

**DEMOCRATIC SERVICES COMMITTEE:** **30 November 2020**

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## **REPORT OF THE HEAD OF DEMOCRATIC SERVICES**

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### **CONSULTATIONS**

#### **Reason for this Report**

1. To enable the Committee to consider the Welsh Government's consultation documents, and the Committee's responses in respect of:
  - Changes to adoption absence for local authority members
  - Arrangements for the Access to Elected Office Fund

#### **Background**

##### Adoption Absence

2. The Family Absence for Members of Local Authorities (Wales) Regulations 2013 (the Regulations) govern adopter's absence (the form of leave taken by an individual adopting a child). The Welsh Government proposes amending the 2013 Regulations so as to extend the period of adopter's absence for members of councils from 2 weeks to 26 weeks and, as far as practicable, to align procedures relating to adopter's absence with those which currently govern maternity absence.

##### Access to Elected Office Fund

3. The Welsh Government is committed to increasing diversity across all aspects of public life. This includes tackling the barriers which prevent individuals' active participation in local democracy through standing for elected office. Welsh Ministers have committed to identifying ways to address these barriers and increase opportunities for underrepresented groups to play a full role in supporting and representing their communities.

#### **Issues**

##### Adoption Absence

4. The difficulties in balancing the demanding role of being a councillor with the personal responsibilities of caring for loved ones is acknowledged and recognised.

The challenges of the role, the sensitivities of many of the activities undertaken and the increasing expectation of the public that councillors are ‘on duty’ 24 hours a day, seven days a week can prevent individuals from giving serious consideration to becoming a councillor.

5. Enabling councillors to take time off in a range of circumstances is an important part of the approach taken in Wales. Councillors benefit from taking time off to support their families. Family absence (often referred to as “leave”) is considered a fundamental lever in increasing the diversity of those participating in local democracy by enabling individuals to balance the requirements of the important role they play in society with the demands and responsibilities that come with bonding, nurturing and developing relationships with their children.
6. A copy of the “Changes to adoption absence for local authority members”, consultation document is attached at **Appendix A**. A copy of this document was circulated to all Elected Members of the Council in advance of the Democratic Services Committee meeting with a request to respond individually or share any relevant views with the Committee.
7. Two councillors shared their views indicating that:
  - We should make a collective response supporting this because of the whole issue of parity and the care for child and parent.
  - The proposals are welcomed and (in my view) sufficient. The only query is the slight disconnect between the consultation narrative and the guidance around when the period of leave can commence. The consultation narrative suggests this can be up to two weeks before the placement (*Paragraph 12 of the consultation document*), but the guidance for authorities states (*in paragraph 17 of the consultation document Annex*) that “the physical placement of the child that triggers the commencement of that leave”. The two week period before placement is incredibly important and intense part of the process typically overlooked in leave policies.
8. The consultation period ends on 29 December 2020 and Committee Members are invited to provide comments on the provisions of this consultation as they relate to matters within the remit of the Committee.

#### Access to the Elected Office Fund

9. In Wales, there are 1251 councillors elected to 22 Local Authorities. Whilst statistics in relation to the number of disabled councillors are not collected it is thought that disabled people are underrepresented across local authorities in Wales.
10. This is not only the case for Local Government elections. There is currently no requirement to collect or publish information about the diversity of candidates for Senedd elections, although parties could do so voluntarily if they wished. Similarly, there is no formal equality monitoring of Members of the Senedd. The ONS estimates that around 22% of the population in Wales is disabled, which would suggest elected representation should be in the region of 13 Members of the Senedd to be representative.

11. The ‘On Balance Report’ commissioned by the then Minister for Local Government, in 2014 recommended the Welsh Government study the evaluation of the Access to Elected Office project operated by the UK Government and consider operating a similar scheme for the 2017 local government elections in Wales. Setting up the fund was one of the areas looked at as part of the Diversity in Democracy Project, which ran from 2014 to 2016, but unfortunately a number of complex issues meant it was not possible to establish a fund for the 2017 local government elections.
12. The Welsh Government is proposing to establish arrangements for the Access to Elected Office Fund to assist disabled people to stand for elected office in Wales and to provide support with the additional costs associated with seeking elected office.
13. There is a limit set out in legislation on the amount candidates at an election can spend on their election campaign. Candidates are required to submit details of election expenses to the Electoral Commission, which is required by law, to monitor the compliance of candidates and agents with rules on candidates’ election spending and donations. Candidate spending includes any expenses incurred, whether on goods, services, property or facilities, for the purposes of the candidate’s election during what is known as the regulated period.
14. A fund will be established on a pilot basis in the first instance and will support candidates standing for election in the May 2021 Senedd and May 2022 local government elections. It is designed to support individuals who have been accepted as candidates for the purpose of one of the elections specified in the pilot. These arrangements will include:
  - An advice service to encourage and support disabled people to seek elected office and to provide assistance in identifying specific tailored support;
  - Financial support to assist candidates to meet the additional support costs necessary to take part in the election;
15. The administration of the fund and management of allocations made available to support disabled candidates will be undertaken by Disability Wales.
16. It is not possible to set out the totality of the support which would be available through this fund. This is because the nature of the support required by individuals will vary significantly depending on the barriers they face as a Deaf or disabled person. We would want the support to include, but not be limited to:
  - Transport support
  - Specialist equipment such as screen reader software
  - British Sign Language interpretation
  - The transcription of campaign material into alternative formats
  - Taxi fares.
  - Personal assistant
17. An evaluation of the arrangements will be undertaken following the Senedd and local government elections and will be submitted by December 2022 to the Welsh Government. This will inform the development of a long term scheme designed to increase disabled representation at all levels of government in Wales.

18. The consultation period ends on 20 January 2020. A copy of the Arrangements for the Access to Elected Office fund, consultation document is attached at **Appendix B**.

### **Legal Implications**

19. Relevant legal provisions are set out in the consultation documents at **Appendix A and B**.

### **Financial Implications**

20. There are no direct financial implications arising from the report. The consultation contained within Appendix A refers to the proposed extension of the time allowed for adoption absence, which is not anticipated to result in direct costs to the Council. In respect of the consultation contained within Appendix B, the Elected Office Fund is to be established by Welsh Ministers.

### **RECOMMENDATION**

The Committee is recommended to:

1. note the provisions of the Welsh Government consultation documents, set out in **Appendix A and Appendix B**, in so far as they relate to matters within the remit of the Committee, and provide comments as appropriate; and
2. delegate authority to the Head of Democratic Services, in consultation with the Chair, to prepare and submit a response to the Welsh Government's consultation on behalf of the Committee.

**Gary Jones**  
**Head of Democratic Services**  
24 November 2020

### **APPENDICES**

- Appendix A - Consultation Document “Changes to adoption absence for local authority members”  
Appendix B - Consultation Document “Arrangements for the Access to Elected Office Fund”

Background papers - [Convention on the Rights of Persons with Disabilities \(CRPD\)](#)