

Electing a more diverse Senedd: Consultation Response

About Leonard Cheshire

We are Leonard Cheshire – supporting individuals to live, learn and work as independently as they choose, whatever their ability. Led by people with experience of disability, we are at the heart of local life – opening doors to opportunity, choice and support in communities around the globe.

Leonard Cheshire is one of the UK's largest voluntary sector providers of services for disabled people. We work in local communities to provide people with opportunity, choice and support. We have accommodation services – including supported living and registered care homes; and social, education and leisure services – including day support, community outreach services and respite support.

Introduction

This consultation-response focusses on the barriers disabled people face in accessing public life and public appointments. It considers the implications of these barriers for this under-represented community, and how these can be alleviated to create a Senedd that represents the people of Wales.

Leonard Cheshire Cymru makes several recommendations throughout this response such as how to improve diversity and make sure that individuals' voices are heard in all aspects of public life. Questions have also been grouped together where appropriate.

Question 1: How can the Assembly ensure that the views of under-represented groups are taken into account in its work, when there might not be any Assembly Members from those groups?

It is important to acknowledge the intersectional nature of individuals considered to be under-represented or have protected characteristics. Many of these criteria interact, and therefore form experiences that are varied and unique to the individual. This means that it is not always possible to represent the views of a group accurately without giving them a tangible voice in those settings.

Senedd Committees and the Welsh Government often garner such experience and expertise via a third sector or charitable organisation that supports these groups. This method has several advantages, as an organisation can act as a collective voice for hundreds of people across Wales.

However, a potential risk with this approach is that if the same organisation is particularly focussed on in consultations, then the views and opinions expressed can become homogenous, and not truly reflect the intersectional nature of society. Within the disability sector alone, there are a wide range of organisations with different views and perspectives on particular issues.

In addition, there may be nuances around an organisation's evidence on a particular issue if it has close links or is receiving funding from the UK, Welsh or local government, which may not entirely reflect the full diversity of views within society.

Therefore, Leonard Cheshire Cymru would recommend that the organisations invited to consultation exercises/oral evidence sessions are varied and do not simply include the organisations with popularity, or the closest ties with Welsh Government.

Recommendation 1: Senedd Committees and the Welsh Government should consult with a wide variety of third sector organisations, of different sizes and capacity. This will ensure a varied and intersectional response to proposed legislation that reflects the people concerned and allow individuals who may not interact with larger national charities to have their voices heard.

Senedd Committees have undertaken a variety of innovative methods to facilitate individuals, as well as organisations, in responding to their consultations. Such innovation is very welcome. However, these methods are not universal. For example, consultations on all subjects (not just those related to Equality matters) should actively be provided in a variety of formats – including Easy Read and Braille, and should facilitate responses being provided via video-clips as well as written submissions. Easy Read versions of consultations should also provide for respondents to have at least the same timescales for responding to them as non-Easy Read versions. This will inevitably be challenging when Senedd Committees have short timescales for conducting inquiries (such as considering the general principles of legislation), but fundamentally until these measures are introduced for all consultation exercises, this will remain a barrier for under-represented groups in submitting evidence.

There are also a variety of instances when Senedd Committees have sent individual members of the Committee to meet with groups in the community who represent these individuals on a local level (such as Wales People First, or Citizen Panels who are vocal on related issues and well-established in their community). We would recommend that such use of rapporteurs becomes more routine, as it facilitates people in contributing in a slightly more informal setting.

Recommendation 2: Senedd Committees should continue to make increasing use of rapporteurs, and both Senedd Committees and the Welsh Government should undertake innovative methods to facilitate engagement with individuals as well as organisations.

Question 2: What are the main barriers that may discourage somebody from an underrepresented group from standing for election to the Assembly?

We would like to see secondary legislation rapidly put in place to place disability-related expenditure outside electoral expenditure limits.

Currently, there is a perverse disincentive in our electoral system for political parties to select disabled candidates. This is because if a party spends money on equipment

or other reasonable adjustments for the candidate, their limit for spending money on actual campaigning is reduced. For example: if a candidate needs to take taxis due to inaccessible stations, they cannot do so without compromising the amount they have remaining for promotional materials and canvassing. These barriers are only emphasised for those who live in rural areas of Wales where inaccessible stations and reliable public transport are even more common.

Financial barriers also exist regarding the lack budget for personal assistants, communications support, equipment and assistive technology for those who may require it. These financial barriers are only exacerbated when coupled with the lower attainment rates of disabled individuals.

The relationship between disability and poverty has been highlighted by the EHRC's *Is Wales Fairer? Report (2018)*¹, which presents another example of the barriers to participation if there are not provisions in place for financial support. Fundamentally, disabled individuals should not have to consider whether they can afford to participate in the political realm and should be equally as supported as their non-disabled counterparts.

