



Welsh Government
Consultation Document

Arrangements for the Access to Elected Office fund

Consultation on the introduction of a fund to assist disabled people to
stand for elected office in Wales

Date of issue: 11 November 2020
Action required: 20 January 2021

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Overview	The establishment of a fund to support disabled candidates with the additional costs associated with seeking elected office.
How to respond	<p>You can respond to this consultation by completing and returning the consultation response form at the back of this document. The response should be sent to:</p> <p>Local Government Democracy Team Welsh Government Cathays Park Cardiff CF10 3NQ</p> <p>Or email: LGD.DemocracyDiversityRemuneration@gov.wales</p> <p>Or by completing an online form</p>
Further information and related documents	Large print, Braille and alternative language versions of this document are available on request.
Also available in Welsh at:	https://llyw.cymru/mynediad-gronfa-sefyll-mewn-etholiad

General Data Protection Regulation (GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ

e-mail:

Data.ProtectionOfficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745 or
0303 123 1113

Website: <https://ico.org.uk/>

Background

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

The 'On Balance Report' commissioned by the then Minister for Local Government, Lesley Griffiths in 2014 recommended the Welsh Government study the evaluation of the Access to Elected Office project operated by the UK Government and consider operating a similar scheme for the 2017 local government elections in Wales.

Setting up the fund was one of the areas looked at as part of the Diversity in Democracy Project, which ran from 2014 to 2016, but unfortunately a number of complex issues meant it was not possible to establish a fund for the 2017 local government elections.

The Social Model of Disability was first adopted by The National Assembly in 2002, making Wales one of the first countries in the world to do so. The publication of the Welsh Government's Action on Disability: the Right to Independent Living in September 2019 signalled a renewed commitment to the model. Our aim is to embed the model visibly and effectively across all areas of work, including as an employer, and to encourage Welsh public services and other agencies to do the same.

The Social Model makes an important distinction between 'impairment' and 'disability'. It recognises that people with impairments are disabled by barriers that commonly exist in society. These barriers include negative attitudes, and physical and organisational barriers, which can prevent disabled people's inclusion and participation in all walks of life.

The need for change

The actions of the Welsh Government must be compatible with international obligations, as set out in section 82 of the Government of Wales Act 2006, including the UN Convention on the Rights of Persons with Disabilities¹(UNCRPD). The Social Model of Disability is well-established and enshrined in the UNCRPD. The UNCRPD is an international treaty which promotes, protects and ensures the full and equal enjoyment of all human rights by disabled people. The articles of the Convention cover a wide range of areas including accessibility, independent living, education, health, and work and employment. With regard to independent living, Article 19 (Living independently and being included in the community) includes reference to:

- Disabled people having an equal right to live in and take part in the community.
- Disabled people having the right to the same choice and control as non-disabled people.

¹ <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

Creating a more equal Wales, where everyone has the opportunity to participate, reach their full potential and is able to contribute fully to the economy, will enable Wales to be more prosperous and innovative.

Current level of representation

Section one of the Local Government (Wales) measure requires local authorities to conduct a survey of candidates who have stood for election, as councillors, at ordinary elections to principal and community councils in Wales. The survey is intended to cover various issues and help inform policy makers about the success or otherwise of initiatives to encourage a wider range of people to stand for election to councils. The survey questions, the survey form and the manner of collating the information is set out in regulations made by the Welsh Ministers. Any arrangements put in place must ensure that councillors and candidates are able to provide the information anonymously, however, councillors and candidates are under no obligation to respond to the survey.

The 2013 survey of candidates and councillors showed the majority of councillors in Wales to be over 60, just under three quarters to be male, 99% white and only 31% in full or part time employment. Overall, the response rate was 35%. This ranged from 12% in Cardiff to 66% in Flintshire. When the survey was completed in 2017, the overall response rate reduced from 35% in 2012 to just under 20%. In addition, some of these responses included incomplete diversity data.

In Wales, there are 1251 councillors elected to 22 Local Authorities. Whilst statistics in relation to the number of disabled councillors are not collected it is thought that disabled people are underrepresented across local authorities in Wales.

