



Eich cyf/Your ref: MA-P/JJ/1834/19

John Griffiths AM / AC
Chair, Equality, Local Government and Communities Committee
National Assembly for Wales

23 May 2019

Dear John

Written Response by the Welsh Government to the report of the Equality, Local Government and Communities Committee entitled Diversity in Local Government - April 2019

Thank you to the Committee for their valuable work in this important area of Diversity in Local Government. The Committee's consideration of the oral and written evidence presented before them has produced a helpful report and recommendations.

The Welsh Government is committed to increasing diversity within elected office and enabling individuals who wish to stand for election within their communities to do so

Your report focusses on a number of important issues, including remote attendance, job-share arrangements and support to assist disabled individuals to run for elected office. These are areas where work is already underway, but there are always further steps which can be taken to improve opportunities for individuals.

In addition to the areas highlighted in the report, we should acknowledge that measures have already been taken to support diversity. Wales was the first in the UK to make legislative provision for family absence for elected members to address some of the barriers to participation in local government for councillors who may have family responsibilities. We intend to update these arrangements in the Local Government and Elections Bill.

The evaluation of our Diversity in Democracy Programme will inform the next phase of this project, which I will be able to say more about later this year. It will be important, as part of that work to be clear about how we can pull together research from a range of projects / reports - including your recent report - to identify areas for action.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Gohebiaeth.Julie.James@llyw.cymru
Correspondence.Julie.James@gov.Wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

As part of this work we will want to be clear about which issues are common to individuals participating at different levels of local government i.e. town, community and principal councils and where issues are specific to a particular level.

We will also want to be clear about what steps can be taken to assist individuals across the broader spectrum of protected characteristics.

We want to work with stakeholders and partners to ensure a collaborative approach which achieves further progress in this area.

Yours sincerely

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

Julie James AC/AM

Y Gweinidog Tai a Llywodraeth Leol
Minister for Housing and Local Government

Detailed Responses to the report's recommendations are set out below:

Recommendation 1

The Committee recommends that:

The Welsh Government, in its forthcoming local government bill, includes provisions to relax the restrictions on members' remote attendance and voting at formal council meetings set out in the Local Government (Wales) Measure 2011 to enable local authorities to trial the use of video communication methods.

Response: Accept

The Welsh Government is committed to providing local authorities with greater freedom to make arrangements to support individuals who, due to a range of circumstances, are not able to contribute fully to discussion and decision making in person at formal council meetings.

We have previously indicated that provisions will be introduced in the forthcoming Local Government and Elections (Wales) Bill to amend the remote attendance sections in the Local Government (Wales) Measure 2011 to simplify their use.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets

Recommendation 2

The Committee recommends that:

The Welsh Government works with the Welsh Local Government Association to identify three local authority areas to trial the use of video communication methods to facilitate participation by remote attendance at council meetings.

Response: Accept

Change is often an iterative process and it is important that lessons are learned about what works well, what works less well and how challenges are overcome. The Welsh Government welcomes the opportunity to work with the Welsh Local Government Association and local authorities to identify a number of areas to trial new approaches. Once these pathfinders are identified we will work in partnership with stakeholders to identify whether there are any further steps which the Welsh Government can take to address barriers to progress.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets

Recommendation 3

The Committee recommends that:

The Welsh Government promotes expanding job sharing opportunities between two individuals for executive members of local authorities, as has been undertaken successfully in Swansea Council.

Response: Accept

Recommendation 4

The Committee recommends that:

The Welsh Government explore the feasibility of enabling job sharing between two individuals for non-executive members of local authorities and include provisions to enable this in its forthcoming local government bill.

Response: Accept in Principle

Response to Recommendations 3 and 4

The Welsh Government recognises the clear benefits job sharing arrangements can bring to facilitating greater opportunities for individuals to increase diversity in democracy. The key to success in this area is being clear about how the arrangements operate to maximise the benefits of this approach for both the local authority and the individual job sharers.

There are two distinct issues, the first of which is job sharing arrangements for members post election. Job sharing for executive members will enable greater diversity in leadership positions in local authorities and the forthcoming Local Government and Elections (Wales) Bill will therefore include provisions to facilitate job sharing arrangements for members of council executives and leaders. We will also consider what arrangements could be put in place to facilitate job sharing in non executive member roles such as committee chairs.

