

**Report for:** Standards Committee 28<sup>th</sup> January 2019

**Title:** Updating the Members Allowance scheme to include provision for, Maternity, Paternity and Sick Pay

**Report authorised by :** Bernie Ryan, AD Corporate Governance

**Lead Officer:** Ayshe Simsek, Acting Democratic Services and Scrutiny Manager

**Ward(s) affected:** N/A

**Report for Key/  
Non Key Decision:** Non - Key

**1. Describe the issue under consideration**

To discuss and consider whether the Member's Allowance scheme should be updated in March 2019 to include provision for maternity, paternity and sick pay for Councillors.

**2. Cabinet Member Introduction**

N/A

**3. Recommendations**

- 3.1 To discuss updating the Members Allowance scheme to explicitly make provision for maternity, paternity, sick pay for councillors.

**4. Reasons for decision**

To fully reflect the Council's fairness objectives and meet this universal equalities standard, recognising that the demographic of councillors has changed over the years, and there is a need for the council to openly provide support to allow councillors that become parents or need to take a prolonged leave of absence due to ill health are not discouraged from doing so.

To ensure that the Council policies on maternity, paternity and sick leave are applied consistently.

To bring the council in line with the neighbouring borough policies of Islington, Waltham Forest and Camden and meet the recommendation of the independent remuneration panel[ The Local Authorities (Members' Allowances) (England) Regulations 2003 ('the Regulations') authorised the establishment by the Association of London Government (now London Councils) who make recommendations in respect of the members' allowances payable by London

boroughs which advises on members' allowances schemes] to allow the continuance of Special Responsibility Allowances in the case of sickness, maternity and paternity leave in the same terms that the council's employees enjoy such benefits.

## **5. Alternative options considered**

To not update the Members Allowance Scheme to explicitly include these protections.

6. To continue to have an informal process in place whereby the SRA payments continue at the discretion of the Monitoring Officer but both the political group whips make this more widely known so that members feel they can take maternity, paternity and sick leave should they need to do so.

## **7. Background information**

The Council's Members' Allowance Scheme is governed by the Local Government & Housing Act 1989 as amended and the Local Authorities (Members' Allowances) (England) Regulations 2003. The Members' Allowance Scheme is set out in Part 6 of the Council's Constitution. Currently there is an informal process in place to continue SRA payments should a councillor take maternity leave or have a prolonged absence due to sickness as the Council has been mindful that Councillors are subject to section 85 of the Local Government Act 1972 which states that any Councillor who fails to attend any meeting of the Council or of any committee, joint committee or sub-committee of which they are a member for more than six months, shall cease to be a member of the Council, unless the failure to attend was due to a reason approved by the Council.

These policies can only be implemented on a voluntary basis and mainly Labour councils have been contacted to introduce this scheme to cover maternity, paternity, adoption leave to continue to increase the diversity of experience, age and background of local authority councillors. This is also to assist with retaining experienced councillors – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it. The Camden's council's current scheme is included for information and discussion.

Also given there are staff HR policies for maternity, paternity adoption leave and also sick pay it would seem fair to have this replicated in the Members Allowance scheme.

The key issues arising from this, for discussion are:

- To consider openly stating, in the Members Allowance scheme, Part 6 of the Constitution, that councillors will continue to receive their basic allowance should they need to take Maternity, Paternity, and Sick leave.
- Allocation of duties, in particular, any special responsibilities during any prolonged periods of absence and arrangements to recompense members who take on such additional duties. The need to consider that

this could potentially increase the number of councillors receiving an SRA ?

- Extended maternity leave, beyond 6 months, without attendance at a council meeting would require a council decision.

## **8. Contribution to strategic outcomes**

Members of the Council are directly responsible for the setting and oversight of all strategic priorities.

## **9. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

### **Finance**

The financial implications arising from the proposed introduction Of this change are not quantifiable since it is dependent upon how many Members seek support under the element of the scheme . Where sought this may result in an increase in the overall level of members' allowances where, for example, additional recompense is provided to Members covering areas of Special Responsibility ordinarily covered by the Member who is absent.

### **Legal**

As set out in the report, Councillors are subject to section 85 of the Local Government Act 1972 which states that any Councillor who fails to attend any meeting of the Council or of any committee, joint committee or sub-committee of which they are a member for more than six months, shall cease to be a member of the Council, unless the failure to attend was due to a reason approved by the Council.

### **Equality**

The Equality Act 2010 requires public authorities to have due regard to the need to eliminate discrimination and advance equality of opportunity. The proposed changes aims and objectives fully complies with the Equality Act 2010 and will have a positive impact on protected groups who might otherwise be disadvantaged by their inability to carry out their Councillor duties through sickness, maternity, adoption or paternity leave.

## **10. Use of Appendices Appendix A Camden Council Members Allowance Scheme**

## **11. Local Government (Access to Information) Act 1985 None**

## **Appendix A Camden Council Members Allowance Scheme 2018**

### **Appendix A**

#### **MATERNITY, ADOPTION, SHARED PARENTAL, PATERNITY AND SICKNESS PAY**

All Members shall continue to receive their Basic Allowance in full in the case of maternity, adoption, shared parental, paternity and sickness leave.

Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, adoption, shared parental, paternity and sickness leave. The Council (or Leader in case of Cabinet Members) may, depending on the circumstances, appoint a replacement to cover the period of absence who will be entitled to the SRA pro rata for the period of the temporary appointment.

Full details of entitlement to leave and allowances as a result of maternity, adoption, shared parental, paternity and ill health are attached at Appendix B.

### **Appendix B – Members' entitlement to leave and allowances as a result of maternity, adoption, shared parental, paternity or ill-health**

#### **1. INTRODUCTION**

1.1. This document sets out Members' entitlement to allowances in cases of maternity, adoption, shared parental, paternity and sickness leave.

