

THE CONSTITUTION – SECTION 25 GUIDANCE NOTES FOR ELECTED MEMBERS

Members' Remuneration, Co-opted Payments, Care Allowance Scheme, Family Absence & Reimbursement of Travel and Subsistence

1 Introduction

It is essential for both the assistance and protection of elected Members that clear and comprehensive guidance on the remuneration scheme, the care allowance scheme, family absence and the reimbursement of travel and subsistence is available to them.

A statutory framework governs Members' entitlement to remuneration, care allowance and travelling and subsistence expenses both within and outside the UK. Although, within that framework, councils have discretion to determine their own rules, what is essential is that entitlements are clearly defined and are limited to reimbursing Members for reasonable levels of authorised and approved expenditure, properly incurred for council purposes.

Her Majesty's Revenue and Customs (HMRC) legislation stipulates that any "expenses" not justified by receipts will be regarded as pure profit and taxed accordingly.

The major points which the guidance addresses are:

1. The requirement for Members to claim regularly.
2. Entitlements to a care allowance, travelling & subsistence expenses are "limited to reimbursing Members for reasonable levels of authorised and approved expenditure, properly incurred for Council purposes".

The guidance covers:

Fixed Remuneration (Basic and Senior Salaries)
Co-opted Member Payments
Care Allowance
Family Absence
Business Travel Club details
Travelling Expenses
Subsistence
Foreign Travel
Other Matters

Appendix 1 - Current Remuneration

Appendix 2 - Current Rates

Appendix 3 - Protocol for Meetings of Outside Bodies

Appendix 4 - Family Absence for Members of Local Authorities (Wales)

Members' Remuneration

2 Fixed Payments

(a) Basic Salary (See Appendix 1)

All Members are entitled to the Basic Salary.

There is no need to claim. One-twelfth is paid automatically on the 15th of each month in respect of that month (Or on the previous Friday if the 15th falls at a weekend)

Any Member who wishes not to receive the payment or who wishes to exercise their right not to receive the whole amount **must** notify the Chief Officer Finance & ICT (The responsible officer) in writing.

It is to reimburse you for:

- your time on official business which includes the Executive Board, committees, sub-committees, panels, working parties, Council meetings and any other duties at which you represent the Council
- your time and costs (IT, postage, stationery, telephone expenses, local travel and incidental expenses) as a Ward Councillor (including representing the Council on such things as local school and Community Centre Management Committees).
- your time and costs (as above) dealing with any other Council business for which a Special Responsibility Allowance is not payable.

(b) Senior Salary (See Appendix 1)

There is no need to claim. One-twelfth is paid automatically on the 15th of each month in respect of that month. (Or on the previous Friday if the 15th falls at a weekend)

Any Member who wishes to exercise their right not to receive the allowance or who wishes to receive less than the full amount **must** notify the Chief Officer Finance & ICT in writing.

It is to reimburse you for your time and incidental costs (but not travel) in exercising your special responsibility including meetings with officers.

All Senior Salaries incorporate the Basic Salary.

3 Co-opted Member Payments (See Appendix 1)

Co-opted Members (Chair and Members) with voting rights are entitled to a daily fee (with a provision for half day payments). The payments are capped at a maximum of the equivalent of 10 full days a year for each committee to which an individual may be co-opted. Reasonable time for pre meeting preparation is eligible to be included in claims made by co-opted members the extent of which can be determined by the appropriate officer in advance of the meeting.

Travelling time to and from the place of the meeting can be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).

The appropriate officer within the authority can determine in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed.

Meetings eligible for the payment of fee include other committees and working groups (including task and finish groups) or any other formal meeting to which co-opted members are requested to attend. (pre meetings with officers, training and attendance at conferences are already eligible for payment).

HOW TO CLAIM

The payment of a Co-opted Member fee will be made on submission of the appropriate claim form duly completed. The details required on the claim form are as follows:

- Your name and address together with national insurance number and payroll reference.
- Date and nature of meeting /s
- Start and Finish time of the meeting /s.
- Total amount claimed.
- Your signature.
- Date.

