

REPORT TO ABERDEENSHIRE COUNCIL - 26 SEPTEMBER 2019

REQUEST TO APPROVE REASONS FOR COUNCILLOR ABSENCE

1. Recommendation

The Council is recommended to:-

- 1.1 **Consider and approve the reasons for Councillors Gwyneth Petrie's and Geva Blackett's absence from Council meetings for a period exceeding six consecutive months as set out in this report; and**
- 1.2 **Note that both Councillors will continue to be members of the authority despite said absence.**

2. Background/Discussion

- 2.1 Under Section 35 (1) of the Local Government Scotland Act 1973, a member of a local authority who fails throughout a period of six consecutive months to attend any meeting of the authority shall cease to be a member of the authority unless the failure was due to some reason approved by the authority.
- 2.2 There is currently no statutory right to maternity leave for elected members and requests for absence due to maternity/parental leave or sickness absence are not covered in the Council's Scheme of Governance. However, Section 35 (1) of the Local Government Act 1973 enables a Local Authority to approve the reason(s) for non-attendance of a Member at any meeting of the Authority beyond a period of six consecutive months, provided that approval is given by the Authority before the expiry of the six month period.
- 2.3 On 22 July 2019, Councillor Gwyneth Petrie commenced a period of maternity leave and she has advised the Council of her intention to remain on leave until January/February 2020.
- 2.4 As she last attended a meeting on 27 June 2019, the six-month period during which attendance at a Council meeting is required would end on 27 December 2019, prior to when her maternity leave is due to cease. Consequently, Councillor Petrie has submitted a request for Full Council to consider extending the six-month period in order that she can maintain her position of office.
- 2.5 A request has also been received through the Leader of the SNP Group for a similar extension to be considered for Councillor Geva Blackett who is currently absent due to ill-health. Councillor Blackett last attended a Council meeting on 20 June 2019 which would make the end of the six-month period 20 December 2019. Although it is anticipated that Councillor Blackett will be in a position to return to council duties prior to the end of the six-month period, an extension is sought in order to safeguard her position should the absence extend further than expected.

- 2.6 Approval is sought at this meeting of Full Council in order to ensure that an extension can be considered in good time before the expiry of the six-month period. It should be noted that if the reasons for absence are not approved in advance of the expiry date, disqualification from office cannot be overcome by a councillor subsequently resuming attendance nor can retrospective approval of the Council be sought for an extension.
- 2.7 Full Council is therefore recommended to approve the above reasons for absence for both Councillors in order to enable them to continue as Members of Aberdeenshire Council after the expiry of the six-month period.

3. Scheme of Governance

- 3.1 Full Council is able to consider this report as it relates to a matter not otherwise delegated to any Committee or Officer of the Council. There is no provision for maternity/parental leave, sickness absence or for approving the extension of the non-attendance ruling under the current Scheme of Governance and legislation is relied on in such circumstances.

4. Implications and Risk

- 4.1 An equality impact assessment has been undertaken in respect of the request for an extension due to maternity leave and is attached.
- 4.2 No equality impact assessment is required in respect of the leave due to sickness absence as there is no impact on a protected characteristic.
- 4.3 No risk applies in relation to the Corporate or Directorate Risk Registers and there are no direct financial implications arising from this recommendation.

Ritchie Johnson
Director of Business Services

EQUALITY IMPACT ASSESSMENT

Stage 1: Title and aims of the activity ("activity" is an umbrella term covering policies, procedures, guidance and decisions).	
Service	Councillors
Section	N/A
Title of the activity etc.	Maternity Leave
Aims and desired outcomes of the activity	Facilitate the opportunity for councillor to take maternity leave without penalty
Author(s) & Title(s)	Marsali Blake, HR Advisor

Stage 2: List the evidence that has been used in this assessment.	
Internal data (customer satisfaction surveys; equality monitoring data; customer complaints).	N/A
Internal consultation with staff and other services affected.	N/A
External consultation (partner organisations, community groups, and councils).	N/A
External data (census, available statistics).	N/A
Other (general information as appropriate).	Collation and analysis of documentation from various external bodies on proposals to introduce parental leave policies for elected members and MPs in recognition of difficulties that can be faced by individuals wishing to take parental leave where there are currently no existing arrangements and leave is discretionary.

