

Proposed amendment to section 5 of the Somerset County Council Scheme of
Members' Allowances

5. Parental Leave and Carers' Allowance

5.1 Parental leave

5.2 Parental Leave refers to the period of absence taken by an elected Member following the birth or adoption of a child.

- a) Members are entitled to up to 52 weeks Maternity/Adoption leave and must notify their intention and the date on which the leave will commence in the same way as paid employees
- b) The Council will ensure that Members on Parental Leave are aware of the requirements under section 85 of the Local Government Act 1972 to attend at least one meeting in any six-month period, and are aware of which meetings are qualifying meetings and the process by which they may apply for dispensation, following which the Council may exercise its right to waive expulsion if non-presence relates to Parental Leave being a reason approved by the authority before the expiry of the six-month period
- c) Absences from Council meetings during any period of Parental Leave will be noted as such, rather than being attributed to general absence
- d) During Parental Leave Members will continue to receive the Basic Allowance without deduction but any Special Responsibility Allowance will be reduced over time, as follows:- i) for the first 6 weeks, 90% of the normal SRA will be paid; ii) for weeks 7 to 18, 50%; and iii) for weeks 19 to 52, 0%.
- e) Where Councillors have made Shared Parental Leave arrangements, the Council will make every effort to replicate such arrangements in terms of leave from the Council
- f) The Council will facilitate any arrangements made by relevant Members which allow for the case work of a Member on Parental Leave to be completed by a Ward/Division colleague or another Member of the relevant Council Group.
- g) The Council will ensure that Members have access to adequate IT provision to allow them to work from home while on Parental Leave and upon returning to their role, and will explain, at the start of the Paternity Leave, the "staying in touch" arrangements put in place for that Member.
- h) The Council will facilitate any arrangements made by relevant Members which allow for the case work of a Member on Parental Leave to be completed by a Ward/Division colleague or another Member of the relevant Council Group.

5.3 Where another Member takes on the Special Responsibilities of a Member on Parental Leave, that Member will receive the full SRA in accordance with the Council's usual policies.

- 5.4 Members shall be entitled to take 2 weeks Paternity Leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren). During this period Members will continue to receive their basic allowance and any special responsibility allowances without deduction.
- 5.5 Carers' Allowance
- 5.6 The Scheme provides for the payment (by way of reimbursement) of expenditure incurred by Members (a) in arranging child-care and (b) on professional care for elderly, sick or dependant relatives to enable them to undertake approved duties.
[Please note that these payments are not covered by any special exemptions for taxation purposes. They are treated as emoluments (remuneration) of the 'office' and are taxed accordingly].
- 5.7 Expenditure on child care is reimbursed in accordance with the following requirements:-
- a) Payments are restricted to registered childminders (other than a close relation) and other statutory approved child care providers who are not related to the Member;
 - b) Payments are restricted to the care of children up to their 14th birthday who normally reside with the Member; and
 - c) No payments are made in respect of the care of children of compulsory school age during school hours except where the child is absent from school due to illness.
- 5.8 Care of dependants
- 5.9 The reimbursement of expenditure on professional care for an elderly, sick or disabled dependant, including children with complex needs (of any age), normally residing with the Member, to undertake approved duties, is subject to payment being restricted to agencies or persons qualified to provide the care, other than close relations.
- 5.10 General Conditions
- 5.11 The following conditions apply to both child care and care of dependants:-
- a) Payments are made on the basis of the reimbursement of actual expenditure incurred up to a maximum of three times the prevailing national living wage hourly rate for someone aged 25 or over;
 - b) Members must support their claims with receipts showing they have incurred expenditure in accordance with the scheme;
 - c) Qualifying meetings be restricted to those defined as an "approved duty" in Appendix 3 to the Scheme of Members' Allowances; and
 - d) That neither the Member nor the person being cared for receives and allowance for care from any other source.