
Review of the Determination for the Sixth Assembly:

Consultation on part
three of the review

September 2019

The Remuneration Board

The Remuneration Board of the National Assembly for Wales is the independent body responsible for setting the pay, pensions and allowances of Assembly Members and their staff. The Board was established by the National Assembly for Wales (Remuneration) Measure 2010, which received Royal Approval on 22 July 2010.

Members of the Board

- Dame Dawn Primarolo DBE PC (Chair)
- Ronnie Alexander
- Trevor Reaney
- Mike Redhouse
- Dame Jane Roberts

Secretariat to the Board

- Llew Williams, Clerk
- Ruth Hatton, Deputy Clerk

An electronic copy of this report can be found on the National Assembly's website: www.assembly.wales. Copies of this report can also be obtained in accessible formats including Braille, large print, audio or hard copy from:

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Contents

How to submit a response.....	7
Introduction	8
Summary of proposals.....	10
Privacy policy	12
1. Review of the Determination for the Sixth Assembly.....	14
2. Assembly Member and office holder salaries	17
3. Members with disabilities.....	22
4. Childcare and other caring responsibilities	24
5. Publication of disability and caring-related expenses	27
6. Leave for parents	30
7. Equality	33

How to submit a response

If you would like to submit a response to the Remuneration Board's consultation you can do so by sending your responses to the following:

Post:

Clerk to the Remuneration Board,
National Assembly for Wales,
Cardiff Bay,

Cardiff

CF99 1NA

E-mail: remuneration@assembly.wales

The closing date for submitting responses is **Monday 11 November 2019**. Any responses received after this date will not be considered.

If you need assistance in preparing your response please contact the secretariat on the details above.

Introduction

This third consultation arising from our review of the Determination for the Sixth Assembly focuses on our deliberations on Member and office holder salaries; support for Members with disabilities; support for Members who have childcare or caring responsibilities; and the options open to Members wishing to take some form of parental leave.

At the heart of our proposals is our wish to identify and eliminate barriers which might otherwise deter people with the ability and commitment to be Assembly Members from standing for election.

Our proposals for additional support for Members with disabilities, or who have childcare or other caring responsibilities, will provide greater clarity to Members, and potential candidates, about the support which is available. Our proposal that the publication of claims made in respect of such additional support should be aggregated and anonymised will help to ensure that Members feel able to access these legitimate and necessary forms of support while still providing transparency on the use of public money. We will also consider whether the current informal approach to all forms of parental leave for Members represents a potential barrier for parents or people planning a family. This consultation will lay the groundwork for careful consideration of this complex but important issue.

We have concluded that Member and office holder salaries should continue at their current levels, subject to annual indexation in accordance with the ASHE index. We are confident that this will ensure that Members are appropriately remunerated for the roles and responsibilities they fulfil, and that salary levels represent neither a barrier nor an inappropriate incentive to standing for election.

These proposals represent part of our consideration of the remuneration and financial support which will be included in the Determination for the Sixth Assembly. We will consult further on the full range of our proposals in the new year, and aim to publish the Determination a year in advance of the 2021 general election. The Board will monitor carefully the operation of the Determination for the Sixth Assembly through annual and thematic reviews as needed, to make sure that it operates effectively, delivers clarity and transparency, and continues to represent value for public money.

I look forward to receiving your views on our proposals. If there is anything you wish to discuss further, please do get in touch through the Board's secretariat.



Dame Dawn Primarolo
Chair, Independent Remuneration Board

Summary of proposals

The Board would welcome your views on the following proposals for changes to the Determination for the Sixth Assembly:

Proposal 1. The Board would welcome your views on its proposal to maintain the current salary levels payable to Members and office holders, subject to annual indexation, for the duration of the Sixth Assembly.

Proposal 2. The Board would welcome your views on its proposal to amend the Determination for the Sixth Assembly to provide that a person designated under section 49(6) of the Government of Wales Act 2006 to carry out the functions of the Counsel General is entitled to be remunerated for the period of their designation in accordance with the office holder salary payable to a Counsel General.

Proposal 3. The Board would welcome your views on its proposal that, in order to provide greater clarity, the Determination for the Sixth Assembly should include provision to enable Members to reclaim expenses incurred in the discharge of their responsibilities as an Assembly Member, where such expenses arise as a result of a disability which meets the definition in the Equality Act 2010.

Proposal 4. The Board would welcome your views on its proposal that Members should be able to claim a contribution to assist them with necessary costs for the care of children or other dependants. Reimbursement will be subject to a specified monthly limit, and will only be payable on the basis of the production of receipts from regulated care providers for additional caring costs incurred to enable Members to carry out their duties as Assembly Members.