WHEN TO CLAIM

Claims must be submitted to the Payroll Section by no later than the 5th of the following month. It is important to claim monthly to aid accuracy, checking and legitimate scrutiny (of the public).

Claims received which are over 3 months old will be reported to the Chair of Executive Board and to the appropriate group leader and only paid at the discretion of the Chief Officer Finance & ICT in exceptional circumstances. Claims over 6 months old will not be paid under any circumstances.

REIMBURSEMENT OF COSTS OF CARE (See Appendix 1)

You may submit a claim to reimburse you for the cost of expenses incurred in arranging care for children, or dependants if you satisfy the Authority that the child or dependant required supervision which caused you to incur expenses that were necessary in respect of the care of that child or dependant in the carrying out of your duties as a Councillor.

Reimbursement of the cost of care will not be made to more than one Councillor of the Authority in relation to the care of the same child or dependant.

More than one reimbursement will not be paid to any Councillor of the Authority who is unable to demonstrate to the reasonable satisfaction of the authority that the member has to make separate arrangements for the care of different children or dependants.

WHEN TO CLAIM

Claims must be submitted to the Payroll Section by no later than the 5th of the following month.

It is important to claim monthly to aid accuracy, checking and legitimate scrutiny (of the public).

Claims received which are over 3 months old will be reported to the Chair of Executive Board and to the appropriate group leader and only paid at the discretion of the Chief Officer Finance & ICT in exceptional circumstances. Claims over 6 months old will not be paid under any circumstances.

FAMILY ABSENCE

In accordance with the Family Absence for Members of Local Authorities (Wales) Regulations 2013 an elected member is entitled to a period of family absence which falls into the following five categories:

Maternity absence
Newborn absence
Adopter's absence
New adoption absence
Parental absence .

In all cases of Family Absence a member must notify the Chief Officer Governance & Customer of their intention to take such leave. Full guidance on the entitlement to Family Absence is attached at Appendix 4

SICKNESS ABSENCE FOR SENIOR SALARY HOLDERS

This is in response to feedback from elected members and officers .

The approach will operate in a similar way to the current 'family absence' provisions.

- a. Long Term Sickness is defined as certified absences in excess of 4 weeks.
- b. A maximum length of sickness absence of 26 weeks or until the individual's term of office ends whichever is sooner.
- c. An Authority may decide whether to continue to pay a Senior Salary during the period of sickness
- d. An Authority may decide whether to make a substitution but the substitute will be eligible to be paid the Senior Salary appropriate to the post (The 50% rule will not apply)
- e. If an Authority makes a substitution they must notify the Panel within 14 days of making the decision. The Schedule of Remuneration must reflect the substitution.
- f. This will only apply to Senior Salary Holders as those in receipt of a Basic Salary continue to receive their remuneration for at least sick months irrespective of attendance and the Authority has the discretion to extend this period.

This is consistent with the Family Absence Procedures

4 Travelling (See also section on Foreign Travel)

This Authority will continue to utilise the services of a Business Travel club.

The Travel Club will arrange all travel and accommodation needs for elected members.

This will provide a consistent approach across the Authority and will ensure that the VAT on all accounts relating to accommodation may be reclaimed.

All travel / accommodation arrangements will be made by Office Services (Guildhall), and only in exceptional circumstances will members be required to submit individual claims for reimbursement.

(a) WHAT YOU CAN CLAIM FOR

- (i) Travelling to Council meetings including Executive Board, committees, sub-committees, panels and working parties.
- (ii) Travelling to approved duties
- (iii) Travelling to meetings, etc. (including meetings with Officers) which relate to those special responsibilities for which you receive a special responsibility remuneration.
- (iv) Travelling to conferences which have been approved in accordance with the Chief Officer Governance & Customer delegations 23 and 24 contained in Table 5 of Part 3 to the Council's Constitution (Responsibility for Functions) in consultation with the Leader and Deputy Leader. In instances where either the Leader or the Deputy Leader is a prospective conference attendee the Lead Member Lead Member for Finance, Performance and Governance will be consulted.

