

# STATES OF JERSEY



Jersey

## DRAFT AMENDMENT (No. 52) OF THE STANDING ORDERS OF THE STATES OF JERSEY

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Lodged au Greffe on 3rd November 2020  
by Deputy L.M.C. Doublet of St. Saviour

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STATES GREFFE



## REPORT

The Draft Amendment (No. 52) of the [Standing Orders of the States of Jersey](#) (“the draft Amendment”) would create a new reason for absence from the Assembly – “parental responsibilities” – which could not be challenged, debated or voted upon by other States Members.

At present, a Member who is absent because they or their partner has recently given birth must request via another member, at every sitting, that they be marked as excused from attending under Standing Order 53(3). Any Member may challenge this request and ultimately the States can vote on whether or not to accept the reason for absence. In my view, fair provision should be made for States Members who are parents: otherwise, our rules discourage parents of young children from standing for the States and we send out a signal that we do not regard support for parents and young children as important.

Formal provision for parental leave is common in other jurisdictions. A recent survey by the Inter-Parliamentary Union found that more than half of national legislatures formally recognised maternity leave; just under half make provision for paternity leave. In Sweden, for example, the same rules for parental leave apply to MPs as for the general population. Applications are approved by the Speaker. The Danish parliament grants up to 12 months’ paid leave for parents, as does the Canadian House of Commons. In Finland, parental leave may be provided as a reason for absence in their equivalent of the roll call. Members of the German Bundestag can give notice of absence to the Speaker and if the absence is linked to parental responsibilities pay is unaffected. In New Zealand, MPs can apply to the Speaker for up to 12 months’ leave of absence.

In UK legislatures there is no formal provision for parental leave but unofficial arrangements are made with the political parties. There is increasing pressure in the UK House of Commons for the House to provide formal recognition of periods of absence due to parental responsibilities.

A simple solution for Jersey would be to add “parental responsibilities” to the reasons given in Standing Order 53(2) for a Member to be absent and which are automatically recorded without there being the possibility of a vote (the other reasons being illness and absent from Jersey on States’ business). This would be a significant improvement on the current situation where a Member who has just become a new father, for example, could have the reasons for his absence debated and voted upon and could end up being marked as *en défaut*.

The Diversity Forum has prepared and agreed guidance to assist Members in deciding whether or not it is appropriate to claim absence due to parental responsibilities. This guidance covers a variety of scenarios where a Member may have to be absent because of the need to care for a child. Members would be expected to adhere to the guidance: failure to do so could constitute a breach of the Code of Conduct for Elected Members. I have annexed the guidance to this report. If there are comments or questions about the guidance these can be taken on board before it is finally issued.

There are other circumstances – such as bereavement and caring responsibilities – in which it is also inappropriate for States Members to have to request absence and face the possibility of a debate on their personal situations. There has been considerable debate within the Diversity Forum and PPC on how to deal with these matters and whether the Standing Order change I am proposing should be extended to include a broader range of circumstances. In my view, States Members should not receive additional benefits to that which the public receive – and as caring leave is not currently written into our laws, this would not be appropriate to claim for States Members at the

current time. In my view it would be preferable for the relevant Minister to investigate how this could be put in place for the public, and then to extend this to States Members. It is also a more complex matter to provide guidance on. As mentioned above, if we go ahead with adding parental responsibilities to the list of reasons for absence, the guidance will be straightforward and easy to follow. General caring responsibilities are not as clear-cut and it would therefore take longer to prepare this guidance. I do not think we should delay the work on parental leave any longer.

However, as the Forum did not reach a consensus in this area, I welcome any amendments which would allow us to have an additional debate on adding general caring responsibilities as an automatic reason for absence, should any members feel strongly enough.

This modest but important change to Standing Orders would bring Jersey in line with international best practice, show that the Assembly genuinely intends to represent everyone in the Island equally and signal that we regard parental responsibilities as significant and worthy of recognition. Members have collectively supported the 1001 Critical Days initiative, which includes a focus on the positive benefits to children of bonding with both parents early in life. The Assembly has also adopted the strategic priority of putting children first, in the Common Strategic Policy. This reform demonstrates our commitment to these initiatives in relation to our own children.

#### **Financial and manpower implications**

There are no financial or manpower implications for the States arising from the adoption of this Draft Amendment to Standing Orders.

**EXPLANATORY NOTE**

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This Amendment to the Standing Orders of the States of Jersey will add provision for absence of an elected member for parental responsibilities to standing order 53 (which deals with the 2nd roll call). Under paragraph (2) of that standing order an elected member can declare the reason for another member's absence, to be recorded without the need for the other member to be excused, if the other member is absent from Jersey on States' business or unable, through illness, to attend. The effect of this amendment is to treat inability to attend through parental responsibilities in the same way as inability through illness. The amendment does not define "parental responsibilities" ("illness" is currently undefined as well).





Jersey

## **DRAFT AMENDMENT (No. 52) OF THE STANDING ORDERS OF THE STATES OF JERSEY**

*Made* [date to be inserted]

*Coming into force* [date to be inserted]

**THE STATES** make the following Amendment to the Standing Orders of the States of Jersey<sup>1</sup> under Article 48 of the States of Jersey Law 2005<sup>2</sup> –

### **1 Standing order 53 (2nd roll call) amended**

In standing order 53(2) of the Standing Orders of the States of Jersey<sup>3</sup>, for “through illness” there is substituted “through illness or parental responsibilities”.

### **2 Citation and commencement**

This Amendment may be cited as Amendment (No. 52) of the Standing Orders of the States of Jersey and comes into force on the day after it is made.

**ENDNOTES**

**Table of Endnote References**

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<a href="#"><u>1</u></a>	<i>chapter 16.800.15</i>
<a href="#"><u>2</u></a>	<i>chapter 16.800</i>
<a href="#"><u>3</u></a>	<i>chapter 16.800.15</i>