Proposal 5. The Board would welcome your views on its proposal that, in order to remove a potential barrier that might otherwise deter Members from accessing support relating to their disabilities; childcare or other caring responsibilities; or additional Residential Accommodation Expenditure allowance relating to dependants normally resident with the Member in Cardiff, claims made in relation to these allowances should be published on an anonymised, aggregated basis for each allowance rather than being attributed to individual Members.

Proposal 6. The Board would welcome your views on whether the current arrangements in place for Members who wish to take some form of parental leave give rise to any potential barriers, and if so, how those barriers might be addressed.

To inform its equality impact assessment on the Determination for the Sixth Assembly, the Board would also welcome any views you may have on:

whether the proposals outlined in this document could have any implications for people who identify with any protected characteristics;

whether the issues you have raised in response to this consultation could have an impact or potential impact on people who identify with protected characteristics as defined under the Equality Act 2010.

Privacy policy

The below provides a general overview of how we will use the information you provide.

Who we are

The Remuneration Board is the data controller of the information you provide and will ensure it is protected and used in line with data protection legislation.

Why we are collecting this information

Your submission will be used to inform the Remuneration Board's review of the Determination for the Sixth Assembly.

What we will do with your information

Submissions will be seen in full by the Remuneration Board members and the secretariat to the Board (employees of the Assembly Commission) who are involved in the consultation. Your information will be stored on the Assembly Commission's ICT network (which includes third party cloud services provided by Microsoft). Any transfer of data by Microsoft outside of the EEA is covered by contractual clauses under which Microsoft ensures that personal data is treated in line with European legislation.

Publication of submissions

The Remuneration Board may publish some or all of your submission to this consultation on the Board's website. It may also publish extracts from your submission within documents produced following the consultation and published on the Board's website. Any submissions that are published on the Board's website will remain in the public domain.

Please let us know if you would prefer that your submission or extracts from it are not published.

If the Board publishes a submission you have provided on behalf of an organisation, it will include your name, job title and the name of your organisation with your submission. If it publishes a submission you have provided on your own behalf, it will only publish your name if you have asked us to do so.

How long your information will be retained

Responses will be retained until the Remuneration Board has completed the consultation and any subsequent work in the areas outlined in this document. This is anticipated to be in May 2020 as the Board has committed to publishing its Determination for the Sixth Assembly one year before the Welsh general election in 2021.

Contacting you

The Board may use the contact details you provide to contact you in relation to this consultation and your submission, and any additional work undertaken as part of this review. Please inform us as you respond to the consultation if you would like us to retain your contact details and contact you for these purposes. If you decide to opt into further contact, you may opt out of further contact at any point by letting us know.

Requests for information made to the Assembly Commission

In the event of a request for information being made under access to information legislation, it may be necessary to disclose all or part of the information that you provide. This may include information which has previously been removed by the Remuneration Board for publication purposes. The Board will only do this if it is required to do so by law.

Your rights

Your personal data will be processed for the performance of a task carried out in the public interest by the Remuneration Board. If you would like to:

- engage any of the rights that you have under the legislation (such as the right to request access to your own data);
- ask a question; or
- make a complaint about how your information has been used;

please **contact the secretariat**.

You can also make a complaint to the Information Commissioner's Office (ICO) if you believe we have not used your data in line with the law. The ICO's contact details can be found on its website: **www.ico.org.uk**.

1. Review of the Determination for the Sixth Assembly

The section below provides an overview of the Board's review of the Determination for the Sixth Assembly.

Background

1.1. The Remuneration Board (the Board) is an independent body responsible for ensuring that Assembly Members (Members) have the right remuneration and resources available to them to undertake their role whilst demonstrating value for money for the public purse. Full details of the Board's functions and responsibilities are set out in the **National Assembly for Wales (Remuneration) Measure 2010**.

1.2. The Board's work is underpinned by a set of clearly-defined principles:

- financial support and remuneration for Members should support the strategic purpose of the Assembly and facilitate the work of its Members;
- decisions must be appropriate within the context of Welsh earnings and the wider financial circumstances of Wales;
- the system of financial support for Members must be robust, clear, transparent, sustainable and represent value for money for the taxpayer.¹

1.3. The Board is committed to publishing its Determination for the Sixth Assembly one year before the Welsh general election in 2021 to inform all potential candidates. In **December 2018** the Board agreed to the following terms of reference for its review of the Determination for the Sixth Assembly:

- the suitability of the level of support provided within the Determination;
- the flexibility, prescriptiveness and accessibility of the provisions;

¹ Remuneration Board of the National Assembly for Wales, **The Remuneration Board's strategy for 2016-2021**, January 2017

- the probity, accountability, reasonableness and transparency of the expenditure made available.