In respect of (ii) and (iii) above, decisions on travel, overnight stays and other expenses (see overleaf) should be made in accordance with the protocol in Appendix 3.

(b) WHAT YOU CAN CLAIM (Travel)

Travelling expenses are a reimbursement of costs actually incurred. If your travel has not cost you anything because, for example, you travelled in someone else's vehicle or were provided with free transport, then you cannot claim. You are certifying that you have incurred the expenses claimed.

You can claim:

- (i) Bus fare.
- (ii) Train fare - standard class and seat reservation costs if applicable. (First class may only be used/claimed if approved in advance by the Chief Officer Governance & Customer or if approved by an external body which you are representing and which will reimburse the Council in full).
- (iii) Car mileage. **(Note: Members are expected to travel with officers or other Members whenever possible).** Car mileage outside the County Borough area will only be paid where it is clear that public transport was not a viable alternative or where travel by car would obviate the need for an overnight stay. Members may choose to use other than public transport but train fare will be paid whatever the method of transport used. (See Appendix 2 for current rates).

On 22nd July 2014 HM Treasury issued a ministerial statement advising that legislation will be introduced to provide for a specific exemption from tax and National Insurance Contributions in relation to travelling expenses for Councillors, including travelling between home and the Council offices.

This new legislation was to be introduced from 6 April 2015 and included in the Finance Bill 2015 which was published on 24 March.

However, a number of clauses which had been intended for inclusion in the Finance Bill 2015 have been deferred as a result of discussions with the Opposition in the context of the end-of-Parliament wash up process. Unfortunately, these include the new tax exemption for travel expenses of members of local authorities. Apparently, the Government intends that measures deferred to a future bill will be legislated at the earliest opportunity in the new Parliament.

Until such time as this is resolved and hopefully totally exempt from tax, if you receive any contact from HMRC please advise the caller:

1. You are an elected member whose home address and contact details are in the public domain.
2. As a consequence of your position you may be contacted at any time by telephone, email or by a personal visit from a constituent and would if necessary invite the caller into your office on your home premises.
3. You can provide written evidence if required.
4. Taxi fare but only in cases of urgency or where no public transport is reasonably available.
5. Air fares but only if approved in advance by the Chief Officer Governance & Customer on the grounds of substantial time saving or urgency. (Note: this does not apply to foreign travel - see separate section).

(c) WHEN TO CLAIM (Travel)

Claims must be submitted to the Payroll Section by no later than the 5th of the following month.

It is important to claim monthly to aid accuracy, checking and legitimate scrutiny (of the public).

Claims received which are over 3 months old will be reported to the Chair of Executive Board and to the appropriate group leader and only paid at the discretion of the Chief Officer Finance & ICT in exceptional circumstances. Claims over 6 months old will not be paid under any circumstances

5 Subsistence

(a) WHAT YOU CAN CLAIM FOR

Day Subsistence - Outside the County Borough area (see Appendix 2 for rate)

Overnight Subsistence - the maximum rate (see Appendix 2) allows for the reimbursement of accommodation costs, meals and other expenses in a 24 hour period.

Overnight stays should only be claimed where it would be unreasonable to travel and return on the same day or in fewer days than are claimed. The Chief Officer Finance & ICT may reject claims which he considers excessive. Appropriate Officers or Officers accompanying Members will normally book and arrange invoices for hotels and trains.

(b) HOW MUCH YOU CAN CLAIM (Subsistence)

Day Subsistence - if you paid for a meal outside the County Borough area, you may claim reimbursement of expenses incurred up to the appropriate maximum (see Appendix 2).

The cost of meals **within the County Borough** will not be reimbursed.

Overnight Subsistence - up to the maximum 24 hour rate (see Appendix 2) the claim may consist of

- (i) the actual cost of hotel accommodation
- (ii) A maximum of £30 may be claimed for staying overnight with friends or relatives. However, any amount claimed will be subject to tax and national insurance.
- (iii) The actual cost of meals (with receipts) normally up to the appropriate maximum meal rate.
- (v) £11.80 for incidental expenses (with receipts) if considered by the Chief Officer Finance & ICT as appropriate expenditure

Note: the appropriate rate for meals provided by another party must be deducted.

