



## Report of the Head of Democratic Services

Special Democratic Services Committee - 6 November 2019

### Reimbursement of Costs of Care

<b>Purpose:</b>	To promote the Independent Remuneration Panel for Wales' (IRPW) determination in relation to the Reimbursement of Costs of Care and to encourage take up of the reimbursement by presenting this report to Council.
<b>Policy Framework:</b>	None.
<b>Consultation:</b>	Access to Services, Finance, Legal.
<b>Recommendation(s):</b>	It is recommended that:  1) The report be noted;  2) The report be submitted to Council for information.
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<b>Legal Officer:</b>	Tracey Meredith
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#### 1. Introduction

- 1.1 The Independent Remuneration Panel for Wales (IRPW) is tasked with setting the remuneration levels for Councils in Wales. Their latest Annual Report 2019-2020 may be viewed at <https://gov.wales/independent-remuneration-panel-wales-annual-report-2019-2020>.
- 1.2 Since the inception of the IRPW in January 2008 and each of its Annual Reports there has been a Section relating to Care, aiming to assist Councillors and Co-opted Members with any caring responsibilities in order to enable them to carry out their Council related duties.

## **2. Diversity in Democracy**

- 2.1 The Head of Democratic Services was the Officer Representative on the Welsh Government's "Diversity in Democracy Steering Group". That Group worked tirelessly to try and encourage more diverse candidates from a variety of backgrounds to stand in the May 2017 Local Government Elections with the aim of having candidates that were more representative of the community.
- 2.2 The Head of Democratic Services and Councillor M Sherwood sit on the Welsh Local Government Association (WLGA) Working Group on Diversity in Local Democracy. The aim being similar to the above with the target being the Local Elections in May 2022.
- 2.3 The Reimbursement of Costs of Care will assist those Councillors and Co-opted Members with caring responsibilities. This in turn may help to increase diversity in democracy by encouraging people to stand as candidates as the caring responsibility barrier is removed.
- 2.4 The IRPW believe that *"Democracy is strengthened when the membership of Local Authorities adequately reflects the demographic and cultural make-up of the communities such Authorities serve. The Panel will always take in to account the contribution its Framework can make in encouraging the participation of those who are significantly under-represented at Local Authority level."*
- 2.5 The IRPW has continued to contribute to enhancing Diversity in Local Government in Wales through its determinations. They produced a leaflet for prospective candidates on the Remuneration of Members of Councils. This may be viewed at <https://gov.wales/payments-elected-members/principal-councils>.
- 2.6 The IRPW have also produced a short video entitled [Ever thought about being a Welsh councillor?](#) This may be viewed at <https://www.youtube.com/watch?v=h3o0eKrX2Ds&feature=youtu.be>

## **3. What is the Reimbursement of Costs of Care?**

- 3.1 Local Authorities must provide for the payment to Councillors and Co-opted Members of an Authority the reimbursement in respect of such expenses of arranging the care of children or dependants or for the individual member as are necessarily incurred in carrying out official business as a Councillor or Co-opted Member of that Authority.
- 3.2 Councillors and Co-opted Members are entitled to reimbursement of their care costs, up to the maximum of £403 per month, for activities that the individual council has designated official business or an approved duty which might include preparation and travelling time. It is a matter for individual authorities to determine specific arrangements to implement this.

- 3.3 **Appendix A** sets out an extract from Section 10 “Reimbursement of Costs of Care” of the IRPW Annual Report 2019-2020.
- 3.4 **Appendix B** sets out an extract from Annex 2 “Wales (IRPW) Regulations - Allowances - Costs of Care of Care” of the IRPW Annual Report 2019-2020
- 3.5 The Head of Democratic Services has designed a Reimbursement of Costs of Care “Claim Form” and a “Receipt” which are aimed at making the process simpler for Councillors and Co-opted Members. These forms are available on request from the Democratic Services Team.

#### **4. Take up of the Reimbursement of Costs of Care?**

- 4.1 During a number of recent visits to Local Authorities, the IRPW found that very few Councillors / Co-opted Members were utilising the Reimbursement of Costs of Care provision in their Annual Reports. The IRPW believe that many are reluctant to claim all they are entitled to support them in their Council role, because of concerns about the adverse publicity this can attract.
- 4.2 Swansea Council has the highest number of Councillors / Co-opted Members in Wales that have claimed; however this is still a small number, less than 5% of those eligible to claim. It is interesting to note that in Swansea, only those with childcare responsibilities have claimed. The Authority needs to promote this provision so that those with caring responsibilities for other dependents such as the elderly are encouraged to claim.
- 4.3 The IRPW’s publication requirement allows each Local Authority to decide whether to publish the total amounts paid out under the Reimbursement of Costs of Care provisions or to publish the amounts claimed by each individual under the provision. This Authority has always opted for the latter but has robustly rebuked any adverse publicity against any individual that has claimed.
- 4.4 It is important to note that the IRPW’s Draft Annual Report 2020-2021 which is currently out for consultation, has amended their publication requirement and states that the amount should not be published against an individual and only for the Authority as a whole.