1.4. The Board has agreed to undertake its review in three parts as outlined below:

- Part one: Residential Accommodation Expenditure, Members' Travel and Office Cost Allowance;
- Part two: Support for Members and Support for Political Parties;
- Part three: Members' Remuneration and Members leaving office.

1.5. After considering the issues arising under each part, the Board publishes a consultation to seek views on its proposals to amend any provisions within that part. Once the Board has concluded its review of the three parts, a final consultation on the Determination as a whole will be issued, to ensure the package of financial support for Members continues to be fit for purpose. The Board has already consulted on parts one and two of its proposals for change. Further information about each of the consultations and forthcoming consultation periods are available on the **Board's website**.

1.6. The Assembly Commission announced in June 2019 that it had concluded that it was not possible to legislate to increase the size of the Assembly in time for the Sixth Assembly in May 2021. It is expected, therefore, that the Sixth Assembly will continue to have 60 Members.

Methodology

1.7. During the course of this Assembly, the Board has undertaken several engagement exercises with stakeholders in order to elicit feedback on the operation of the Determination in practice. These opportunities have included engagement events and meetings with Members and support staff, visits to offices across north and south Wales, surveys and regular meetings with Member and staff representatives.

1.8. The evidence that has been gathered through these different methods has also been supplemented by external research commissioned by the Board. Through open tender the Board commissioned the **Wales Governance Centre at Cardiff University** to identify the **barriers and incentives to standing for election in National Assembly for Wales elections**.

1.9. To ensure that all decisions are transparent, accountable and reflect market conditions, the Board has also considered the current provisions against other sources of information including:

- Members' usage of the various allowances to date during the Fifth Assembly;
- comparisons with the support made available to elected representatives in the other UK legislatures;
- comparisons with various other measures within the public sector in Wales.

1.10. The remainder of this document outlines the Board's consultation proposals.

2. Assembly Member and office holder salaries

2.1. Section 13 of the National Assembly for Wales (Remuneration) Measure provides that the Board may only make one determination during each five-year Assembly term as to Members' salaries, and the payment of salaries to the First Minister, Welsh Ministers, Deputy Welsh Ministers and the Counsel General. This determination may be revisited where exceptional circumstances mean that it would be just and reasonable to do so. The Board is required by section 3 of the Measure to exercise its functions with a view to provide Members with a level of remuneration which:

- fairly reflects the complexity and importance of the functions which they are expected to discharge, and
- does not, on financial grounds, deter persons with the necessary commitment and ability from seeking election to the Assembly.

2.2. Chapter 3 of the Determination sets out the salaries and pension arrangements to which Members and office holders (including Welsh Ministers, Presiding Officers and committee chairs) are entitled, and the indexation arrangement which applies. Members and office holders are only entitled to claim a salary once they have taken the oath or made the affirmation of allegiance in accordance with section 23 of the Government of Wales Act 2006.

2.3. The salaries payable to Members and office holders are adjusted in April of each year in accordance with the change in the ASHE (Annual Survey of Hours and Earnings) gross median earnings for full time employee jobs in Wales over the previous twelve months (from March to March). The salaries payable in 2019-20 are set out in Table 1.

Table 1 Member and office holder salaries (2019-20)

Office	Base salary	Office holder salary	Total salary
First Minister	£67,649	£80,334	£147,983
Welsh Minister	£67,649	£38,052	£105,701
Counsel General²	£67,649	£38,052	£105,701
Deputy Minister	£67,649	£22,197	£89,846
Presiding Officer	£67,649	£43,338	£110,987
Deputy Presiding Officer	£67,649	£22,197	£89,846
Assembly Commissioners	£67,649	£13,741	£81,390
Committee chairs (higher)	£67,649	£13,741	£81,390
Committee chairs (lower)	£67,649	£9,154	£76,803
Business Committee member	£67,649	£9,154	£76,803
Leader of a political group not in Government³	£67,649	£13,741 + £1,057 per Member up to £38,052	£84,561-£105,701

Consideration of evidence

2.4. Members' core functions are to represent the interests of Wales and its people, make laws for Wales, agree Welsh taxes and hold the Welsh Government to account. In April 2019, the reserved powers model of devolution set out in the Wales Act 2017 came into effect. In addition, the Fifth Assembly is the first Assembly to have taxation powers, including, with effect from April 2019, income tax-varying powers.

2.5. In 2015 the previous Remuneration Board undertook a wholesale review of Member and office holder salaries. In reaching its conclusions on the remuneration package for Members, the Board considered the implications for the complexity of Members' roles, and the weight of their

² If the Counsel General is not an Assembly Member, the total salary payable is £105,701, which equates to the base salary payable to all Assembly Members plus the additional office holder salary payable for the office of Counsel General.