(c) HOW TO CLAIM (Subsistence)

Claims should be submitted to the Payroll Section by no later than the 5th of the following month.

It is important to claim monthly to aid accuracy, checking and legitimate scrutiny. Claims over 3 months old will be reported to the Chair of Executive Board and to the appropriate group leader and only paid at the discretion of the Chief Officer Finance & ICT in exceptional circumstances. Claims over 6 months old will not be paid under any circumstances

6. Foreign Travel

(a) APPROVAL

Foreign trips for Members are the exception. Some may be pre-planned and approved in advance (e.g. civic twinning visits or Brussels/Strasbourg on European issues relevant to Wrexham). Others may be more urgent such as trips concerning inward investment. Such trips will not usually involve more than one Member who will normally be accompanied by an appropriate officer.

Approval may be given:

- (i) In advance by the Executive Board
- (ii) In cases of urgency (defined as there being no scheduled Executive Board before the date by which arrangements must be made) by the Chief Executive together with the Chief Officer Governance & Customer or Chief Officer Finance & ICT in consultation with the Leader. In the event of the Leader being one of the individuals involved in the trip the officers concerned should consult the Deputy Leader. In instances where both the Leader and the Deputy Leader are prospective participants in the trip the Lead Member for Lead Member for Finance, Performance and Governance will be consulted.

In the event of the Chief Executive being involved the **Chief Officer Governance & Customer or Chief Officer Finance & ICT** should consult with the Leader. In the event of the Leader being involved the **Chief Officer Governance & Customer or Chief Officer Finance & ICT** should consult with the Chief Executive.

A report on the benefits of the visit will be made at the earliest opportunity.

(b) WHAT CAN BE CLAIMED

Officers (accompanying officers or Members' Services) will arrange for and the Council will pay for:

- (i) All International travel including transfers and taxes
- (ii) All hotel accommodation
- (ii) All meals (if accompanying the Member)

Members may claim:

- (i) Travel to/from the port/airport unless travelling with an officer
- (ii) Meals at prevailing local rates (if unaccompanied) as determined by the **Chief Officer Finance & ICT** in consultation with the Leader. In the event of the Leader being involved the Chief Officer Finance & ICT should be consulted.
- (iii) Incidental expenses of twice the UK rate (with receipts) if considered by the Chief Officer Finance & ICT as appropriate expenditure

(c) HOW TO CLAIM

Claim as normal on the monthly form

7. Other Matters

(a) COUNCIL REPRESENTATIVES ON OTHER BODIES

Reimbursement of expenses incurred may be paid to Members attending meetings of the body which has been authorised by Council as an Approved Duty.

Reimbursement of expenses incurred will not be paid for the Member to represent that body elsewhere e.g. if the Member is the Council representative on Wrexham X Association, the Council will not pay for the Member to represent Wrexham X Association on the national body of X Associations. The exceptions to this are where the body concerned undertakes to reimburse the Council – this currently includes the Local Government Association, Welsh Local Government Association and North Wales Fire Authority (Chair only).

(b) ROYAL GARDEN PARTIES

The Council asks the spouse/partner/companion of a Member to accompany him/her to Royal Garden Parties to represent the Council. In that case the accompanying person will be reimbursed for travel and subsistence as if he/she were a Member.

(c) MOBILE AND GUILDHALL PHONES

Some Members have access to a Council-owned mobile phone. All Members have access to external lines at the Guildhall. Members are reminded that these must be used only on official business which does not include ward work. Internal calls from Guildhall telephones are permitted.

(d) PERSONAL COMPUTERS

Members are reminded of the specific guidance on the use of computers provided by the Council including the use of e-mail and the inter net.

7. Her Majesty's Revenue and Customs

Members are reminded that tax allowances may be claimed in respect of:

- (i) Travelling (other than that reimbursed by the Council or other bodies)
- (ii) Use of home as an office
- (ii) Postages and stationery for ward business

Further information is available from Sharon Jones, HR Service Centre Team Manager
Tel: 297596.