This systemic concern is coupled with anecdotal evidence from several disabled people who are supported by Leonard Cheshire Cymru. Anecdotally, a number of disabled people who have sought to become candidates with political parties have found in interviews that a particular emphasis is placed on canvassing (i.e. physically knocking on doors) as a key aspect in the role of a candidate. Disabled people have reported that they have been asked if they would be able to cope with this. This effectively puts the onus on an individual to overcome society's barriers related to disability, rather than the desirable situation where political parties are actively seeking to facilitate disabled people's participation.

The Explanatory Memorandum to the Senedd and Elections Wales Act noted that on 24 September 2018, "the First Minister wrote to the Llywydd to indicate that the Welsh Government agreed with the Assembly Commission that... costs attributable to an individual's disability should be exempt from electoral expenditure limits. The First Minister also stated that the Welsh Government's view was that it would be more appropriate for these matters to be addressed through secondary legislation."²

Almost two years later, this secondary legislation has not been put in place. It is encouraging that the Minister for Finance and Trefnydd advised the Committee on Senedd Electoral Reform on 27 January 2020 that the Welsh Government was "currently undertaking... the draft conduct Order for the next Senedd elections."³ However, this may already be too late, as many political parties will have already selected candidates for the next Senedd election.

¹ *Is Wales Fairer?* 2018. Equality and Human Rights Commission (Wales).

² Explanatory Memorandum, Senedd and Elections Wales Act 2020, page 32.

³ Record of proceedings, Committee on Senedd Electoral Reform, 27 January 2020.

Leonard Cheshire Cymru would also like to see all disability-related expenditure exempted from electoral expenditure limits, not only expenditure related to a candidate's own disability. This would include, for example, the cost of producing the content for an Easy Read version or a Braille version of a party's manifesto. Again, the current system perversely provides a disincentive for political parties in engaging with people with disabilities. This in turn will play a contributing factor in dissuading disabled people from thinking that standing for election is 'for them.'

Recommendation 3: Secondary legislation should urgently be put in place to provide that all disability-related costs (both for candidates and the electorate) should be exempted from electoral expenditure limits.

Leonard Cheshire Cymru also suggests that an access to elected office fund should be put in place in time for the next Senedd elections which would provide- amongst other things- for the travel costs experienced by disabled candidates, as a result of the inaccessibility of public services.

This would replicate the work of Scottish Government in partnership with Inclusion Scotland, who have established the *Access to Elected Office Fund (Scotland)*⁴. This fund recognises the barriers that prevent disabled people from running for office and alleviates some of the barriers and concerns that might be associated with running for office as a disabled individual. This programme has been successful in getting more disabled people engaged in politics and running for elections. Inclusion Scotland reports that in the 2017 Local Authority elections, there were 39 disabled candidates supported by the Access to Elected Office Fund pilot scheme. Of these candidates, 15 were elected, representing 4 different political parties in 12 different councils.

It is also important to note that a Welsh scheme that supports candidates with access requirements would align with the *Strategic Equality Objectives 2020-2024*⁵, specifically **Long-Term Aim 7** which dictates that everyone in Wales should be able to participate in political, public and everyday life. Welsh Government elaborates on how they will achieve this aim:

“By 2024, we will increase the diversity of decisionmakers in public life and public appointments, exploring areas where further action is needed to ensure greater balance of diversity among decision-makers and identify and investigate mechanisms to redress inequality”

Establishing an access fund to alleviate the aforementioned barriers to public life would align with this aim and would address the inequalities that exist in Welsh Government appointments and the electoral process.

⁴ *Access to Elected Office Fund (Scotland)*. Inclusion Scotland supported by Scottish Government.

⁵ *Strategic Equality Plan 2020-2024*. Strategic Equality Objectives (Wales) 2020-2024. Welsh Government.

It is therefore welcome that the Minister stated to this Committee on 27 January 2020 her intention that an access to elected office fund would be put in place, but disappointing that she stated that the fund would not be established until the local government elections in 2022.⁶ We would like to see consideration being given to establishing such a fund through non-legislative means, to facilitate disability-related expenditure for the 2021 Senedd election.

Recommendation 4: The Welsh Government should establish an access to elected office fund to alleviate barriers for disabled people that are associated with running for election. This fund should be in place for the 2021 Senedd election.

In addition, the Senedd website provides limited information to actively encourage a person to stand for election or how to go about doing it. The webpage <https://senedd.wales/en/memhome/mem-work-become-mem/Pages/becoming-MS.aspx> provides a helpful indication of a Member's role, and some of the disqualifications that would prevent a person becoming a Member, but not specifics on what to do if a person is interested in seeking to become a Member. Case-studies of current/former Members talking in personal terms about how and why they sought to become Members could help people from underrepresented people groups feel the process is 'for them.'