³ Standing Order 1.3 provides that a political group is (i) a group of Members belonging to the same registered political party having at least three Members in the Assembly; or (ii) three or more Members who, not being members of a registered political party included in Standing Order 1.3(i), have notified the Presiding Officer of their wish to be regarded as a political group.

responsibilities, of the introduction of taxation powers and the then anticipated move to a reserved powers model of devolution. It concluded that the changes to the Assembly's powers meant that the 2015-16 base salary levels no longer reflected Members' responsibilities. It therefore determined that Members' base salary should be increased to £64,000 with effect from the start of the Fifth Assembly and that salaries should continue to be linked to the ASHE index.⁴ The Board also concluded that officer holder salaries should be increased to reflect the changing responsibilities, but that employer pension contributions should be reduced from 23.8 per cent to approximately 16.6 per cent, thereby limiting the overall increase in the cost of Members' remuneration.

2.6. Looking ahead to the Sixth Assembly, there are a number of factors which could affect the roles and responsibilities of the 60 Assembly Members, including: the potential for Welsh taxation policy to diverge from UK taxation policy; uncertainties around the UK's constitutional landscape to which Brexit gives rise; and any recommendations made by the Commission on Justice in Wales on whether justice and policing should be devolved.⁵

2.7. Like their counterparts in Westminster and Scotland, Assembly Members' salaries are index-linked. While a different indexing methodology is used in each legislature, the relative differential between the base salaries has remained broadly consistent. In 2016-17, the base salary level for Assembly Members equated to 85.4 per cent of the base salary payable to a member of the House of Commons, falling to 85.1 per cent in 2019-20. In the same years, the base salary for Scottish MSPs represented 81.0 per cent and 80.0 per cent of an MP's salary respectively.⁶

2.8. Research undertaken by Cardiff University's Wales Governance Centre on the potential barriers to standing for election to the Assembly found that a majority of respondents felt that the level of salary represented neither a barrier nor an incentive.⁷

4 Remuneration Board of the National Assembly for Wales, **Review of the Determination for the Fifth Assembly**, May 2015

5 The **Commission on Justice in Wales** was established by the Welsh Government in 2017 to review the operation of the justice system in Wales. It is expected to publish its report by the end of 2019.

6 Members in Wales receive a higher base salary than their Scottish counterparts. However, employer pension contributions are higher in Scotland than Wales, resulting in less of a difference in the overall remuneration package than would be suggested by base salary alone.

7 Cardiff University Wales Governance Centre and London Metropolitan University Social Professions, **Unpacking diversity: barriers and incentives to standing for election to the National Assembly for Wales: a report commissioned by the Remuneration Board of the National Assembly for Wales**, July 2018, p.63.

Conclusions

2.9. The Board considered the evidence, including the previous Board's rationale for the salary increase for the Fifth Assembly, the complexity and importance of the functions discharged by Members, the potential changes to Members' responsibilities in the Sixth Assembly, and relevant comparators in other UK legislatures. While the potential implications for the roles and responsibilities of Assembly Member as a result of Brexit and the work of the Commission on Justice in Wales are not yet clear, these implications will be influenced not only by external factors, but also by the way in which the Assembly, its committees and its Members decided to respond. These factors do not, therefore, currently represent a driver for any changes to Member or office holder salaries.

2.10. On the basis of the evidence, the Board has therefore concluded that the current base and officer holder salary levels remain appropriate for the Sixth Assembly. It also concluded that the current indexation arrangements remain appropriate as they ensure that Members' salaries reflect changes in the average earnings in Wales. The Board's view is that this remains an appropriate arrangement within the wider financial circumstances of Wales. This is fair both to Members and to the Welsh taxpayer.

Proposal 1. The Board would welcome your views on its proposal to maintain the current salary levels payable to Members and office holders, subject to annual indexation, for the duration of the Sixth Assembly.

Remuneration of the Counsel General designate

2.11. While reviewing Member and office holder salaries, the Board has identified an anomaly in the Determination relating to the salary entitlement of a Counsel General designate.

2.12. A Counsel General designate may carry out the functions of the Counsel General when the office is vacant or the Counsel General is otherwise unable to act. Most commonly such a vacancy occurs when there is a change in First Minister, as the office of Counsel General is vacated when a new First Minister is nominated by the Assembly. It is then for the incoming First Minister to nominate a person to be appointed as Counsel General. The office of Counsel General remains vacant until such time as First Minister's nomination for Counsel General has been agreed by the Assembly and approved by the Queen. During the period for which the office is vacant, or during periods when the Counsel General may be otherwise unable to act, section 49(6) of the Government of Wales Act 2006 allows the First Minister to appoint a

Counsel General designate to carry out the functions of the Counsel General for up to six months. Standing Order 9.9 provides that the Presiding Officer must notify the Assembly of any such designation.

