

GUIDANCE FOR ELECTED MEMBER FAMILY AND SICKNESS ABSENCE SUBSTITUTION

Current provisions relating to the appointment of substitutes are as follows:

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 covers 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.
- The provisions above do 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.

Within the above framework, the Democratic Services Committee was requested to review the council procedures for substitution for family absence or sickness, and set out guidelines for adoption, which are as follows:

1. Those Elected Members in receipt of a Basic Salary will be expected to put personal arrangements in place to cover their ward role etc for the period of absence. Democratic Services should also be informed of any period of absence (in accordance with the Family Absence Procedure Rules, if applicable) and the arrangements that have been put in place for the absence.
2. A member of a committee who is unable to attend a committee meeting may submit a request to the Head of Democratic Services to appoint a substitute Member to attend the committee in their place in accordance with the Appointment of Substitute Members Procedure Rules.
3. The Head of Democratic Services should be informed of any absence that is likely to exceed 6 weeks and of any request for the appointment of a substitute.
4. Senior Salary substitution may be appropriate for an absence of more than 6 weeks. However, if there is:
 - a. a remunerated senior salary deputy, the deputy will be expected to cover the absence for the first 6 weeks without any additional remuneration. If the period of absence exceeds 6 weeks, the deputy may be appointed as a paid substitute for the substantive senior salary position following the initial 6 week period.
 - b. no senior salary deputy, a possible substitute should be identified in liaison with the Group Leader and Whips. Remuneration will begin from the first day of absence or from the date on which the substitute appointment takes effect.
5. The Head of Democratic Services will determine the financial impact of any potential senior salary position substitutions. S/he will then liaise with the Finance department to ensure that sufficient funding is available prior to drafting a report to Council requesting that a substitute appointment be made.
6. The Head of Democratic Services will liaise with the Group Leaders and Whips regarding the proposed senior salary position substitution prior to the publication of the Council Report. The finalised Substitution report will be presented to Council for approval.
7. Following approval of a senior salary position substitution, the Democratic Services Team will
 - Inform IRPW of the arrangements
 - Update Payroll to ensure that the appropriate payments are made
 - Update the Members Schedule of Remuneration on the Council's website.

8. If the Senior salary holder returns to their Senior Salary duties earlier than planned, the substitution and associated remuneration shall end on the day of their return.
9. For absences which may exceed 26 weeks,
 - a. the normal 6-month attendance rule will apply, i.e., if a member is unable to attend meetings for a period of six consecutive months, they will cease to be a member of the authority, unless the reason for non-attendance is approved by the authority before the expiry of that period.
 - b. The remuneration for the Substitute Member will automatically cease after the 26-week period in accordance with the IRPW Annual Report.

DRAFT

SUBSTITUTION FLOW CHART