#### **5. Role of the Democratic Services Committee**

- 5.1 The IRPW has urged each Democratic Services Committee to take steps to encourage and facilitate greater use of the Reimbursement of Costs of Care provision so that Councillors / Co-opted Members are not financially disadvantaged.
- 5.2 It is proposed that the Democratic Services Committee and the Head of Democratic Services promote the Reimbursement of Costs of Care provision throughout the Authority. This work should begin with this report being presented to Council for information.

## **6. Equality and Engagement Implications**

6.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

6.2 There are no equality implications in relation to this report.

## **7. Financial Implications**

7.1 Providing a Councillor / Co-opted Member meets the requirement to claim for the Reimbursement of Costs of Care, they are entitled to a payment not exceeding £403 per month. The total theoretical financial cost should all 80 claim (72 Councillors and 8 Statutory Co-opted Member) equates to £32,240 per month. However, this is highly unlikely as there are very few people that would be eligible for such a payment and history has shown that those that have claimed, do not claim the maximum monthly amount permitted.

## **8. Legal Implications**

8.1 There are no specific legal implications associated with this report.

**Background Papers:** None.

### **Appendices:**

Appendix A	Extract from Section 10 "Reimbursement of Costs of Care" of the IRPW Annual Report 2019-2020
Appendix B	Extract from Annex 2 "Wales (IRPW) Regulations - Allowances - Costs of Care of Care" of the IRPW Annual Report 2019-2020

**Extract from Section 10 “Reimbursement of Costs of Care” of the IRPW  
Annual Report 2019-2020**

**10 Reimbursement of Costs of Care**

- 10.1 *This section applies to members of Principal Councils, National Park Authorities, Fire and Rescue Authorities and to Co-opted Members of these Authorities. The same provision for Community and Town Councils is set out in Section 13 (of the IRPW Annual Report).*
- 10.2 *The purpose of this section is to enable people who have personal support needs and or caring responsibilities to carry out their duties effectively as a member of an Authority. The Panel believes that additional costs of care required to carry out approved duties should not deter people from becoming and remaining a member of an Authority or limit their ability to carry out the role.*
- 10.3 *The Panel recognises the issues relating to the publication of this legitimate expense. This is reflected in change in the options for publication set out in Annex 4 (of the IRPW Annual Report). To support current members and to encourage diversity the Panel urges authorities to promote and encourage greater take-up of the reimbursement of costs of care.*

**Determination 41:** *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 to enable them to carry out their approved duties. Reimbursement shall only be made on production of receipts from the carer.”*

**Extract from Annex 2 “Wales (IRPW) Regulations - Allowances - Costs of Care of Care” of the IRPW Annual Report 2019-2020**

**Allowances - Costs of Care**

21. Authorities must provide for the payment to members and co-opted members of an authority the reimbursement in respect of such expenses of arranging the care of children or dependants or for the individual member as are necessarily incurred in carrying out official business as a member or co-opted member of that authority. Payments under this paragraph must not be made:
  - In respect of any child over the age of fifteen years or dependant unless the member / co-opted member satisfies the authority that the child or dependant required supervision which has caused the member to incur expenses that were necessary in respect of the care of that child or dependant in the carrying out of the duties of a member or co-opted member.
  - To more than one member / co-opted member of the authority in relation to the care of the same child or dependant.
  - Of more than one reimbursement for care to a member or co-opted member of the authority who is unable to demonstrate to the satisfaction of the authority that the member / co-opted member has to make separate arrangements for the care of different children or dependants.
22. The maximum amount of the cost of care payable by an authority is to be determined by the Panel in its Annual or Supplementary Reports.
23. Where a member / co-opted member is suspended or partially suspended from being a member or co-opted member of the authority (Part 3 of the 2000 Act refers) the part of the reimbursement of the cost of care payable to that member / co-opted member in receipt of the responsibilities or duties from 81 which that member / co-opted member is suspended or partially suspended must be withheld by the authority (Section 155(1) of the Measure).
24. An authority's Schedule must stipulate the maximum amount of the reimbursement of costs of care payable each month and its arrangements for making claims, taking full account of the Panel's determinations in this respect.