2.13. As the Welsh Government's chief legal officer, the statutory role of Counsel General carries significant responsibilities. The Determination therefore provides for the payment of an additional office holder salary to a Counsel General, including specific provision which applies should the office be held by someone who is not an Assembly Member. However, there is currently no provision for the payment of a salary to a Counsel General designate. The Board is therefore proposing to add the following to the Determination for the Sixth Assembly:

3.1.6 A Member or another person who is not a Member (see paragraph 3.3.1) who holds the office of Counsel General designate under section 49(6) of the Government of Wales Act 2006 may be paid the additional office holder salary of a Counsel General during the period of designation as notified by the Presiding Officer to the Assembly under Standing Order 9.9.

Proposal 2. The Board would welcome your views on its proposal to amend the Determination for the Sixth Assembly to provide that a person designated under section 49(6) of the Government of Wales Act 2006 to carry out the functions of the Counsel General is entitled to be remunerated for the period of their designation in accordance with the office holder salary payable to a Counsel General.

3. Members with disabilities

3.1. Members with disabilities may currently access support for costs attributable to their disabilities under section 2.4 of the Determination, which makes provision for the payment of exceptional expenses not otherwise payable under the Determination. The definition of exceptional expenses notes that Members with particular needs arising from disabilities are encouraged to apply.

3.2. The Determination also includes reference to the Assembly Commission's Equality and Access Fund. This fund does not fall within the Determination, rather it was established by the Assembly Commission to provide Members with necessary support to:

- engage with constituents with diverse needs;
- make necessary physical adjustments to improve access to constituency or regional office premises for Members, staff or their constituents;
- provide necessary additional support to disabled Members and disabled support staff.

Consideration of evidence

3.3. In its report on the potential barriers which could prevent people from standing for election to the Assembly, Cardiff University recommended that consideration be given to providing greater clarity on the support available to Members with disabilities.⁸

3.4. In the Scottish Parliament, MSPs who have disabilities are encouraged to apply to the Scottish Parliamentary Corporate Body for any additional support they need. MPs in the House of Commons are allowed by IPSA to claim for disability assistance, with the level of allowance determined on a case by case basis. In Northern Ireland MLAs may claim for expenses incurred which are wholly and necessarily attributable to a disability the MLA has.

3.5. The key difference between the provision available in the other UK legislatures and that available in Wales is not the substantive provision, rather the prominence such support is given within the relevant determination or scheme. In Scotland, Northern Ireland and Westminster

⁸ Cardiff University Wales Governance Centre and London Metropolitan University Social Professions, **Unpacking diversity: barriers and incentives to standing for election to the National Assembly for Wales: a report commissioned by the Remuneration Board of the National Assembly for Wales**, July 2018, p.9.

support for Members with disabilities either comprises its own chapter, or is included as a heading on the contents page.

Conclusions

3.6. The Board has concluded that the Determination for the Sixth Assembly needs to be clearer on the support which is available to Members with disabilities, and that it is not appropriate that such support continues to be considered to be an exceptional expense.

3.7. The Board therefore proposes that the Determination should include provision making it clear to Members, and potential candidates, that Members are entitled to claim expenses attributable to a disability which meets the definition in the Equality Act 2010. Such expenses must be incurred in the course of their role as an Assembly Member and must be consistent with the principles of financial support outlined in the Determination.

3.8. The Board intends that this provision should remove any potential barrier which might otherwise prevent people from standing for election, and should also provide clarity to Members who have or develop disabilities on the support available to them.

3.9. The Board recognises the role of the Assembly Commission's Equality and Access Fund in ensuring that Members and their support staff can access support to meet needs arising from any disabilities, and that constituents are able to engage with their elected representatives. However, there is a potential overlap between the Fund and the provision in the Determination. This could create confusion, or result in a lack of transparency about how such costs are met. The Board's proposal to clarify the additional support available to Members with disabilities will start to reduce this overlap. To provide further clarity and transparency, the Board also intends to explore with the Assembly Commission how best to minimise overlaps and which funding route is most appropriate to meet the needs of support staff with disabilities, and ensure that Members are able to engage with constituents with diverse needs or make necessary physical adjustments to their office premises.

Proposal 3. The Board would welcome your views on its proposal that, in order to provide greater clarity, the Determination for the Sixth Assembly should include provision to enable Members to reclaim expenses incurred in the discharge of their responsibilities as an Assembly Member, where such expenses arise as a result of a disability which meets the definition in the Equality Act 2010.