This is not only the case for Local Government elections. There is currently no requirement to collect or publish information about the diversity of candidates for Senedd elections, although parties could do so voluntarily if they wished. Similarly, there is no formal equality monitoring of Members of the Senedd. The ONS [estimates](#) that around 22% of the population in Wales is disabled, which would suggest elected representation should be in the region of 13 Members of the Senedd to be representative.

Current arrangements for expenses for candidates standing for election.

There is a limit set out in legislation on the amount candidates at an election can spend on their election campaign. Candidates are required to submit details of election expenses to the Electoral Commission, which is required by law, to monitor the compliance of candidates and agents with rules on candidates' election spending and donations.

Candidate spending includes any expenses incurred, whether on goods, services, property or facilities, for the purposes of the candidate's election during what is known as the regulated period.

Changes being made to exempt impairment -related expenses from candidates spending limits

The Representation of the People (Election Expenses Exclusion) (Wales) (Amendment) Order 2020, which is expected to come into force in November 2020, will make provision for expenses related to a candidates' disability to be exempt from a candidates spending limits for candidates at both Senedd and local government elections. During the development of these regulations it was agreed that the definition of disability to be used would be the one contained in section 6 of The Equality Act 2010. This defines disability as:

(1) A person (P) has a disability if—(a) P has a physical or mental impairment, and (b) the impairment has a substantial and long-term adverse effect on P's ability to carry out normal day-to-day activities.

Using this definition from the Equality Act 2010 will ensure consistency with other legislation.

The Pilot Arrangements

Welsh Ministers have agreed to establish a fund, which for the purposes of this consultation document will be known as the Access to Elected Office Fund Wales (AEOFW)

The fund will be established on a pilot basis in the first instance and will support candidates standing for election in the May 2021 Senedd and May 2022 local government elections. It is designed to support individuals who have been accepted as candidates for the purpose of one of the elections specified in the pilot.

These arrangements will include

- An advice service to encourage and support disabled people to seek elected office and to provide assistance in identifying specific tailored support;
- Financial support to assist candidates to meet the additional support costs necessary to take part in the election;

The administration of the fund and management of allocations made available to support disabled candidates will be undertaken by Disability Wales.

An evaluation of the arrangements will be undertaken following the Senedd and local government elections and will be submitted by December 2022 to the Welsh Government. This will inform the development of a long term scheme designed to increase disabled representation at all levels of government in Wales.

Type of support available through the fund

It is not possible to set out the totality of the support which would be available through this fund. This is because the nature of the support required by individuals will vary significantly depending on the barriers they face as a Deaf or disabled person. We would want the support to include, but not be limited to:

- Transport support
- Specialist equipment such as screen reader software
- British Sign Language interpretation

- The transcription of campaign material into alternative formats
- Taxi fares.
- Personal assistant

How the arrangements are expected to operate

Disability Wales will recruit an Access to Elected Office Fund Co-ordinator to promote and deliver the scheme and appoint an Advisory Board to oversee it and make decisions about applications. The independent Board will consist of disabled people with a wide range of knowledge and experience of civic participation and disabling barriers in society including in relation to standing for elected office. The Board will approve criteria for applying to the fund in line with regulations and will make decisions on individual applications to the fund. The Co-ordinator will promote the scheme widely and advise candidates on the scope of the scheme and the application process.

Consideration of issues

The remainder of this paper sets out key elements of the pilot arrangements upon which Welsh Ministers would welcome your views.

Eligibility Criteria – Every fund requires a set of criteria which individuals must meet to enable them to benefit from the fund. The criteria proposed for this fund is threefold and requires that all applicants:

- must be eligible to be a candidate in the election in question. The qualifying conditions will be set out in the relevant election regulations
- must have registered as a candidate for the election in question – the detailed arrangements for qualifying as a candidate for election will be set out in the arrangements relating to the specific election for which an individual seeks to be a candidate. It will include timescales for completion of the nomination process within the regulated period for that election.

