
WELSH STATUTORY INSTRUMENTS

2013 No. 2901

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

PART 6

General

Record keeping

- 32.**—(1) A local authority’s head of democratic services must maintain a record of all—
- (a) notifications made by members of that local authority of periods of family absence; and
 - (b) periods of family absence taken by members of that local authority.
- (2) A record made under paragraph (1) must be kept by the local authority for at least 10 years from the date it is made.

Duty to inform

- 33.**—(1) Having been notified in accordance with Parts 1 to 5 of these Regulations that a member is taking a period of family absence, the head of democratic services must inform each relevant person as soon as is reasonably practicable of that fact.
- (2) In this regulation “relevant person” (“*person perthnasol*”) means—
- (a) the chair of the local authority, or where a local authority has elected a presiding member, the presiding member of that local authority;
 - (b) the chair of the local authority’s Democratic Services Committee; and
 - (c) the leader of each political group of the local authority.

Cancellation of family absence by a local authority

- 34.**—(1) Where the head of democratic services has reasonable grounds to suspect that a member, who has provided notification that they are taking a period of family absence, is not entitled to that family absence, the head of democratic services must inform the local authority and provide all relevant information.
- (2) Where a member is not entitled to a period of family absence, following the receipt of information under paragraph (1), a local authority may cancel a member’s period of family absence before it begins or bring a period of family absence to an end.
- (3) Where a local authority exercises its power under paragraph (2), the head of democratic services for that authority must provide the member with a written notice setting out—
- (a) the decision to cancel or bring to an end a period of family absence; and
 - (b) the date from which the member must return from the period of family absence.

(4) Where a member has failed to return from a period of family absence on the date specified in the notice provided under paragraph (3), a local authority may withhold that member's remuneration.

Complaints

35.—(1) A member may complain in writing to the head of democratic services regarding a decision made under regulation 34(2).

(2) A complaint must be received by the head of democratic services within 28 days of the member being notified under regulation 34(3) of a local authority's decision under paragraph (2) of that regulation.

(3) The head of democratic services must refer any complaint received within the period specified in paragraph (2) to the chair of the local authority or where a local authority has elected a presiding member, to the presiding member.

The panel

36.—(1) The local authority must appoint a panel to determine a complaint made under regulation 35.

(2) The panel must consist of three members appointed by the local authority.

(3) Neither the chair of the local authority nor the presiding member of a local authority may be appointed to the panel.

(4) The panel may—

(a) confirm a local authority's decision made under regulation 34(2); or

(b) substitute its own decision as to the member's entitlement to a period of family absence in accordance with these Regulations.

(5) The decision of the panel is final.

Standing orders

37. A local authority must, as soon as is reasonably practicable after the coming into force of these Regulations, make standing orders securing the requirements set out in regulation 38.

38.—(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 the local authority, or where a local authority has elected a presiding member, the presiding member, before attending any meeting or performing any duty.

(3) The chair of the local authority, or where a local authority has elected a presiding member, the presiding member, must inform the leaders of each political group of the local authority 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 must refer a complaint under paragraph (4) to the chair of the local authority, or where a local authority has elected a presiding member, to the presiding member.

(6) A panel constituted in accordance with these Regulations must determine a complaint made under paragraph (4).

(7) The panel may—

- (a) confirm the decision of the chair of the local authority, or where a local authority has elected a presiding member, the decision of the presiding member, under paragraph (2); or
- (b) substitute its own decision as to the member attending any meeting or performing any duty.

39. A local authority must, as soon as is reasonably practicable after the coming into force of these Regulations, make provision in standing orders as to the extent of the duties, if any, which remain applicable to members during a period of family absence.