4. Childcare and other caring responsibilities

4.1. Chapter 4 of the Determination makes provision for Members living in the outer area⁹, who can demonstrate that they have childcare or other caring responsibilities for a dependant or dependants normally resident with them in Cardiff, to access an additional £1,440 per annum to cover the cost of suitable rented accommodation. Chapter 5 of the Determination provides that all Members may claim for up to 12 single journeys each year for their partner and/or any child under the age of 18 between Cardiff and the Member's constituency or region, or between Cardiff and their main home.

4.2. There is no specific provision in the Determination for support for childcare or caring responsibilities, although Members are able to apply for exceptional expenses under section 2.4 of the Determination. Applications are considered by the Board, with any expenses paid being reviewed on a regular basis and published, in an anonymised form, in the Board's annual report. In addition, all Members are able to access a salary sacrifice childcare voucher scheme.

Consideration of evidence

4.3. The report prepared by Cardiff University's Wales Governance Centre on the potential barriers and incentives for individuals to put themselves forward for election to the Assembly highlighted potential barriers, particularly for women and single parents, that could result from the pattern of Assembly business.¹⁰ It recommended that provision for childcare support should be better aligned with Assembly business and Members' schedules, including commuting times.¹¹

4.4. The IPSA scheme for Members of the UK Parliament includes provision for support for specific childcare and caring responsibilities, with MPs able to claim up to an additional £5,435

⁹The outer area is the area bordered by the Mid and West Wales and North Wales electoral regions as they stand at the start of each Assembly.

¹⁰ Cardiff University Wales Governance Centre and London Metropolitan University Social Professions, **Unpacking diversity: barriers and incentives to standing for election to the National Assembly for Wales: a report commissioned by the Remuneration Board of the National Assembly for Wales**, July 2018, pp.24-5.

¹¹ Cardiff University Wales Governance Centre and London Metropolitan University Social Professions, **Unpacking diversity: barriers and incentives to standing for election to the National Assembly for Wales: a report commissioned by the Remuneration Board of the National Assembly for Wales**, July 2018, p.9.

for each dependant for whom they need to provide accommodation (up to a maximum of three dependants). They may also claim travel expenses for their dependants between their constituency and London, for journeys for their spouse or partner, and for journeys made by an assisting carer.

4.5. The Independent Remuneration Panel for Wales' annual report for 2019-20 makes provision for the reimbursement of care costs for members of principal councils, national park authorities and fire and rescue authorities in Wales. The Panel's report states that in order to reduce the risk that additional care costs could deter anyone from standing for election, the Panel has determined that:

Determination 39: All authorities must provide for the reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs up to a maximum of £403 per month. Reimbursement must be for the additional costs incurred by members in order for them to carry out their approved duties. Reimbursement shall only be made on production of receipts from the carer.¹²

Conclusions

4.6. The Board strongly supports the principle of removing barriers which might otherwise prevent parents and guardians, people planning a family, or people with other caring responsibilities from standing for election to the Assembly. It has therefore considered how it might improve the support available to Members who have responsibility for childcare or care for other dependants.

4.7. The Board recognises that the need to balance caring and professional responsibilities is not unique to Members, but acknowledges that the pattern of Assembly business and the role of an elected representative may present particular challenges. For this reason, the Board is proposing that Members should be able to claim a limited contribution to help towards the cost of additional care for dependent children or other dependants who rely on the Member for their care, where such additional care is specifically required as result of the Member's responsibilities as an Assembly Member. The Board is proposing that, to ensure there is due regard for safeguarding requirements and that public funds are only used to provide care for

¹² Independent Remuneration Panel for Wales, **Annual report**, February 2019, p.35.

children or other dependants in appropriate environments, Members should only be able to claim reimbursement for care which is provided by regulated care providers.

Proposal 4. The Board would welcome views on its proposal that Members should be able to claim a contribution to assist them with necessary costs for the care of children or other dependants. Reimbursement will be subject to a specified monthly limit, and will only be payable on the basis of the production of receipts from regulated care providers for additional caring costs incurred to enable Members to carry out their duties as Assembly Members.

5. Publication of disability and caring-related expenses

5.1. Section 2.4 of the Determination includes provision for Members to apply to the Remuneration Board for the payment of exceptional expenses which would not otherwise be payable under the Determination, provided that those expenses are necessarily incurred, or to be incurred, in connection with the performance of their role as a Member. This is currently the mechanism by which Members may access support in relation to disabilities or caring responsibilities.