The third criteria is about the individual seeking election and whether or not they fit within the definition of disability contained within section 6 of the Equality Act 2010. There are two ways in which the arrangements for administering the fund could manage this element of the criteria. The first would be for the individual to be required to submit official proof of their impairment this would for example require the individual to provide medical proof of being disabled. . This could result in individuals deciding not to apply to the fund as they do not have medical proof but feel they meet the definition set out in the Equality Act 2010.

An alternative approach would be to allow an individual to self-define as a disabled person. Any decision to operate on a self-defining basis will need to ensure the application process is sufficient to avoid abuse of the system by those not eligible to apply.

Welsh Ministers want to encourage as many individuals to access the fund as is possible.

Q1. On what basis do you consider the fund should operate?

- **Medical proof of impairment**
- **Self – define as disabled**

Limitation on allocations per applicant– There are many ways in which individuals are limited by disabling barriers in society and depending on their specific impairments or condition, each person is likely to need very different support. These will range from assistance with taxi fares, to specialist equipment such as screen reader software to British Sign Language interpretation for Deaf candidates. It is therefore difficult to suggest an appropriate limit to the level of support each candidate should be able to receive. On this basis it is suggested there be no limitation on the level of support each individual applicant to the fund should receive.

Q2. Do you agree there should be no limit placed upon the amount each applicant is able to receive from the fund?

Management of funds – It is expected that many applicants to the fund will not have stood for election in the past and may therefore be faced with a range of responsibilities that are new to them. One way they could be supported is for Disability Wales to manage the practical (transactional) element of the allocations made to each applicant, by processing payments or purchasing specialist equipment for applicants. This would enable Disability Wales to maintain an oversight of expenditure and support the individuals. Any arrangements of this nature would need to be based upon agreement with the applicant. Where an applicant does not want to operate on this basis, then the applicant would receive a funding allocation and would be responsible for managing it themselves.

Q3. Do you agree Disability Wales should provide a financial support service for applicants?

Cessation of support at point of election – this fund is designed to support individuals to stand for election. It is anticipated this fund would cease to exist immediately following the outcome of the election being announced. This is based upon the fact that following the elections, individuals are no longer candidates and therefore do not meet the requirements of the fund.

Q4. Do you agree applicants should cease to receive support from this fund, once the outcome of the election to the seat they contested is known?

Withdrawal of candidacy – It is possible, during the election campaign a candidate may choose to withdraw their candidacy. It may be that for the time they had been campaigning in the election they had received support from the fund. There are many things that happen in life, for example bereavement, ill health and family crisis to name a few. In many cases these will happen through no fault of the individuals themselves. In some cases it may cause personal hardship to require funding to be recovered and / or equipment returned. It is likely that the circumstances would need to be considered on an individual basis and decisions made on the basis of the information available at the time.

Q5. Do you agree that where an individual has had to withdraw their candidacy, decisions about recovery of funds already allocated should be considered on an individual basis?

Name of fund - For the purpose of this consultation document the fund is known as the Access to Elected Office Fund. Views are welcomed about whether this should remain the name of the fund or whether there are alternatives to consider.

Q6. Do you think the name of the fund should remain Access to Elected Office Fund? If not do you have an alternative suggestion?

Q7 Do you have any additional comments / observations about the proposals in this document?

**Consultation
Response Form**

Your name:

Organisation (if applicable):

email / telephone number:

Your address:

Online Questionnaire

Q1 On what basis do you consider the fund should operate?

- **Medical proof of impairment**
- **Self – define as a disabled person**

Please provide additional comments

Q2 Do you agree there should be no limit placed upon the amount each applicant is able to receive from the fund?

Please provide additional comments

Q3 Do you agree Disability Wales should provide a financial support service for applicants?

Please provide additional comments

Q4 Do you agree applicants should cease to receive support from this fund, once the outcome of the election to the seat they contested is known?

Please provide additional comments

Q5 Do you agree that where an individual has had to withdraw their candidacy, decisions about recovery of funds already allocated should be considered on an individual basis?

Please provide additional comments

Q6 Do you think the name of the fund should remain Access to Elected Office Fund?

Yes / No

Please provide details of alternative suggestions in the box provided.

Q7 Do you have any additional comments / observations about the proposals in this document? If so please enter the details in the box provided below.