As mentioned in the consultation document under **Question 7**, job sharing may also be an effective way to redefine roles in public life and make them more accessible for disabled candidates, provided that practical solutions are put in place to certain key issues (such as a clear mechanism for resolving disputes between job sharing partners).

Question 3: What are the most important things that could be done to help people from underrepresented groups or who might be concerned about giving up their existing job or profession to stand for election?

Question 4: Do people in Wales, including those from under-represented groups, know enough about what the role of an Assembly Member involves to be able to decide whether they are interested in standing for election?

Job-related disqualifications should be set out in an accessible and understandable form, including information on which disqualifications relate to standing for election, and which relate only to the point of taking Oath as a Member.

Individuals who are interested in representing their communities are not always aware of the process. This needs to be recognised as one of the principal barriers to disabled individuals standing for election. It is important that the roles and what they entail is communicated pan-disability and is available in a variety of formats to address this (such as BSL videos, Braille, and Easy-read).

⁶ Record of proceedings, Committee on Senedd Electoral Reform, 27 January 2020.

To further the participation from underrepresented groups, it would be apt to consider educating the public on roles available. This could be delivered in schools and public settings to spread the message that these roles are available to everyone. Leonard Cheshire Cymru has attended a number of consultation exercises that touched on this issue in both local and national political contexts. The primary concern that were raised in these forums across all organisations that attend was that people from these underrepresented groups cannot see other people like themselves in these roles; and therefore, do not apply. To facilitate a culture shift towards inclusivity in public life, education within the community should be a priority.

Recommendation 5: More education within the community needs to be delivered. This will allow people from underrepresented groups to understand the responsibilities involved in the roles, and ultimately see themselves in these positions.

Question 5: If political parties were required to collect and publish anonymised data about the diversity of their Assembly election candidates, would this encourage them to select a more diverse range of people as candidates?

Leonard Cheshire Cymru is in favour of the mandatory collection and publication of data pertaining to diversity within the Senedd, and Senedd candidates. To date, voluntary publication of data has not proven effective.

Though mandatory reporting can be controversial, it would provide targets for inclusion and diversity, and would enable parties to be held accountable for their decisions.

Reporting these figures will also provide a benchmark for improvement that can be monitored on a regular basis.

We anticipate that over time mandatory reporting would influence societal perception towards accepting diversity in public life as the 'norm'. This would in turn lead to more candidates applying from underrepresented groups as they will perceive public roles as available to everyone, and not a select few.

Recommendation 6: legislation should require parties to regularly publish data on the diversity of their candidates for election.

Question 8: Should quotas be used to increase the representation of under-represented groups such as people with disabilities or ethnic minorities? What practical implications would need to be considered?

The intersectionality of different protected characteristics (such as gender, disability and ethnicity) would inevitably be a significant challenge for any consideration of quotas to improve diversity. Quotas must not become the main objective in selecting a candidate: they should be a tool in facilitating equal opportunity, not undermining it.

However, serious consideration of the potential for putting in place quotas may be necessary if mandatory diversity reporting does not have the desired effect.

Question 11: What changes could the Assembly introduce to its ways of working to make standing for election more attractive to people from under-represented groups?

Consideration should be given towards continued use of remote working and virtual meetings. Disabled individuals would benefit from knowing that if they are unable to travel or attend a meeting in person due to unforeseen circumstances and/or societal barriers, they will still be able to attend virtually and their voice and that of their constituents will not be lost.

In response to Covid-19, the Senedd has innovatively undertaken virtual plenary meetings and Senedd committee meetings. While the limitations of these practices should be recognised (for example, Members are currently limited in their ability to dissent from their parties on votes), they also demonstrate that radical changes to ways of working can be adopted, if there is perceived to be sufficient need. In the view of Leonard Cheshire there is an equally significant need for disabled people to be facilitated in becoming elected representatives, and innovations developed to mitigate public-health risks associated with Covid-19 should be built upon and adapted rather than disbanded altogether.

Question 14: Which voluntary or legislative measures to encourage the election of a more diverse Assembly would make the biggest impact, and which measures should be prioritised?

As a priority, secondary legislation should urgently be put in place to provide:

- that all disability-related costs should be exempted from electoral expenditure limits; and
- for an access to elected office fund to alleviate barriers for disabled people that are associated with running for election.

In addition, Leonard Cheshire Cymru recommends that all the above measures be actioned within the next four years to ensure greater diversity and inclusion and public life, in conjunction with the Welsh Government's *Strategic Equality Plan*⁷ 2020-2024. Any that can readily be implemented without new guidance and legislation should be enacted with immediate effect, such as including a wider breadth of organisations in consultations.

⁷ *Strategic Equality Plan 2020-2024*. Strategic Equality Objectives (Wales) 2020-2024. Welsh Government.