On the separate issue of job sharing arrangements for non executive members on election. This is not an issue upon which we have consulted the public and it has wide ranging implications for how electors are represented and their relationship with those representatives. There is not sufficient time to explore and research this prior to the introduction of the Local Government and Elections Bill later this year. We will, however, consider this issue as a part of the next phase of our Diversity in Democracy programme.

Financial Implications – None. Any additional costs associated with considering the separate issue of job sharing on election will be drawn from existing programme budgets

Recommendation 5

The Committee recommends that:

The Welsh Government evaluates the work being done by the Welsh Local Government Association to raise awareness among public sector organisations of the benefits of employees undertaking civic duties. Should such an evaluation prove that this work is successful, consideration should be given to how it could be rolled out to private sector businesses.

Response: Accept

It is important that organisations not only recognise the value in supporting individuals to participate in civic duties but that they demonstrate this by removing barriers to participation. For example where possible by enabling individuals to undertake activities within the work environment. This will be increasingly important as part of an approach to maximise remote attendance at meetings. We welcome the work of the Welsh Local Government Association in this area and will work with them to consider how we might take this work forward.

The potential benefits to personal growth and development for individuals who are elected are significant and often have a positive influence and impact on individuals outside of their council roles.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets

Recommendation 6

The Committee recommends that:

The Welsh Government and the Welsh Local Government Association start work on a positive campaign to increase diversity among candidates standing for local government elections by summer 2019.

Response: Accept

As part of taking forward the Welsh Government Programme, Diversity in Democracy, we will be working with partners to identify the scope and components of a campaign to increase diversity among candidates standing for local government elections. For a campaign to be effective it will require all partners to work together.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets

Recommendation 7

The Committee recommends that:

The Welsh Government updates its statutory guidance on training and development to specify that support for members on maintaining a positive work / life balance should be included in the induction programme.

Response: Accept

It is vital that elected members receive support in their roles, especially when they are newly elected. The role individuals undertake during their term(s) of office will also have an impact of the level of training, awareness and support they require. There is already a considerable amount of support offered to elected members by a range of organisations. It will be important, going forward, to ensure these opportunities compliment each other and focus on, not only the knowledge and skills required for the role but importantly support individuals to recognise and manage this with the important aspects of life outside of their elected member role. The Welsh Government will work with local government and the WLGA to identify improvements which can be made to the current statutory guidance.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets

Recommendation 8

The Committee recommends that:

The Welsh Government makes it clear to local authorities that members should not be required to publish their home addresses on the authority's website.

Response: Accept

As part of our consultation *Electoral Reform in local government in Wales* in 2017, the Welsh Government sought views on removing the need for candidates in local government elections in Wales to publish their home addresses. We intend to make legislative provision to remove the requirement to publish addresses (local government and Assembly elections). We will also make legislative provision to require local authorities to publish the official address of its elected members rather than their home address.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets

Recommendation 9

The Committee recommends that:

The Welsh Government, in partnership with the Welsh Local Government Association and the Electoral Commission, urgently addresses deficiencies in guidance for elected representatives, candidates and prospective candidates on what does and does not constitute acceptable behaviour on social media.

Response: Accept

There are already several pieces of guidance available in this area but we will discuss with the WLGA and the Electoral Commission what more might be done in this area. In addition, the Welsh Government supports the principles set out in the UK Government's consultation Protecting the Debate: Intimidation, Influence and Information to consider the creation of a new electoral offence in relation to intimidation, providing clarity around the issue of undue influence and requiring digital footprints to be assigned to campaign materials.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets

Recommendation 10

The Committee recommends that:

The Welsh Government and local authorities review the robustness of support mechanisms for members experiencing online abuse, harassment or bullying and implement changes to strengthen this support.

Response: Accept

The evidence to the Committee acknowledged the guidance issued by the Welsh Local Government Association about this important matter which is of significant concern to both prospective and existing members. Following the recommendation by the Committee for Standards in Public Life, the National Police Chiefs' Council, the Electoral Commission, the College of Policing and the Crown Prosecution Service have jointly developed guidance about behaviour which candidates in elections may experience during a campaign which is likely to constitute a criminal offence.

The Welsh Government is happy to work with local authorities and the Welsh Local Government Association to consider what additional measures are required to support individual members.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets

Recommendation 11

The Committee recommends that:

We condemn the action of social media companies in dealing with online abuse and recommend that the Welsh Government presses the UK Government to ensure strong and robust legislation to tackle social media abuse.

