

CYNGOR SIR POWYS COUNTY COUNCIL.

Democratic Services Committee
15th July, 2013

REPORT AUTHOR: Interim Head of Democratic Services

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

REPORT FOR: Information / Decision

- 1.1 Part 2 of the Local Government (Wales) Measure 2011 makes available to Members of local authorities entitlement to a period of family absence. The Measure creates an entitlement to five types of family absence – maternity absence, newborn absence, adopter's absence, new adoption absence and parental absence. The entitlement is subject to members satisfying conditions prescribed in regulations.
- 1.2 The Regulations in addition to prescribing the conditions which Members must satisfy to be entitled to a period of family absence, make provision about the extent of the various periods of absence, the cancellation of periods of absence and bringing absence to an end.
- 1.3 The Regulations are divided into six parts as follows:

Part 1 – Maternity Absence.

Includes the provision for the start of maternity absence, variation of the intended start, duration, bringing to an end and cancellation.

Regulation 3 – prescribes the conditions that a Member must satisfy to be entitled to a period of maternity absence. Conditions include notification requirements and where requested by the Head of Democratic Services, the production of evidence.

Part 2 – Newborn Absence.

Includes provision for duration of newborn absence, when absence may be taken, cancellation of absence and the start date of a period of newborn absence.

Regulation 10 – sets out conditions as to relationship with a child or the child's mother and responsibility for the upbringing of that child required for a Member to be entitled to newborn absence.

Part 3 – Adopter's Absence.

Makes provision for duration of adopter's absence, when absence may be taken, the start date of a period of adopter's absence and cancellation.

Regulation 15 – prescribes the conditions that a Member must satisfy to be entitled to a period of adopter's absence.

Part 4 – New Adoption Absence.

Makes provision for the duration of new adoption absence, when absence may be taken, cancellation and the start date of a period of new adoption absence.

Regulation 21 – prescribes the conditions that a Member must satisfy to be entitled to a period of new adoption absence. It sets out the relationship requirements between a Member and a child's adopter and that the member must have responsibility for the upbringing of a child.

Part 5 – Parental Absence.

Regulations 24 to 27 provide for the duration of absence, when absence may be taken, cancellation, bringing parental absence to an end and the start date of a period of parental absence.

Regulation 27 – prescribes the conditions to be satisfied for a Member to be entitled to a period of parental absence. The conditions relate to the responsibility for the care of a child. It also sets out notification requirements and evidence to be produced to the Head of Democratic Services where required.

Part 6.

Provision relating to 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.

- 1.4 The Welsh Government has issued Draft Statutory Guidance in March 2013 in relation to The Family Absence for Members Regulations for consultation. The consultation period ended on 14th June 2013 and the final guidance is awaited.
- 1.5 The Council will need to consider the requirements of the Regulations and Guidance and review its Constitution accordingly to take account of these requirements.

Recommendation:	Reason for Recommendation:
(i) That the Regulations and Guidance from Welsh Government be noted.	(i) To update the Committee on new Legislation / Regulations / Guidance affecting the Council.
(ii) That the requirements of the Regulations / Guidance be taken into account in reviews of the Council's Constitution.	(ii) To update the Council's Constitution to take account of new Legislative requirements and guidance.

Relevant Policy (ies):			
Within Policy:	Y / N	Within Budget:	Y / N
Relevant Local Member(s):			
Person(s) To Implement Decision:	Clive Pinney		
Date By When Decision To Be Implemented:	May 2014 – Constitution update		

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Background Papers used to prepare Report: