

# Consultation on the Elections and Elected Bodies (Wales) Bill by the Local Government and Housing Committee

*November 2023*

**About the Women's Equality Network (WEN) Wales:** Our vision is of a Wales free from gender discrimination where all women and men have equal authority and opportunity to shape society and their own lives. We work with our vibrant coalition of organisational and individual members to transform society. Our work sits under three pillars. We will Connect, Campaign and Champion women so our vision is realised.

## Introduction

We are pleased to provide evidence to support the scrutiny of the Elections and Elected Bodies (Wales) Bill. We have responded to multiple Senedd and Welsh Government consultations over the past five years relating to the matters of equal and diverse representation in the context of Senedd and electoral reform.

The Elections and Elected Bodies (Wales) Bill is a comprehensive piece of legislation and some of the areas that it covers fall outside our remit. In our response below, we therefore focus specifically on matters relating to Section 26 (Survey of councillors and unsuccessful candidates in local elections), Sections 28 (Services to promote diversity in persons seeking elected office) and Section 29 (Financial assistance schemes to promote diversity in persons seeking elected office).

## Key messages

- 1. Provisions to provide for increased flexibility of the candidate survey to reflect evolving language and information needs are welcome but need to be balanced against the need for robust data. The survey should include questions around candidates' experience of harassment and abuse to provide sorely needed evidence on one of the major barriers to elected office. We are concerned that the Bill does not include any provisions relating to addressing harassment and abuse.**
- 2. We welcome the overarching duty to put in place services to promote diversity, but the list should include services relating to caring responsibilities and to dealing with harassment and abuse. The overarching duty needs to be accompanied with clear commitments, timelines and monitoring arrangements.**
- 3. Provisions that put financial assistance for disabled people on a statutory footing are laudable, but the lack of provisions on financial assistance for care-related expenses present a major omission of this Bill.**

## Detailed response

### 1. Candidates' survey

Section 26 removes the requirement to set out the wording and format of the Local Government Candidates' Survey questions in regulations. This is intended to provide flexibility for the survey to reflect evolving language and changing information requirements around

equality and diversity policies. Section 26 also provides flexibility for Local Authorities to include additional questions relating to local initiatives, without altering the core set of questions directed by Welsh Ministers.

The Explanatory Memorandum states that future changes to the wording will be informed by a stakeholder group including local government, representatives of equality groups and other interested parties. We welcome the commitment to involve representatives of equality groups in this process to help ensure the survey reflects evolving language and information needs.

To facilitate effective monitoring of candidate diversity across different local authorities and over time, care must be taken to balance the need for flexibility with the need for robust data. We expect that future reviews of the survey questions and format will also be informed by relevant research and data expertise.

Women and people from other underrepresented groups frequently report that harassment and abuse present a major barrier to elected office. The consultation on the [Electoral Administration and Reform White Paper](#) asked whether questions should be included in the survey about candidates' experiences of abuse and harassment. The [Summary of Responses](#) to the White Paper consultation noted strong support for the proposal, with nearly 70% agreeing that such data should be collected as part of the survey.

Our [response](#) highlighted the importance of robust evidence to understand the magnitude, form, severity and impact of abuse and the need to collect this alongside diversity data to better understand the experience of candidates with different and intersecting characteristics. We therefore supported the proposal to integrate questions on harassment and abuse in the candidate survey, as long as all due precautions were being taken to safeguard this sensitive information and ensure full anonymity.

Despite wide support for the proposal, the subject of candidates' experiences of abuse and harassment does not feature in Section 26 or the Explanatory Memorandum. We are concerned that this presents a missed opportunity to establish a sorely needed evidence base on candidates experience of harassment and abuse, which is a major barrier to elected office. It is also a missed opportunity to signal the importance and seriousness with which harassment and abuse of candidates are considered.

More broadly, we are concerned that the Bill does not include any provisions relating to addressing candidate harassment and abuse. While the [Electoral Administration and Reform White Paper](#) explored a range of measures to mitigate harassment and abuse, the subject is entirely absent from the Bill and Explanatory Memorandum.

## **2. Services to promote diversity in persons seeking elected office**

Section 28 of the Bill creates an overarching statutory duty for Welsh Ministers to put in place services to promote diversity within the Senedd and local government by providing target support or services to people from underrepresented groups. It sets out a list of services that may be provided, which consists of:

- Information
- Advice
- Training
- Coaching and mentoring
- Work experience

- Equipment
- Assistance with tasks

We welcome the establishment of an overarching duty to promote diversity and agree that the services listed in Section 28 will be helpful in removing barriers to elected office. However, the list above does not present an exhaustive package of the services that the Welsh Government should be providing to address barriers to elected office. Services to address some of the biggest barriers to elected office are missing from the list, most notably support for dealing with harassment and abuse and support with for candidates with caring responsibilities. While Section s28(8)(a) allows for further services to be added to the list by regulations, there is no guarantee that any specific services will be added.

In addition, the provisions under Section 28 do not prescribe which of the listed services have to be provided, when they must be provided or how the effectiveness of the delivered services will be monitored. Given the upcoming expansion of the Senedd, and the historically slow progress on diverse representation at all levels of government, timely and effective implementation of a wide range of measures before the next elections is critical.

### **3. Financial assistance schemes to promote diversity in persons seeking elected office**

#### **Financial assistance to support disabled candidates**

Section 29 of the Bill requires Welsh Ministers to provide for a scheme of financial assistance to support disabled candidates with impairment related costs that are a barrier to their participation in politics. A pilot Access to Elected Office Fund has been successfully delivered for the 2021 Senedd elections and the 2022 Local Government elections under the coordination of Disability Wales. Having responded to previous Senedd consultations around this, we greatly welcome the fact that the Bill puts financial assistance schemes for disabled people on a statutory footing and thereby provides certainty to disabled candidates. We also welcome that the Bill's provision intends to take account of the experience from the pilot fund. We recommend that the details of any future schemes should be developed in close consultation and co-production with disabled people's organisations and that the scheme should seek to be accessible to candidates with a wide range of support needs, including candidates who experience additional barriers associated with other protected characteristics.

#### **Financial assistance to support candidates with other protected characteristics**

The Welsh Government's Programme for Government includes a commitment to expand the Access to Office Fund to candidates with other protected characteristics. We were delighted to see this commitment, which is something WEN, with the support of seventeen other organisations and academics, has called for in our [Manifesto for Closing the Gap on Gender Inequality in Wales](#). The Welsh Government has further explored this subject in commissioned research and as part of the Electoral Administration and Reform White Paper, however the Bill contains no provisions that would give effect to this commitment.

The Explanatory Memorandum provides further context around the decision to not expand the Access to Elected Office fund in the Bill. It states that "the response to the White Paper consultation and research commissioned by the Welsh Ministers raised concerns about how criteria could be framed to expand the existing fund to other groups." The Explanatory Memorandum suggests that these concerns have to do with the fact that candidates with other

protected characteristics experience a range of different barriers and needs, and not all of these are mostly appropriately targeted by providing financial assistance. The document concludes that the broader policy objective behind the commitment to expand the Access to Elected Office Fund requires a different approach, namely the overarching duty to provide services to promote candidate diversity in Section 28.

We agree that the barriers and needs of underrepresented groups are complex, and that some can potentially be better addressed with non-financial means such as mentoring and support. However, there are certain barriers – most notably those relating to a candidates' caring responsibilities – which are in relevant respects similar to impairment-related barriers and therefore constitute an obvious target for a financial assistance scheme.

#### *Caring responsibilities role as a major barrier to equal representation*

Research clearly shows that women in Wales continue to carry the brunt of caring responsibilities. Our [Feminist Scorecard 2022](#) found that 86% of single parents in Wales are mothers and 63% of mothers in two parent households say they are solely or mainly responsible for childcare (compared with just 17% of fathers). Lack of childcare is one of the most frequently cited barriers to women's employment, resulting in lower economic participation and curtailing women's career options. Women also make up approximately 60% of unpaid carers in Wales, who increasingly have to step in to fill gaps in social care provisions.