#### **2. ALLOWANCES DURING MATERNITY, ADOPTION, SHARED PARENTAL AND PATERNITY LEAVE**

2.1. A Member on maternity, adoption, shared parental or paternity leave will continue to receive the basic allowance as long as they remain a councillor. They will continue also continue to receive their SRA allowance for a six month period subject to review and possible extension by six months.

#### **3. DURATION AND NOTIFICATION OF MATERNITY, ADOPTION, SHARED PARENTAL AND PATERNITY LEAVE**

3.1. On receipt of the information set out below, Democratic Services will within two weeks acknowledge that the period of absence has been noted and forward the information to HR services as appropriate.

3.2. The Committee Services Manager will write to the Member to confirm the continuation of allowances and until what date they will continue subject to review.

3.3. Leave arrangements are unaffected by the number of children born from a single pregnancy or placed as part of a single adoption.

##### **a) Maternity Leave**

3.4. A Member is entitled to take up to 52 weeks maternity leave starting no earlier than the 11<sup>th</sup> week before the expected week of childbirth.

3.5. The Member must notify the Committee Services Manager of their intention to take maternity leave in writing no later than 28 days before the date they wish the period of maternity leave to start and:

- i) Confirm the expected date of childbirth;
- ii) Provide a copy of the MATB1 (available from a doctor or midwife);
- iii) Confirm the dates which the Member will be absent.

#### **b) Adoption Leave**

3.6. A Member is entitled to take up to 52 weeks of adoption leave starting no earlier than 14 days before the child is expected to be placed and no later than the expected placement date.

3.7. The Member must notify the Committee Services Manager of their intention to take adoption leave in writing no later than 28 days before the date they wish the period of adoption leave to start and:

- i) Confirm they are the Main Adopter and the date the child is expected to be placed for adoption (UK Adoption) or the date on which the child is expected to enter Great Britain (Overseas Adoption);
- ii) Provide a copy of the matching certificate/official notification;
- iii) Confirm the dates which the Member will be absent.

#### **c) Shared Parental Leave**

3.8. A Member is entitled to Shared Parental Leave if they have (or share with the other parent) the main responsibility for the care of the child and are either the Mother, Father, Main Adopter or Other Adopter of the child, or the spouse, civil partner or partner of the Mother/Main Adopter.

3.9. A Member may share up to 50 weeks leave if the Mother/Main Adopter curtails their maternity/adoption leave before using their full entitlement of 52 weeks. The number of weeks available as Shared Parental Leave will be reduced by the number of weeks maternity or adoption leave that has already been taken by the Mother or Main Adopter.

3.10. Shared Parental Leave can be taken as one continuous block or in multiples of complete weeks, but must end no later than one year after the birth/placement of the child.

3.11. The Member must notify the Committee Services Manager of their intention to take shared parental leave in writing no later than 28 days before the date they wish the period of shared parental leave to start and:

- i) Confirm their entitlement to shared parental leave and the expected (or actual) date of birth/placement;
- ii) Confirm the start and end dates of the Mother/Main Adopter's maternity/adoption leave, the amount of shared parental leave available and how much each parent intends to take;
- iii) Provide a copy of the MATB1 or matching certificate/official notification;
- iv) Confirm the dates which the Member will be absent.

#### **d) Paternity Leave**

3.12. A Member is entitled to take up to two weeks paternity leave to help care for the child if they are either: the biological father of the child; the spouse, civil partner or partner of the Mother/Single Adopter; or are the Other Adopter of the child.

3.13. The Member may take one week or two consecutive weeks of paternity leave, but not single days or less than a week's duration. Paternity leave must be taken within two months of the birth or adoption.

3.14. The Member must notify the Committee Services Manager of their intention to take paternity leave in writing no later than 28 days before they wish the period of paternity leave to start and:

- i) Confirm the expected date of childbirth; or date the child is expected to be placed for adoption (UK Adoption); or the date on which the child is expected to enter Great Britain (Overseas Adoption);
- ii) Provide a copy of the MATB1 or matching certificate/official notification;
- iii) Confirm the dates which the Member will be absent.

#### **4. VARYING THE DATES OF MATERNITY, ADOPTION, SHARED PARENTAL AND PATERNITY LEAVE**

4.1. If the Member wishes to change the start date of a period of leave they should write to the Committee Services Manager no later than 28 days before either the original start date or the new start date (whichever is earlier). The Committee Services Manager will ensure that HR Services are informed within 2 working days of receipt of the details.

4.2. If the Member wishes to change the end date of a period of leave they should write to the Committee Services Manager at least 28 days before either the original end date or the new end date (whichever is earlier). The Committee Services Manager will ensure that HR Services are informed within 2 working days of receipt of the details.

4.3. HR Services will provide confirmation that the information on revised dates has been received and that relevant re-instatement or adjustment of any SRA has taken place, with a copy to Democratic Services, within 10 working days.

#### **5. SICKNESS LEAVE**

5.1. A Member who is sick for a period longer than 2 months will continue to receive the basic allowance as long as they remain a councillor. They will also continue to receive any SRA for a six month period subject to review and a possible extension by six months.

#### **6. RESIGNING FROM OFFICE AND ELECTIONS**

6.1. If a Member decides not to return to office following during their maternity, adoption, shared parental, paternity or sickness leave the Committee Services Manager must be notified. HR Services must then be informed within two working days of receiving notification. Allowances will cease from the effective resignation date.

6.2. If an election is held during the Member's maternity, adoption, shared parental, paternity or sickness leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the Monday after the election date when they would technically leave office.

