

Report to:	COUNCIL BUSINESS MANAGEMENT COMMITTEE
Report of:	CITY SOLICITOR
Date of Meeting:	25 JUNE 2018
Subject:	AMENDMENTS TO THE MEMBERS' ALLOWANCE SCHEME
Wards affected:	N/A

1. Purpose of report:	
1.1	To consider amendments to the Members' Allowance Scheme to allow parental leave for councillors, following recommendations by the Independent Remuneration Panel agreed by City Council on 13 March 2018.

2. Decision(s) recommended:	
2.1	That the Council's Business Management Committee recommends the following motion to the City Council: That the Members' Allowance Scheme is amended as set out in Appendix 1 to allow parental leave for councillors, following recommendations by the Independent Remuneration Panel agreed by City Council on 13 March 2018.

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3. Relevant background/chronology of key events	
3.1	A member who is absent from all meetings of the Council and any committees of which they are a member for a period of six months automatically ceases to be a Member of the Council unless they have been given leave of absence by the Council before the expiry of that six month period (s.85 Local Government Act 1972). The responsibility for compliance with these requirements lies with the individual councillor.
3.2	In Birmingham, questions were raised by members as to what provision could or should be made for those members who wished to take maternity, paternity or adoption leave.
3.3	The Independent Remuneration Panel considered the issue, and in March 2018 made the following recommendations: <i>The City Council brings in a policy for maternity, paternity and adoption leave for elected members, covering both the Basic Allowance and the Special Responsibility Allowance.</i> <ul style="list-style-type: none"> • <i>The Panel recommends that Members shall continue to receive their Basic Allowance in full during parental leave for six months subject to review and possible six month extension. If, however, an election is held during Members' parental leave and they are not re-elected, or decide not to stand for re-election, the basic allowance will cease from the date when they are no longer a Member.</i> • <i>The Panel recommends that Members entitled to a Special Responsibility Allowance continue to receive this allowance during parental leave in line with the City Council employee policy (i.e. for weeks 1 to 6, 90% of the SRA, and weeks 7 to 18, 50% of the SRA). If, however, an election is held during Members' parental leave and they are not re-elected, or decide not to stand for re-election, or are removed from the post which attracts the SRA, the SRA will cease from the date when they are no longer a Member or no longer hold the post.</i>

3.4 These recommendations were accepted by City Council on 13 March 2018. This report brings forward the consequent amendments to the Members' Allowance Scheme.

3.5 Appendix 1 sets out the amendments in detail; a summary is set out below:

Basic Allowance

3.6 The policy of the City Council shall be that all Members shall continue to receive their Basic Allowance in full in the case of maternity, paternity and adoption leave for six months subject to dispensation from CBM and with a presumption of a further six month extension if requested.

3.7 If, however, an election is held during Members' parental leave and they are not re-elected, or decide not to stand for re-election, the basic allowance will cease from the date when they are no longer a Member.

Special Responsibility Allowance

3.8 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in the case of maternity, paternity and adoption leave in the same way that the Council's employees enjoy such benefits; i.e.:

Members on *maternity leave* would be entitled to 90% of the SRA for weeks 1 to 6 of the maternity leave; 50% of the SRA for weeks 7 to 18 and £145.18 (as of June 2018) per week (or 90% of full earnings if this is less) for weeks 19 to 39.

A Member is entitled to take two weeks ordinary *paternity leave* if they meet the criteria for paternity leave as set out in the appendix. During ordinary paternity leave the Member will continue to receive a full basic allowance and any relevant SRA.

Members who are newly matched with a child by an adoption agency are entitled to leave. The nominated adopter is entitled to *adoptive parents' pay*: 90% of the SRA for weeks 1 to 6 of the maternity leave; 50% of the SRA for weeks 7 to 18 and £145.18 (as of June 2018) per week (or 90% of full earnings if this is less) for weeks 19 to 39.

Shared parental leave is also available.