MEMBERS' PAYMENTS & ALLOWANCES 2021/22

BASIC SALARY

£14,368

SENIOR SALARIES

(Inclusive of Basic Salary)

Leader - £49,974

Deputy Leader - £35,320

Executive Board Members with extra responsibilities - £30,773

Committee Chairs - £23,161

Leader of largest opposition group - £23,161

Mayor - £23,161

Deputy Mayor - £18,108

CO-OPTED MEMBER PAYMENTS

Co-opted Chair - £268 daily fee (£134 for a half day)

Co-opted Ordinary Member - £210 daily fee (£105 for a half day)

CARE ALLOWANCE

Maximum of £403 per month

**MEMBERS' TRAVEL & SUBSISTENCE
RATES**

	FROM 1 APRIL 2016
	£ Max
DAY-TIME SUBSISTENCE	28.00
OVERNIGHT SUBSISTENCE (24 HOURS)	£ Max
London	200.00
Elsewhere	95.00
Incidental Expenses included within overnight rate	11.80
Staying with relatives	25.00
FOREIGN VISITS	
Incidental expenses	23.60
CAR MILEAGE /CYCLES	Per Mile
Up to 10,000 miles	45.0p
Over 10.000 miles	25.0p
(5p per mile –passenger supplement)	
Private Motor Cycle	24.0p
Bicycles	20.0p

Please note : Any claim for subsistence (only payable outside County Borough) will only be reimbursed for actual expenditure and on production of receipts

MEMBERS' TRAVEL & SUBSISTENCE

Protocol for Meetings of Outside Bodies

- (a) The Council itself authorises Member representation on outside bodies. As every outside body activity relates to a Council function, there is always an appropriate officer with an interest in that body.
- (b) Members are encouraged to seek advice from the appropriate officer on the necessity of attendance at particular meetings on the basis of the agenda.
- (c) Discussions on attendance and decisions about travel and subsistence will be based on the agenda for each meeting. Officers and Members will take a common sense approach to travel based on the timing and location of meetings and the optimum cost. The following examples give an insight into the process of consideration without being exhaustive:
 - (i) If it is possible to leave home after 7.30am and return before 9pm by public transport then that (plus mileage to the departure point) will be paid together with day subsistence but not overnight.
 - (ii) If (i) is not possible but it is possible to leave and return within the times using a car, then mileage will be paid.
 - (iii) If, because of the timings, an overnight stay is necessary, the travel should be arranged on the basis of off-peak rates.

1 Family Absence for Members of Local Authorities (Wales)

Part 2 of the Local Government (Wales) Measure 2011 makes available to members of local authorities an entitlement to a period of family absence.

In accordance with the Family Absence for Members of Local Authorities

(Wales) Regulations 2013 an elected member is entitled to a period of family absence which falls into the following five categories:

1. Maternity absence
2. Newborn absence
3. Adopter's absence
4. New adoption absence
5. Parental absence .

In all cases of Family Absence a member must notify the Chief Officer Governance & Customer of their intention to take such leave.

A member is entitled to retain a basic salary when taking family absence under 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, he/she will be able to 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 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 an authority 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.

The schedule of remuneration must be amended to reflect the implication of the family absence.

Full guidance on the entitlement to Family Absence is as follows:

2 Maternity absence

Prescribed conditions

No later than the end of 15 weeks before the expected week of childbirth, or, if that is not reasonably practicable, as soon as is reasonably practicable, an elected member must have given written notice to the Chief Officer Governance & Customer of:

The pregnancy

The expected week of childbirth;

The date on which the maternity absence is due to start and

The duration of the period of maternity absence the member intends to take, if less than 26 weeks;

The Chief Officer Governance & Customer may request a certificate from a registered medical practitioner or a registered midwife stating the expected week of childbirth; Where the member wishes to vary the start of the maternity absence they must give the Chief Officer Governance & Customer written notice of the new start date at least one week before or, if that is not reasonably practicable, as soon as is reasonably practicable; and where the member wishes to vary the duration of the maternity absence, the member has given the Chief Officer Governance & Customer written notice of the new duration at least one week before the expected end of the period of absence or at least one week before the new intended end of the period of absence, whichever is the earlier, or if that is not reasonably practicable, as soon as is reasonably practicable.

