



Local government parental leave policy (template for use by councils)

Why does parental leave matter?

A good democracy needs to be inclusive and reflect as far as practicable the diversity of our communities. This applies not only to what councils do but also to the way in which decisions are made, including the membership of governing bodies and community and local boards. It is important that all eligible citizens not only feel able to stand for election and but, if elected, they can participate fully.

As the law stands, elected members are not entitled to statutory 'parental leave', as they are not subject to the Parental Leave and Employment Protection Act 1987. Consequently, any decision to approve parental leave for an elected member is a Council decision. The draft policy clauses below are intended to assist Councils with their decision-making if an elected member seeks a leave of absence for parental leave.

How to use this document

- LGNZ has developed the following template policies on child-care allowances and parental leave to reflect our commitment to diversity and inclusivity. Councils can use them as a starting point for their own policies. The draft "childcare allowance clauses" could be included in a Council's "Elected Member Expenses, Allowances and Reimbursements Policy" (Expenses Policy). Councils can also adopt them as a separate policy if they wish.
- The draft "parental leave" clauses would be better adopted as a standalone policy, given that they concern the matter of leave, rather than the payment of a specified allowance.

Before any Council decides to adopt any clauses/new policy, it will need to comply with its usual decision-making requirements in the Local Government Act 2002.

Both policies have been developed by LGNZ's legal advisers and both have been reviewed by the Remuneration Authority.¹

¹ Please note that any reference to 'parental leave' in these draft policy clauses does not mean 'parental leave' as that term is used in the Parental Leave and Employment Protection Act 1987.



Background and objectives

In 2017/18, the Remuneration Authority carried out a comprehensive review of its approach to determining remuneration and allowances for local government elected members. In this review they noted that caring for dependents was one of the barriers to participation as an elected member, particularly for younger women. As a result, in 2019, provision was made for Councils to adopt an elected member childcare allowance.

The consultation document that led to the introduction of the childcare allowance raised questions, and included proposals, about leave of absence for other personal reasons. However, the Remuneration Authority did not make any specific determinations about leave of absence, other than a determination which requires an acting Mayor/Chair to be paid the remuneration and allowances that are normally payable to the Mayor/Chair when they are fulfilling that role (in an acting capacity).

The placeholder text in [brackets] is for each Council to choose/insert for consistency with other Council documents and policies.

Childcare allowance policy: draft clauses

1. From the day the official result of the [2022] election is declared, eligible [Members] may claim a childcare allowance of up to [/\$6,000] per annum only, per child, to contribute towards expenses incurred by the [Member] for childcare provided while they are engaged on local authority business.²
2. In accordance with the Local Government Members Determination issued by the Remuneration Authority, a [Member] is eligible for the childcare allowance only if:
 - a. the member is a parent or guardian of the child, or is a person who usually has responsibility for the day-to-day care of the child (other than on a temporary basis); and
 - b. the child is under 14 years of age; and
 - c. the childcare is provided by a person who—
 - i. is not a parent of the child or a spouse, civil union partner, or de facto partner of the member; and
 - ii. does not ordinarily reside with the member; and
3. the member provides satisfactory evidence to the Council of the amount paid for childcare.

Childcare allowance policy: notes and guidance

The Remuneration Authority currently provides discretion for local authorities to make childcare allowances: see clause 14, Local Government Members (2022/23) Determination 2022.

² To find out whether your council provides a childcare allowance and, if so, the amount of that allowance, go to the council's Governance Statement, which can be found on its website. Alternatively, approach the council's administration officer.



LGNZ encourages all Councils to provide for this allowance in their policies, for both Councillors and Community/Local Board members. While it is for eligible elected members to decide whether they will claim any such allowance, ensuring all discretionary allowances are made available to elected members helps to minimise financial barriers for those who may wish to hold office.

The Remuneration Authority reviews allowance limits annually, so before any childcare allowance is paid in any year, the current determination (and possibly the Council policy) should be reviewed

- Existing Expenses Policies will specify when allowance claims are to be made and paid.
- Councils should consider whether amendments are required to these clauses in conjunction with adopting these template clauses.
- The placeholder text in [brackets] is for each Council to choose/insert for consistency with other Council documents, as part of their decision-making process.

The Council will review this policy at least every three years, immediately following the local government election.]

Please note: The Council can only include additional ‘rules’ relating to an elected member claiming this allowance if the Remuneration Authority approves these in accordance with clause 6(3)(e), Schedule 7 of the Local Government Act 2002. However, instead of seeking approval from the Remuneration Authority, a Council may decide to add ‘notes’, or parameters, that align with any preferences it has in relation to an elected member claiming the allowance. For example, by requiring that specific childcare centres be used, see below:

The Council encourages elected members to use [XYC childcare centre] which is [owned and operated by the [Council/Council’s CCO]] OR [which receives grant funding from the Council each year]

Parental leave of absence policy: draft clauses

1. When a [Member] gives birth or adopts a baby under [XX age] old, the Council may approve a leave of absence under [standing order #] (parental leave of absence).
2. A parental leave of absence may be approved for up to [X] months on request.
3. Approval of a parental leave of absence will mean that the [Member] must not carry out any duties, either formal or informal. This will mean that the [Member] will not attend any Council, Community Board, Local Board, or Committee meetings, meetings with external parties or constituent work. The [Member] is also not able to speak publicly on behalf of the Council or represent the Council on any issue.
4. A [Member] will not be paid any remuneration or allowances while on an approved parental leave of absence.
5. If a member continues in their role in a more limited (partial) capacity, such as attending to constituent enquiries (e.g., phone calls and engagements where possible), and reading etc, but not attending council meetings or workshops, their remuneration should revert to the remuneration received by a councillor with minimum allowable remuneration for their council, as set out in its determination.



6. The Council will offer members returning from full parental leave a programme to assist them to transition back into their former role, this may involve a briefing from the chief executive officer on matters of importance that occurred during the member's absence

Parental leave of absence policy: notes and guidance

- Councils should ensure that any parental leave of absence policy clauses are consistent with existing standing orders, insofar as they relate to the approval of a leave of absence. A Council may need to amend their standing orders to reflect:
 - That where a leave of absence is approved on the basis that an elected member will not perform any services (e.g., a total leave of absence), remuneration (and allowances) will not be payable for the period.
- The Parental Leave of Absence policy clauses assume that a parental leave of absence will be a total leave of absence, where no usual duties or functions are performed.

The placeholder text in [brackets] is for each Council to choose/insert for consistency with other Council documents and policies.