Research shows that the unequal share of caring responsibilities, combined with a lack of support and sometimes outright discrimination, constitutes a major barrier to women accessing elected office, which is reflected in the fact that significantly fewer female than male MPs have dependent children.<sup>1</sup> Recognition of this fact has led some parties to instigate support schemes for candidates with care-related expenses [in the UK](#) and [internationally](#). While initiatives at the individual party level are to be welcomed, they are only available to a very limited number of candidates and not best placed to address an issue of such scope. Support schemes at the level of individual parties also risk discouraging parties from selecting candidates with caring responsibilities due to the additional costs involved.<sup>2</sup>

The fact that caring responsibilities constitute a major barrier to women's equal representation in elected office, especially for single mothers and women who are socio-economically disadvantaged, means efforts to support candidates with care-related expenses need to be at the forefront of any initiative to improve diversity within the Senedd and local government. At Senedd level, this is all the more pressing given the forthcoming legislation to introduce gender quotas for the 2026 elections.

#### *Parallels between impairment-related expense and care-related expenses*

The Explanatory Memorandum states that the reason to focus the existing financial assistance provisions on disabled people is that "there are identifiable and practical ways in which financial assistance can support individuals in a tangible way to put them on a level playing field with non-disabled candidates." We agree that the existing scheme has the benefit of operating with costs that are comparatively easily identified and linked in a direct and tangible way to the purpose of levelling the playing field between disabled and non-disabled

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<sup>1</sup> Murray R. **2023**. It's a rich man's world: how class and glass ceilings intersect for UK parliamentary candidates. *Int. Political Sci. Rev.* 44(1):13–26.

<https://journals.sagepub.com/doi/pdf/10.1177/01925121211040025>

<sup>2</sup> Ibid.

candidates. This would potentially be more difficult to achieve, for instance, with a financial assistance scheme that seeks to target wider socio-economic disadvantage. However, the document fails to recognise that a financial assistance scheme to support candidates with care-related expenses would operate within very similar parameters. Care-related expenses, such as the costs of paying for a childminder or a personal assistant, are clearly identifiable costs that can be linked in a direct and tangible way to the purpose of levelling the playing field between candidates who have caring responsibilities and candidates who do not have caring responsibilities.

The parallels between impairment-related costs and care-related costs are affirmed by the fact that the [Independent Remuneration Board of the Senedd](#) as well as the [Independent Remuneration Panel for Wales](#) (IRPW) already provide support in both circumstances. Elected members of the Senedd and Local Government may claim for expenses that arise as a result of health conditions or impairments in order to enable them to perform their duties as elected members. They may also claim the reimbursement of costs for the care of their children or adult dependants, where such care is required to enable them to perform their duties as elected members.

Given that the determinations of both remuneration bodies have deemed it appropriate to facilitate support for elected members for impairment-related expenses *and* care-related expenses, it is surprising that the Welsh Government's research and consultation has not arrived at the same conclusion in terms of the support that is deemed appropriate for those seeking elected office.

#### *Evidence in the Welsh Government's White Paper and commissioned research*

As mentioned above, the Bill's Explanatory Memorandum states that concerns were raised in the White Paper consultation and commissioned research about "how criteria could be framed to expand the existing fund to other groups". While the commissioned research notes some general concerns about a wider expansion to other protected characteristics, neither document sets out any clear concerns or objections to expanding financial assistance to care-related expenses.

The Welsh Government's [consultation](#) on the Electoral Administration and Reform White Paper asked several questions around the Access to Elected Office Fund. In our [response](#), WEN Wales specifically called for the Fund to be expanded to cover the costs associated with a candidate's caring responsibilities for children and adults. The [Summary of Responses](#) to the White Paper consultation provides little detail of respondent's views of expanding the Access to Elected Office Fund beyond noting that there were a variety of views and that some respondents agreed that Fund should be expanded to support other underrepresented groups.

Research commissioned by the Welsh Government explores the potential expansion of the Fund further, as part of wider research project that develops a theory of change on [removing barriers to elected office for people with protected characteristics](#). The research acknowledges caring responsibilities as a frequently cited barrier to elected office and finds that:

*"Provision to cover caring costs and other support for carers would assist elected members with caring responsibilities in carrying out their role. Noted to disproportionately affect female and elderly candidates, participants suggested a caring allowance be made available for candidates with dependents. This, it was proposed, would be provided to candidates*

*irrespective of PCs, to ensure that all individuals with dependents were able to participate equally.”*

Notably, the research does not identify any concerns that specifically pertain to extending the Fund to care-related expenses other than a reference that “councillors are reportedly discouraged to claim on expenses such as care allowance.” It is evident that the most effective way to deal with such reports is to clearly communicate the rationale behind the allowance and work with local government to build a culture where members are encouraged to claim the expenses that they are rightly entitled to. In no way do these reports cast doubt on the principle of providing elected members with assistance for care-related expenses, or indeed on the proposal to extent such provisions to candidates with caring responsibilities.