5.2. The number of Members receiving exceptional expense payments and the total aggregated costs of such payments are published in the Board's annual report. Individual Members and claims are not identifiable. This reflects the fact that the circumstances which give rise to the claim may be confidential in nature and may need to be dealt with sensitively while also ensuring that appropriate governance arrangements are in place. The Board reviews exceptional expenses paid to Members regularly to ensure that the circumstances have not changed, and that its decisions on the appropriateness of the expenses remain valid and continue to provide value for money for the taxpayer.

Consideration of evidence

5.3. There is currently very low take up of the additional Residential Accommodation Expenditure allowance available to Members living in the outer area who have caring responsibilities for dependants who normally reside with them. Similarly, very few Members have made applications under the exceptional expenses provision for expenses relating to childcare or other caring responsibilities. It is possible that some Members may choose not to claim the support, despite being eligible to do so.

5.4. Respondents to Cardiff University's research on barriers and incentives for standing for election explained that the potential criticism for claiming childcare allowances could be a barrier:

One interviewee said that there needed to be a way of being able to claim expenses and support where it cannot be used as a political weapon. She said that at local authority level you can get support for child or family care and

nobody needs to know who claimed it. A local councillor echoed these statements, saying that she liked the fact that childcare costs do not show on personal expenses at her local authority because people did have 'stick for high expenses' even when that remuneration was required.¹³

Conclusions

5.5. As outlined in previous chapters of this consultation, the Board is proposing changes to the support available to Members in respect of their disabilities, and their childcare and other caring responsibilities. In making these proposals, the Board intends to encourage greater diversity in the legislature by removing barriers which might otherwise prevent people from putting themselves forward for election.

5.6. The Board is aware that take up of the current provision in the Determination to support Members with childcare or caring responsibilities is low. There is no specific evidence as to why Members may be reluctant to access the support to which they are legitimately entitled, however the potential publication of claims may be a factor.

5.7. Transparency on the use of public money is a key principle underpinning the Board's work. However, it also recognises the sensitivities of publishing claims relating to Members' caring responsibilities, including the potential implications for the privacy of Members' children or other dependants, and Members' right to privacy in respect of any disabilities they may have.

5.8. The Board is therefore proposing to publish only the aggregated total costs and number of Members claiming each of the following allowances:

- additional support for Members' with disabilities;
- additional support for childcare or caring responsibilities;
- the additional element of the Residential Accommodation Expenditure allowance available to Members living in the outer area whose dependants are normally resident with them in Cardiff.

¹³ Cardiff University Wales Governance Centre and London Metropolitan University Social Professions, **Unpacking diversity: barriers and incentives to standing for election to the National Assembly for Wales: a report commissioned by the Remuneration Board of the National Assembly for Wales**, July 2018, p.71.

5.9. To provide transparency, the aggregated totals and number of Members making claims will be published separately for each of the three allowances.

5.10. The Board believes that this approach to publication would reduce any concerns or stigma Members may feel about accessing the support they need. This would remove a potential barrier which could prevent people from standing for election, while still ensuring that there is clarity on the use of public funds.

Proposal 5. The Board would welcome your views on its proposal that, in order to remove a potential barrier that might otherwise deter Members from accessing support relating to their disabilities; childcare or other caring responsibilities; or additional Residential Accommodation Expenditure allowance relating to dependants normally resident with the Member in Cardiff, claims made in relation to these allowances should be published on an anonymised, aggregated basis for each allowance rather than being attributed to individual Members.

6. Leave for parents

6.1. There are currently no provisions in the Determination for Members who take any form of parental leave, whether maternity, paternity, shared parental or adoptive leave. Members are not entitled to the statutory leave and pay that would be offered to individuals in other forms of work. However, as Members are elected rather than employed, they do continue to receive their normal salary for the duration of any parental leave they choose to take. This includes any salary to which they are entitled as a result of any additional offices they hold.

6.2. Similarly, there are no formal arrangements in respect of Assembly business for Members to take maternity, paternity, shared parental or adoptive leave. It is possible that informal pairing arrangements may be agreed between political groups in respect of voting—although such arrangements are not guaranteed and may be limited in effect—but there is no provision to entitle any temporary office holders, for example a temporary committee chair, to receive the relevant office holder salary.