Period of maternity absence

The period of maternity absence is 26 weeks, unless the member gives written notice that the period of maternity absence will be shorter than 26 weeks.

When maternity absence may be taken

Maternity absence may only be taken so as to begin during the period—

- (a) beginning at the start of the eleventh week before the expected week of childbirth; and
- (b) ending on the day after the day on which childbirth occurs.

Member to choose start date of maternity absence

A member may choose the date on which their maternity absence is to start. Where, during the four week period before the start of the expected week of childbirth, a member is absent from a meeting of the authority for a reason wholly or partly attributable to pregnancy, the period of maternity absence starts on the day after the meeting from which the member is absent.

Where a member's maternity absence has not started in accordance with the date notified by a member when childbirth occurs, that member's maternity absence starts on the day after the day on which childbirth occurs.

Bringing a period of maternity absence to an end A member may bring a period of maternity absence to an end earlier than the end of the period which was notified by notifying the Chief Officer Governance & Customer in writing of their intention to do so at least 7 days before their return.

Cancelling maternity absence

The circumstances in which a member may cancel a period of maternity absence are that—

- (a) the period of maternity absence has not yet started; and
- (b) the member has notified the head of democratic services in writing of their intention to cancel the absence.

2 Newborn absence

Prescribed conditions

The prescribed conditions are that the member—

- (a) is either—
 - (i) the child's father and has, or expects to have, responsibility for the upbringing of the child; or
 - (ii) married to, the civil partner or the partner of the child's mother, but is not the child's father and has, or expects to have the main responsibility (apart from any responsibility of the mother) for the upbringing of the child; and
- (b) gives the Chief Officer Governance & Customer written notice of the date the member intends the period of newborn absence to start.

A member is to be treated as having satisfied the condition if that member would have satisfied the condition but for the fact that the child's mother has died.

A member is to be treated as having satisfied the conditions but for the fact that the child was stillborn after 24 weeks of pregnancy or has died.

Extent of entitlement to newborn absence

A member's entitlement to newborn absence is two consecutive weeks. Where more than one child is born as a result of the same pregnancy, a member is entitled to newborn absence only in respect of the first child born.

When newborn absence may be taken:

Newborn absence may only be taken during the period—

- (a) beginning with the date of childbirth; and
- (b) ending 56 days after that date.

Cancelling newborn absence

The circumstances in which a member may cancel a period of newborn absence are that—

- (a) the period of newborn absence has not yet started; and
- (b) the member has notified the Chief Officer Governance & Customer in writing of their intention to cancel the absence.

Member to choose start date of newborn absence

Provided that the period of newborn absence will come to an end within the period (a) beginning with the date of childbirth; and ending 56 days after that date. a member may choose the date on which their newborn absence is to start.

3. Adopter's absence

Prescribed conditions

The prescribed conditions are that the member—

- (a) is the child's adopter; and
- (b) gives the Chief Officer Governance & Customer written notice of the date the member intends the period of adopter's absence to start.

Extent of entitlement to adopter's absence

A member's entitlement to adopter's absence is two consecutive weeks.

When adopter's absence may be taken

Adopter's absence may only be taken during the period—

- (a) beginning with the date on which the child is placed with the member for adoption; and
- (b) ending 56 days after that date.

4 Member to choose start date of adopter's absence

Provided that the period of adopter's absence will come to an end within the period prescribed by regulation 16, a member may choose the date on which their adopter's absence is to start.

The circumstances in which a member may cancel a period of adopter's absence are that—

- (a) the period of adopter's absence has not yet started; and
- (b) the member has notified the Chief Officer Governance & Customer in writing of their intention to cancel the absence.

