

Discussion Paper - Substitution of Senior Salary Roles

1. There are three occasions substitution arrangements can be put in place:

a. Family Absence

The Regulations relating to Family Absence for elected members of principal councils were approved by the National Assembly for Wales in November 2013 and cover maternity, new-born, adoption and parental absences from official business for up to 26 weeks.

The Independent Remuneration Panel considered the implications for the remuneration of such members who are given absence under the terms of the Welsh Government Regulations and the Panel's determinations are set out below.

- An elected member is entitled to retain a basic salary when taking family absence under the original regulations or any amendment to the regulations irrespective of the attendance record immediately preceding the commencement of the family absence.
- When a senior salary holder is eligible for family absence, they will continue to receive the salary for the duration of the absence.
- It is a matter for the authority to decide whether or not to make a substitute appointment. The elected member substituting for a senior salary holder taking family absence will be eligible to be paid a senior salary, if the authority so decides.
- If the paid substitution results in the authority exceeding the maximum number of senior salaries which relates to it, as set out in the Panel's Annual Report, an addition to the maximum will be allowed for the duration of the substitution.
- When a Council agrees a paid substitution for family absence the Panel must be informed within 14 days of the date of the decision, of the details including the particular post and the duration of the substitution.

b. Sickness Absence

The IRPW's Framework provides specific arrangements for long term sickness as set out below:

- Long term sickness is defined as certified absences in excess of 4 weeks.
- The maximum length of sickness absence within these proposals is 26 weeks or until the individual's term of office ends, whichever is sooner (but if reappointed any remaining balance of the 26 weeks will be included).
- Within these parameters a senior salary holder on long term sickness can, if the authority decides, continue to receive remuneration for the post held.
- It is a decision of the authority whether to make a substitute appointment, but the substitute will be eligible to be paid the senior salary appropriate to the post.

- If the paid substitution results in the authority exceeding the maximum number of senior salaries payable for that authority, as set out in the Annual Report, an addition will be allowed for the duration of the substitution.
- When an authority agrees a paid substitution, the Panel must be informed within 14 days of the decision of the details including the specific post and the estimated length of the substitution. The authorities' Schedule of Remuneration must be amended accordingly.
- It does not apply to elected members of principal councils who are not senior post holders as they continue to receive basic salary for at least six months irrespective of attendance and any extension beyond this timescale is a matter for the authority.

c. Appointment Of Substitute Members Procedure Rules – Cardiff Council

The Cardiff Council Constitution allows for substitution of a committee member who is unable to attend a committee meeting provided that the substitute Member is from the same political group.

The substitute Member must be eligible for appointment to the committee under any other rules of the constitution or by law; and for a regulatory or quasi judicial committee, have undertaken any current essential training in relevant procedures and the law, in line with the requirements of the committee's terms of reference

This type of substitution will only be appropriate when an appointed Member is unable to attend specified committee meetings over an extended period of time (a period covering more than one committee meeting) due to one (or more) of the following:

- Unavoidable family or work commitments;
- Serious illness;
- Maternity, paternity or adoption leave;
- Other Family Absence, approved under the Family Absence Procedure Rules;
- Caring responsibilities; or
- Some other good reason.

A substitute Member may not be appointed to the Cabinet or to the Planning Committee.

2. The following are the Senior and Civic Salary roles which are remunerated in Cardiff:

- 1) Leader
- 2) Deputy Leader & Cabinet Member for Education, Employment and Skills
- 3) Cabinet Member for Children and Families
- 4) Cabinet Member for Clean Streets, Recycling and Environment
- 5) Cabinet Member for Culture and Leisure
- 6) Cabinet Member for Finance, Modernisation and Performance
- 7) Cabinet Member for Housing and Communities
- 8) Cabinet Member for Investment and Development
- 9) Cabinet Member for Social Care, Health and Well-being
- 10) Cabinet Member for Strategic Planning and Transport
- 11) Chairperson of Children and Young People Scrutiny Committee

- 12) Chairperson of Community and Adult Services Scrutiny Committee
- 13) Chairperson of Economy and Culture Scrutiny Committee
- 14) Chairperson of Environmental Scrutiny Committee
- 15) Chairperson of Policy Review and Performance Scrutiny Committee
- 16) Chairperson of Planning Committee
- 17) Chairperson of Licensing & Public Protection Committees
- 18) Leader of the Largest Opposition Group (Conservative Group)
- 19) Leader of an Opposition Group (with more than 10% of the Council Membership)
(Liberal Democrat Group)
- 20) Civic Head (Lord Mayor / Chair)
- 21) Deputy Civic Head (Deputy Mayor / Chair)

3. The Leader and the Lord Mayor have remunerated deputies who provide an element of substitution for short periods. None of the other remunerated roles have deputies and if they were absent for any time there is no specific person to undertake their remunerated duties.
4. Using the example of the Committee Member substitution, *when an appointed Member is unable to attend specified committee meetings over an extended period of time (a period covering more than one committee meeting)*, which seems to relate to a minimum period of absence of approximately 1 month although for some committees this may extend to 3 months.
5. Therefore, if a remunerated senior salary holder was unable to undertake their role for family or sickness absence reasons, the minimum period of absence expected before a remunerated substitution was considered would be one month.
6. An Elected Member would normally be expected to provide notification to the Head of Democratic Services in advance of their period of family absence to enable arrangements for a substitution to be put in place (as appropriate). The notification would outline the expected duration of the absence. This would enable clarification to be sought if a remunerated substitution was required to the role during the absence.
7. This may not be the case for sickness absence as this may relate to a sudden onset illness and may not have a known duration.
8. Any substitution arrangements should be equitable and applicable to all Senior Salary roles including those which have remunerated deputies.