Monitoring Officer. The Monitoring Officer may cancel or end a Member's family absence if he/she is of the view that the Member is not entitled to such absence in accordance with the Regulations.
6. In the event of a decision to cancel family absence, the Head of Democratic Services will give written notice to the Member concerned setting out the decision to cancel or bring to an end the period of family absence, and the date from which the Member must return from family absence. If the Member then fails to resume duties, the Council may withhold the Member's remuneration and take any other appropriate action.

Members' Right to Appeal against Cancellation

7. (1) A Member may, within 28 days from being notified of a cancellation of family absence, complain in writing to the Head of Democratic Services regarding the cancellation.
- (2) The Head of Democratic Services will refer any complaint duly made regarding cancellation to the Chair of Council (or Presiding Member).
- (3) The Member's complaint will be considered by the Family Absence Appeals Panel, which may either confirm the decision of the Monitoring Officer, or substitute its own decision as to the Member's entitlement to family absence in accordance with the Regulations.
- (4) The decision of the Panel is final.

Performance of Duties – At Member's request

8. (1) A Member on maternity absence (or parental absence) may, subject to paragraphs (2) to (6):
 - (a) Attend particular meetings;
 - (b) Attend particular descriptions of meetings;
 - (c) Perform particular duties; or
 - (d) Perform duties of a particular description.
- (2) The Member must obtain the permission of the Chair of Council (or Presiding Member) before attending any meeting or performing any duty.
- (3) The Chair of Council (or Presiding Member) will inform the leaders of each political group of the Council before granting permission under paragraph (2).

- (4) A Member may complain in writing to the Head of Democratic Services regarding a refusal under paragraph (2).
- (5) The Head of Democratic Services will refer a complaint under paragraph (4) to the Chair of Council (or Presiding Member).
- (6) The Family Absence Appeals Panel (“the Panel”) will determine a complaint made under paragraph (4).
- (7) The Panel may:
 - (a) confirm the decision of the Chair of Council (or Presiding Member) under paragraph (2); or
 - (b) substitute its own decision as to the Member attending any meeting or performing any duty.

Continuing Duties

9. If a Member is on family absence leave and it would be difficult to replace that Member on a temporary basis, the Chair of Council can request that Member to attend a meeting if it might otherwise be inquorate.
10. A Member on family absence is expected to continue to observe and comply with any duties under the Members’ Code of Conduct which remain applicable, including the duty to not bring the office of Member or the Council into disrepute (Members’ Code, Rule 6(1)(a)), and the duty to not use their position or the resources of the authority improperly or for private advantage (Members’ Code, Rule 7).

Members Allowances

11. In accordance with the determinations of the Independent Remuneration Panel for Wales, a Member on family absence is entitled, for the duration of the absence, to retain a basic salary and any senior salary for which the Member is eligible.