

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 and are in receipt of an SRA 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. In order to comply with the Local Government Act 2000 restrictions on the number of members of the Executive, if a replacement is taking those Executive responsibilities, then the member on maternity/adoption leave will not be a member of the Executive for that period and will not be able to take executive decisions.

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.