The same is evident in the Welsh Government’s [Review of the Access to Elected Office Fund pilot](#). The review found that “stakeholders felt that more consideration could be given to candidate’s financial circumstances, pregnancy, and caring responsibilities,” with one panel member noting that expanding the fund to include caring responsibilities would be a “natural and straightforward next step.”

In other words, while the White Paper consultation, the commissioned research and the review of the pilot Fund each received evidence *in favour* of expanding financial assistance schemes to cover care-related expenses, none of these documents contain any substantial concerns or objections against doing so.

#### *The potential to support candidates with care-related expenses through provisions under Section 28*

In view of such overwhelming evidence in favour of providing financial assistance for candidates with caring responsibilities, and the lack of specific provisions around this in the Bill, we have considered the possibility of providing such assistance under the provisions relating to an overarching duty to promote candidate diversity within Section 28.

While s28(7)(a)-(b) provide some scope to broaden out financial assistance beyond disabled candidates, the Bill provides no clear legislative pathway towards introducing financial assistance schemes for care-related expenses. In the current form of the Bill, the financial assistance under s28(7)(a)-(b) can only be provided in relation to the services listed under s28(5), namely information, advice, training, coaching and mentoring, work experience, equipment, and assistance with tasks. While it may be possible to interpret “assistance with task” to cover care-related services like childcare, this could be considered a stretch. This option therefore carries a significant amount of uncertainty and risk.

Section s28(8)(a) states that the Welsh Ministers may add further services to the list in s28(5) by regulations. This means that there is an option to mitigate this risk at a later point by specifically including care-related services within Section 28. In conjunction with s28(7)(a)-(b), this would then provide scope to expand financial assistance to care-related expenses. However, there is no guarantee that care-related services will be added to the list. In addition, while the provisions for disabled candidates in Section 29 contain a *duty* to provide financial assistance, the provisions in Section 28 only contain a *power* to provide financial assistance. Even if list of services was expanded to include care-related services, without an accompanying duty, there is no certainty that financial assistance for care-related expenses will be provided.

## Summary

The impact of unequal caring responsibilities, the parallels with impairment-related expenses and the review of the evidence provided by the Welsh Government all suggest that expanding the Access to Elected Office Fund to care-related expenses is an obvious next step in the Welsh Government's commitment to removing barriers to elected office. It is therefore surprising and disappointing that the Elections and Elected Bodies (Wales) Bill contains no provisions to facilitate financial assistance for care-related expenses, and even lacks a clear pathway as to how this can be achieved in the future.

## 4. Conclusion

We broadly welcome the proposed provisions relating to the candidate survey, the duty to promote diversity and the duty to provide financial assistance for disabled candidates and believe that they have the potential to help remove barriers to elected office. However, we are deeply concerned about the lack of provisions that seek to address what we see as the main barriers to women's fair representation: harassment and abuse and unequal caring responsibilities. We therefore recommend:

- (1) A commitment to include questions on candidates' experience of harassment and abuse in the candidate survey, subject to suitable safeguards;
- (2) The establishment of clear commitments, timelines and monitoring arrangements relating to the duty to promote diversity;
- (3) An amendment to Section 28 that clearly set out a power to provide financial assistance for care-related expenses;
- (4) An amendment to Section 29 that would allow for the duty to provide financial assistance to be expanded to care-related expenses;
- (5) The establishment of a pilot scheme for supporting candidates with care-related expenses, which should be available to candidates standing in the 2026 Senedd elections and the 2027 local government elections;
- (6) The urgent prioritisation of legislative and non-legislative measures to mitigate the harassment and abuse of candidates.

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*WEN Wales would like to thank the Local Government and Housing Committee for the opportunity to contribute to their inquiry.*

*If you have any further comments or queries, please get in touch.*

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