3.9 The scheme shall be updated in line with any changes to the employee scheme.

3.10 If a replacement to cover the period of absence is appointed by Council or the Leader of the Executive (or in the case of a party group position, the party group) the replacement will be entitled to receive an SRA.

3.11 If, however, an election is held during Members' parental leave and they are not re-elected, or decide not to stand for re-election, or are removed from the post which attracts the SRA, the SRA will cease from the date when they are no longer a Member or no longer hold the post.

Signature:

Chief Officer:
KATE CHARLTON, CITY SOLICITOR

Amendments to the Members' Allowance Scheme

Insertion: new section 4 on page 5

4. MATERNITY, PATERNITY AND ADOPTION PAY

4.1 Basic Allowance

All Members shall continue to receive their Basic Allowance in full in the case of maternity, paternity and adoption leave for six months subject to review, with a presumption that this will be extended for another six months if requested in accordance with the statutory provisions on basic allowance. Each case must be brought to CBM for the necessary dispensation.

If, however, an election is held during Members' parental leave and they are not re-elected, or decide not to stand for re-election, the basic allowance will cease from the date when they are no longer a Member.

4.2 Special Responsibility Allowance

Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in the case of maternity, paternity and adoption leave in the same way that the Council's employees enjoy such benefits; i.e.:

Maternity Leave:

Members on maternity leave would be entitled to 90% of the SRA for weeks 1 to 6 of the maternity leave; 50% of the SRA for weeks 7 to 18 and £145.18 (April 2018 rate) per week (or 90% of full earnings if this is less) for weeks 19 to 39.

Paternity Leave:

A Member is entitled to take two weeks ordinary paternity leave if they are the biological father or nominated carer of their partner following the birth or adoption of their child(ren), are married to or are the partner or civil partner of the mother or co-adopter; and they have the main responsibility for the child's upbringing during the period of leave. During ordinary paternity leave the Member will continue to receive a full basic allowance and any relevant SRA.

Adoptive Parents Leave:

Members who are newly matched with a child by an adoption agency are entitled to leave. The nominated adopter is entitled to adoptive parents' pay: 90% of the SRA for weeks 1 to 6 of the maternity leave; 50% of the SRA for weeks 7 to 18 and £145.18 (April 2018 rate) per week (or 90% of full earnings if this is less) for weeks 19 to 39.

Shared Parental Leave:

Shared Parental Leave (SPL) enables eligible parents (including same sex) to choose how to share the care of their child during the first year following birth or placement for adoption. It applies to parents of babies due to be born/children placed for adoption via an adoption agency, on or after 5 April 2015.

SPL can only be used by up to two people in relation to each child:

- The mother/adopter of the child **and**
- One of the following:
 - the biological father of the child or
 - the person who, at the time of the birth, is married to, or the civil partner or partner (including a same sex partner) of the mother. A partner is defined as a person who lives with the mother and the child in an enduring family relationship but is not the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

BCC does not provide an occupational shared parental pay scheme for employees; any statutory pay due during shared parental leave will be paid at a rate set by the Government for the relevant tax year. Therefore, members who are eligible for shared parental leave will receive the statutory amount (which as of April 2018 is £145.18 per week for statutory maternity and paternity pay), or at 90% of the SRA, if this figure is lower than the Government's set weekly rate, for the 39 weeks statutory maternity leave available. The remaining 13 weeks of shared parental leave are unpaid.

Summary

Each case must be brought to a private session of CBM for the necessary dispensation. Prior to this, eligibility for parental leave and/or allowances will be verified with Member Services. The scheme shall be updated in line with any changes to the employee scheme.

If a replacement to cover the period of absence is appointed by Council or the Leader of the Executive (or in the case of a party group position, the party group) the replacement will be entitled to receive an SRA.

If, however, an election is held during Members' parental leave and they are not re-elected, or decide not to stand for re-election, or are removed from the post which attracts the SRA, the SRA will cease from the date when they are no longer a Member or no longer hold the post.