Response – Accept

Good, robust and respectful debate must be a part of our democracy and ensuring a healthy debate which encourages free exchange of views is a fundamental aspect of how solutions to issues are progressed. However this exchange should not be mistaken for an opportunity for individuals to abuse those who hold different and sometimes opposing view. This is not acceptable and the Welsh Government will take whatever steps it can to stand against this behaviour and support those who choose to undertake, not only local council roles, but all individuals who choose to participate in public life. We will write to the UK Government on this matter and raise it in our regular discussions with UK Ministers on electoral matters.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets

Recommendation 12

The Committee recommends that:

The Welsh Government seeks to ensure consistency in the implementation of local authorities' codes on conduct by issuing guidance on their enforcement.

Response : Accept in Principle

The Local Elections (Declaration of Acceptance of Office) (Wales) Order made under the Local Government Act 1972 sets out a framework to promote consistent standards of appropriate conduct in local government. Under the Act, a person must give a written undertaking to observe their authority's code of conduct before they may act as a member. The undertaking forms part of the statutory declaration of acceptance of office.

The functions of a local authority's standards committee are to promote and maintain high standards of conduct by members and to assist members to observe their authority's code of conduct. More specifically, a standards committee is required to monitor the operation of the authority's code and to provide advice and training for members on the code. Training on the code of conduct forms part of induction training for newly elected members and ongoing training programmes for returning members. Monitoring officers provide day-to-day support to standards committees and advice to members on the code of conduct.

The Public Services Ombudsman for Wales has issued statutory guidance to assist members (and monitoring officers) in understanding their obligations under the code. The Ombudsman also publishes examples of actual cases of alleged breaches of the code considered by his office, in the 'Code of Conduct Casebook'.

The Welsh Government supports the underlying intention of Recommendation 12 in seeking to promote high standards of conduct. Building on the existing standards framework, the Local Government and Elections Bill will include provision requiring leaders of political groups to promote high standards of conduct within their groups, working with and supported by an authority's standards committee. The Bill will also require standards committees to publish an annual report on standards of conduct within their authority and this must include how group leaders have complied with their duties under the legislative provisions set out above. . Councils will be required to consider the report and any recommendations, thereby ensuring that members collectively consider standards of conduct within an authority at regular intervals.

Financial Implications – None. Any additional costs associated with bringing forward provisions within the Bill will be drawn from existing programme budgets

Recommendation 13

The Committee recommends that:

The Welsh Government encourage local authorities to adopt a consistent approach to reporting on the cost of care allowance claimed by councillors, by reporting this on a collective basis per allowance rather than detailing each allowance claimed by individual members.

Response: Accept

The Welsh Government is concerned that individuals choosing to represent individual communities are electing not to claim for reimbursement of expenses which assist them in undertaking their role. The purpose of introducing the cost of care allowance was to enable individuals to make arrangements for family members to be cared for while they undertook activities to support their communities. While not against the approach proposed it will be important to discuss this approach with the Information Commissioner to establish their view. It is also important that local authorities challenge, where possible, the view that members should not be entitled to this kind of support. Everyone has a duty to promote the value of elected members and the contribution they make on behalf of society and it must be

recognised that without this type of support many would not be able to consider standing for elected office.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets

Recommendation 14

The Committee recommends that:

The Welsh Government requires local authorities to collect information on the number of current councillors eligible to claim the care allowance and how many do so.

Response: Reject

It is important that local authorities make every effort to ensure individuals understand what support they are entitled to. However, in order to establish whether individuals are eligible to make claims, local authorities would require each elected member to identify how they met the criteria, even in cases where the member had no intention to make a claim. There is a balance to be struck here between encouraging individuals to apply and respecting an individual's preferences for their personal arrangements.

The Welsh Government will ask the Independent Remuneration Panel for Wales to consider this matter further.

Financial Implications – None. Any additional costs associated with the request for the Independent Remuneration Panel for Wales to consider this matter will be drawn from existing programme budgets

Recommendation 15

The Committee recommends that:

The Welsh Government commissions a review of all publicly funded mentoring programmes to assess their effectiveness, including value for money

Response: Accept in Principle

There have already been evaluations of several mentoring schemes, including the Welsh Government's Diversity in Democracy scheme. There are undoubtedly lessons to be learned from these evaluations and they will be considered as we move forward with the next phase of the Diversity in Democracy programme.

Financial Implications – None. Any additional costs associated with considering lessons learned through the Diversity in Democracy programme will be drawn from existing programme budgets

Recommendation 16

The Committee recommends that:

The Welsh Government, following an evaluation of publicly funded programmes, looks at the possibility of establishing a national leadership programme, building on the experience of Chwarae Teg Women's Equality Network and others to encourage more people from under-represented groups standing for election

Response: Accept

The possibility of a national leadership programme will be considered as one of the options to take forward the next phase of Diversity in Democracy programme.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets

Recommendation 17

The Committee recommends that:

In the forthcoming local government bill, the Welsh Government includes provisions to roll out an adequate level of political education across schools in Wales. Young people from the ages of 14 and 15 should receive this education, particularly should proposals to extend voting rights to 16 and 17 year olds be implemented. This programme of political awareness should be accompanied by clear lesson plans to empower teachers to deliver the lessons.

Response: Accept in Principle

While we do not intend to legislate specifically to include provision for political education in the Local Government and Elections (Wales) Bill; we are working with stakeholders and partners to introduce educational material for those who are newly enfranchised along with communication strategies to raise awareness in preparation for National Assembly elections in 2021 and the local government elections in 2022. This will include development of resources for schools to use with their learners. There are a number of opportunities in the current curriculum to support this, including via the 'Active Citizenship' theme in the existing PSE framework, one of the challenges within the Welsh Baccalaureate framework. In the new curriculum, there will be opportunities to include this area in the Humanities Area of Learning.

In both cases the primary focus for schools is to prepare 16 and 17 year olds to vote. This material will include information on the democratic structures and franchises in Wales, the importance of taking part in democracy as well as information on how to register to vote.

Financial Implications – None. Any additional costs associated with the work set out in the paragraphs above will be drawn from existing programme budgets

Recommendation 18

The Committee recommends that:

The recommendation made by ERS Cymru that a national mock election for young people which should be held at the same time as Assembly elections. We recommend that the Welsh Government considers how this can be implemented.

Response: Reject

The Welsh Government welcomes the idea of individuals participating in mock elections to support learning around the democratic process. There are already a range of activities being undertaken across Wales to support young people to understand the importance of elections to them as individuals and the communities they live in. These activities include elections to the National Assembly's Youth Parliament where the election leads to representation and debate on the issues which affect young people in Wales showing young people how their vote has made a difference in the longer term. As we move forward with extending the franchise in devolved Welsh elections these existing activities will be coordinated, harnessed and supplemented through a Welsh Government led stakeholder group. They will be combined with the education and awareness raising work we will be supporting schools to undertake. We believe this continuous and wide ranging work aimed at capturing all of our young people will have a greater impact than a one off event.

Financial Implications – None. There will be no costs associated with the mock trials as this recommendation is rejected. For costs associated with education materials see financial paragraph at recommendation 17.

Recommendation 19

The Committee recommends that:

As a matter of priority, the Welsh Government establishes an Access to Elected Office fund in Wales to assist disabled individuals run for elected office. The possibility of extending such a fund to support other under-represented groups should also be explored.

Response: Accept

The Welsh Government is committed to introducing a scheme in Wales, which will be taken forward as part of phase 2 of the Diversity in Democracy Project.

Financial Implications – None. Any additional costs associated with the scoping and introduction of this scheme will be drawn from existing programme budgets

Recommendation 20

The Committee recommends that:

The Welsh Government makes representation to the UK Government in favour of extending the Sunset Clause in the Sex Discrimination (Election Candidates) Act 2002 be extended to 2050 to allow the continuation of all-women shortlists.

Response: Accept

The Welsh Government will write to the UK Government on this issue.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets

Recommendation 21

The Committee recommends that:

The Welsh Government make representations to the UK Government regarding the enactment of Section 106 of the Equality Act 2010.

Response: Accept

Financial Implications – None. Any additional costs will be drawn from existing programme budgets

Recommendation 22

The Committee recommends that:

The Welsh Government assess the effectiveness of the provisions in the Local Government (Wales) Measure 2011 in relation to data collection, and in relation to other candidate data that could be collected within the current devolution framework.

Response: Accept

Recommendations 21 and 22

In addition to making representation to the UK Government, we will consider whether there are opportunities to collect equality data in respect of election candidates through existing Welsh legislation.

Financial Implications – None. Any additional costs will be drawn from existing programme budgets