Consideration of evidence

6.3. In 2016, the Good Parliament report recommended the introduction of formal procedures for maternity, paternity, shared parental, adoptive and caring leave for MPs.¹⁴ To date, this recommendation has not been implemented. However, the issue of maternity leave for MPs has recently been highlighted by Stella Creasey MP. Writing in *The Guardian*, she criticised the lack of provision, stating that:

[IPSA] says it does not “recognise” that MPs go on maternity leave. Thus, it feels no responsibility to make provision for any paid cover for what we do outside the parliamentary chamber: the campaigns, constituency casework and municipal work that all MPs do. [...] Humiliatingly, it is making me beg for extra staff funding—or give up any chance of spending time with my child to make sure my constituents don’t miss out. If a GP or vicar were on leave, a locum would be provided to ensure continuity of community services. In Denmark a member of the national parliament would have a substitute MP appointed.¹⁵

¹⁴ Professor Sarah Childs, **The Good Parliament**, July 2016, p.20.

¹⁵ Stella Creasey MP, **“I’m pregnant and forced to choose between being an MP and a mum”**, *The Guardian*, 17 June 2019

6.4. IPSA responded to this issue by stating that while it is broadly supportive of maternity cover for MPs, this would be for the House of Commons to take forward. It reiterated that MPs continue to be paid in full when on maternity, paternity or adoptive leave, and that:

IPSA provides additional funding for all MPs' offices to cover absences. To provide MPs with extra money, IPSA asks for an explanation to be provided of how the additional money would be spent.¹⁶

6.5. In its report on the potential barriers and incentives for standing for election, Cardiff University considered the arrangements for parental leave in other European legislatures. It noted that:

Detailed provisions for parental leave (including maternity, paternity and adoption) can be found in Norway, Sweden, Latvia. In Norway, MPs can take up to 24 months, the first 12 months being covered by payments from National Insurance. In Slovenia, MPs are compensated with €140 per month if they are separated from their immediate family.¹⁷

6.6. Contributors to Cardiff University's report expressed concern about the effect of being an Assembly Member on family life. Participants in the focus groups which informed the report's findings observed that Members' work-life balance can be negatively affected because Members are "never off duty".¹⁸

Conclusions

6.7. The Board is supportive in principle of removing potential barriers which might otherwise prevent parents, or people planning a family, from standing for election to the Assembly. In the absence of a formalised system for supporting different types of parental leave, any Member currently wishing to access support would be able to make an application under the exceptional expense provision in section 2.4 of the Determination.

¹⁶ IPSA, **Press release: maternity pay and cover for MPs**, 18 June 2019

¹⁷ Cardiff University Wales Governance Centre and London Metropolitan University Social Professions, **Unpacking diversity: barriers and incentives to standing for election to the National Assembly for Wales: a report commissioned by the Remuneration Board of the National Assembly for Wales**, July 2018, p.33.

¹⁸ Cardiff University Wales Governance Centre and London Metropolitan University Social Professions, **Unpacking diversity: barriers and incentives to standing for election to the National Assembly for Wales: a report commissioned by the Remuneration Board of the National Assembly for Wales**, July 2018, p.68.

6.8. However, the Board recognises that parenthood and associated need for parental leave are predictable and normal aspects of a diverse and modern Assembly, and, in the majority of cases, are something for which Members can reasonably be expected to plan in advance. Therefore, it is anomalous that any expenses arising in relation to any form of parental leave should be treated, by default, as exceptional.

6.9. The issue of parental leave for Assembly Members is a complex area, where it is unlikely that a 'one size fits all' approach will be sufficient. In addition, some of the potential barriers lie not within the Board's remit, but within the responsibility of the Assembly's Business Committee and the political groups within the Assembly. Nevertheless, the Board is clear that if any provision were to be made in the Determination, it would need to be subject to robust governance procedures, for example by requiring Members to clearly demonstrate the needs arising from their period of parental leave and how any financial support would be used to meet those needs.

6.10. The Board has not yet reached any conclusions as to whether any additional provision should be made available to Members who choose to take some form of parental leave. Further consideration is needed as to whether the current arrangements are working effectively, whether they give rise to any potential barriers which might prevent people from standing for election, and, if so, how those barriers might be addressed.

Proposal 6. The Board would welcome your views on whether the current arrangements in place for Members who wish to take some form of parental leave give rise to any potential barriers, and if so, how those barriers might be addressed.

7. Equality

7.1. As outlined in its strategy for 2016-2021, one of the Board's priorities is to gain a better understanding of the incentives for and barriers to standing for election to the Assembly. As such the Board wants to ensure that the Determination for the Sixth Assembly enables and supports as diverse a range of candidates as possible to become Assembly Members.

7.2. To inform its equality impact assessment on the Determination for the Sixth Assembly, the Board would welcome any views you may have on:

- whether the proposals outlined in this document could have any implications for people who identify with any protected characteristics;
- whether the issues you have raised in response to this consultation could have an impact or potential impact on people who identify with protected characteristics as defined under the Equality Act 2010.

7.3. Please note the protected characteristics as defined under the Equality Act 2010 are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.