Stage 3: Evidence Gaps.	
Are there any gaps in the information you currently hold?	N/A

Stage 4: Measures to fill the evidence gaps.		
What measures will be taken to fill the information gaps before the activity is implemented? These should be included in the action plan at the back of this form.	Measures:	Timescale:
	Continued monitoring for any legislative changes to rights for elected members	Ongoing
	Continued monitoring of actions by other Councils to implement parental leave policies for elected members.	Ongoing

Stage 5: Are there potential impacts on protected groups? The protected groups covered by the equality duty are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnerships, but only in respect of eliminating unlawful discrimination.

Who is affected by the activity or who is intended to benefit from the proposed policy and how? Please complete for each protected group by inserting "yes" in the applicable box/boxes below.

	Positive	Negative	Neutral	Unknown
Age – Younger Eliminating unlawful discrimination, harassment and victimisation Advancing equality of opportunity Promoting good relations among and between different age groups				
Age – Older				
Disability				

Race – (includes Gypsy Travellers)				
Religion or Belief				
Sex (Gender)				
Pregnancy and maternity	Yes			
Sexual orientation – (includes Lesbian/ Gay/Bisexual)				
Gender reassignment – (includes Transgender)				
Marriage and Civil Partnership				
eliminating unlawful discrimination				

Stage 6: What are the positive and negative impacts?		
Impacts.	Positive (describe the impact for each of the protected characteristics affected)	Negative (describe the impact for each of the protected characteristics affected)
Please detail the potential positive and/or negative impacts on those with protected characteristics you have highlighted above. Detail the impacts and describe those affected.	Positive impact on elected member seeking leave of absence on maternity leave. Agreement to extend non-attendance ruling will allow elected member to enjoy period of maternity leave without concerns about losing her position of office.	

Stage 7: Have any of the affected groups been consulted?

<p>If yes, please give details of how this was done and what the results were. If no, how have you ensured that you can make an informed decision about mitigating steps?</p>	<p>N/A</p>
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<p>Stage 8: What mitigating steps will be taken to remove or reduce negative impacts?</p>		
<p>These should be included in any action plan at the back of this form.</p>	<p>Mitigating Steps</p>	<p>Timescale</p>

<p>Stage 9: What steps can be taken to promote good relations between various groups?</p>	
<p>These should be included in the action plan.</p>	<p>Regular updates on outcomes of any discussion and notification of any actions required</p>

<p>Stage 10: How does the policy/activity create opportunities for advancing equality of opportunity?</p>
<p>Improving provision for absence for new parents will contribute towards increasing the diversity of experience, age and background of local authority councillors. It will also assist in retaining women councillors and making public office more attainable.</p>

<p>Stage 11: What equality monitoring arrangements will be put in place? How the EIA will be used to monitor the proposal</p>	
<p>These should be included in any action plan (for example customer satisfaction questionnaires).</p>	

<p>Stage 12: What is the outcome of the Assessment?</p>		
	<p>1</p>	<p>No negative impacts have been identified –please explain.</p>

Please complete the appropriate box/boxes	Any agreement to provide agreed leave of absence for reasons of maternity can only have positive impact on protected characteristic.	
	2	Negative Impacts have been identified, these can be mitigated - please explain. * Please fill in Stage 13 if this option is chosen.
	3	The activity will have negative impacts which cannot be mitigated fully – please explain. * Please fill in Stage 13 if this option is chosen

* Stage 13: Set out the justification that the activity can and should go ahead despite the negative impact.

Stage 14: Sign off and authorisation.			
Sign off and authorisation.	1) Service and Team	HR&OD, Reward & Analytics	
	2) Title of Policy/Activity	N/A (if appropriate)	
	3) Authors: I/We have completed the equality impact assessment for this policy/activity.	Name: Marsali Blake Position: HR Advisor Date: 15/08/2019 Signature: 	Name: Euan Proudfoot Position: Pay & Reward Manager Date: 15/08/2019 Signature: 
		Name: Position: Date: Signature:	Name: Position: Date: Signature:

4) Consultation with Service Manager	Name: Date:	
5) Authorisation by Director or Head of Service	Name: Laura Simpson Position: Head of HR&OD Date:	Name: <input type="text"/> Position: <input type="text"/> Date: 15/8/19
6) If the EIA relates to a matter that has to go before a Committee, Committee report author sends the Committee Report and this form, and any supporting assessment documents, to the Officers responsible for monitoring and the Committee Officer of the relevant Committee. e.g. Social Work and Housing Committee.		Date:
7) EIA author sends a copy of the finalised form to: equalities@aberdeenshire.gov.uk		Date:
(Equalities team to complete) Has the completed form been published on the website? YES/NO		Date: