

LOCAL GOVERNMENT (WALES) MEASURE 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 - Family Absence for members of local authorities

40. The provisions in this Part of the Measure make available to members of principal councils (including members of the executive) entitlement to maternity, newborn, adoption and parental absence (“family absence”) to support councillors and those wanting to stand for election who may have family responsibilities.

Section 23 – Right to family absence

41. Establishes an entitlement to councillors of a principal council to family absence and sets out the different types of family absence.

Section 24 – Maternity absence

42. Entitles a councillor to a period of up to 26 weeks maternity absence if the councillor has given birth to a child and satisfies prescribed conditions. The section provides for the details relating to maternity absence to be set out in regulations, thereby allowing the Welsh Ministers to respond to and reflect any changes made in the wider employment regime.

Section 25 – Newborn absence

43. Entitles a councillor to up to two weeks absence for a councillor who satisfies conditions in relation to “newborn absence”. The absence must be taken within a period of 56 days beginning with the birth of a child with which the councillor has a relationship as set down in prescribed conditions. The section provides for the details relating to newborn absence to be set out in regulations, thereby allowing the Welsh Ministers to respond to and reflect any changes made in the wider employment regime.

Section 26 – Adopter’s absence

44. This section entitles a councillor who satisfies prescribed conditions to a period of absence where that councillor (whether individually or jointly with another person) adopts a child. The period of absence is to be up to two weeks. The section provides for the details relating to adopter’s absence to be set out in regulations, thereby allowing the Welsh Ministers to respond to and reflect any changes made in the wider employment regime.

Section 27 – New adoption absence

45. This section entitles a councillor to a period of absence where that councillor is the partner of a person who is to adopt a child. New adoption absence is available to a person for the purpose of caring for a child who is adopted or supporting the person who is to adopt the child. Regulations are to set out the conditions that a person must

satisfy about his or her relationship with a person who is to adopt a child and his or her relationship with the child that is to be placed for adoption in order to qualify for new adoption absence. The period of absence is to be up to two weeks. The section provides for the details relating to new adoption absence to be set out in regulations, thereby allowing the Welsh Ministers to respond to and reflect any changes made in the wider employment regime.

Section 28 – Parental absence

46. Entitles a councillor to a period of absence of up to three months if the councillor has or expects to have responsibilities for a child (“parental absence”). The section provides for the Welsh Ministers to make regulations setting out the details of parental absence.

Section 29 – Regulations: supplemental

47. Enables the Welsh Ministers to make regulations setting out certain administrative details and requirements for local authorities and members of local authorities in connection with the new entitlements introduced by the provisions in this Part.

Section 30 – Guidance

48. Empowers the Welsh Ministers to issue guidance on family absence entitlements, to which principal councils must have regard.

Section 31 – Amendment of the Local Government Act 1972

49. Amends section 85 of the 1972 Act so that a period of “family absence” (as provided for by this Measure) does not, in itself, leave a councillor liable to being required to vacate office by virtue of not having attended council meetings for six months.
50. The existing section 85 of the 1972 Act states that if a councillor fails to attend any meetings of his/her authority during a period of six consecutive months without a reason approved by the authority, he or she ceases to hold office. The new subsection (3C), inserted in section 85 of the 1972 Act, ensures that family absence will not be taken into account for calculating a six month period of absence. The new section (3D) provides that calculating the six month period of absence may take into account the periods immediately before and immediately after the period of family absence.

Section 32 Amendment of Local Government Act 2000

51. Amends section 11 of the 1972 Act to allow the statutory limit on the size of a local authority executive to be increased to allow the appointment of a temporary replacement for an executive member who is taking family absence as provided for in Part 2 of this measure. This is an enabling provision so there is no obligation to appoint an additional member.

Section 33 – Interpretation of Part 2

52. Provides interpretation of certain terms used in this Part of the Measure.