In this Part—

“adopter” in relation to a child, means a member who has been matched with a child for adoption, or in a case where two members have been matched jointly, whichever of them has elected to be the child's adopter for the purposes of this Part;

“adoption agency” means a body which may be referred to as an adoption agency by virtue of section 2 of the Adoption and Children Act 2002(1); and

“child” means a person who is, or when placed with an adopter for adoption was, under the age of eighteen.

For the purposes of this Part a member is matched with a child for adoption when an adoption agency notifies that member of its decision that the member is a suitable adoptive parent for the child, whether individually or jointly with another person.

5 New adoption absence

Prescribed conditions

- (a) is married to, the civil partner or the partner of the child's adopter;
- (b) has, or expects to have, the main responsibility (apart from the responsibility of the adopter) for the upbringing of the child; and
- (c) gives the Chief Officer Governance & Customer written notice of the date the member intends the period of adopter's absence to start.

Extent of entitlement to new adoption absence

A member's entitlement to new adoption absence is two consecutive weeks. Where more than one child is placed with the member as part of the same arrangement, a member is entitled to new adoption absence only in respect of the first child placed with the member for adoption.

When new adoption absence may be taken

New adoption absence may only be taken during the period—

- (a) beginning with the date on which the child is placed with the child's adopter; and
- (b) ending 56 days after that date.

Cancelling new adoption absence

The circumstances in which a member may cancel a period of new adoption absence are that—

- (a) the period of new adoption absence has not yet started; and
- (b) the member has notified the Chief Officer Governance & Customer in writing of their intention to cancel the absence.

Member to choose start date of new adoption absence

Adopter's absence may only be taken during the period—

- (a) beginning with the date on which the child is placed with the member for adoption; and
- (b) ending 56 days after that date.

Provided that the period of new adoption absence will come to an end within 56 days a member may choose the date on which their new adoption absence is to start.

Interpretation of this Part

In this Part "adopter" in relation to a child, means a person who has been matched with the child for adoption, or in a case where two people have been matched jointly, whichever of them has elected to be the child's adopter for the purpose of these Regulations;

“adoption agency” means a body which may be referred to as an adoption agency by virtue of section 2 of the Adoption and Children Act 2002;

“child” means a person who is, or when placed with an adopter for adoption was, under the age of eighteen;

For the purposes of this Part a person is matched with a child for adoption when an adoption agency decides that that person would be a suitable adoptive parent for the child, either individually or jointly with another person.

6 Parental absence

Prescribed conditions

The prescribed conditions are that the member—

- (a) could not satisfy the prescribed conditions under Parts 2 to 4 of these Regulations;
- (b) has, or expects to have, responsibility for the care of a child;
- (c) provides the Chief Officer Governance & Customer written notice of—
 - (i) their intention to take parental absence;
 - (ii) the date on which the member intends the parental absence to start;
 - (iii) the duration of the intended parental absence; and
 - (iv) whether the absence is intended to be taken as a single period or as a series of absences;

If requested to do so by the Chief Officer Governance & Customer, provides the Chief Officer Governance & Customer, with evidence in relation to the extent of the responsibility for the child; and where the parental absence is to be taken as a series of absences, gives the Chief Officer Governance & Customer, advance written notice of the intended start date and duration of each period of parental absence.

Extent of entitlement to parental absence

A member’s entitlement to parental absence is ninety days.
Parental absence may be taken as a series of periods of absence or as a single period.

When parental absence may be taken

Parental absence may only be taken during the period

- (a) beginning with the date that the member assumes responsibility for the care of a child under the age of 14; and
- (b) ending one year after that.

Bringing a period of parental absence to an end

A member may bring any period of parental absence to an end earlier than that notified by notifying the Chief Officer Governance & Customer in writing of their intention to bring the period of parental absence to an end.

Cancelling a period of parental absence

The circumstances in which a member may cancel a period of parental absence are that—

- (a) the period of parental absence has not yet started; and
- (b) the member has notified the head of democratic services in writing of their intention to cancel the period of parental absence.

Member to choose start dates of parental absence provided the date falls within the period beginning with the date that the member assumes responsibility for the care of a child under the age of 14; and ends one year after that. a member may choose the date on which any period of parental absence is to start.