

## **Agenda – Y Pwyllgor ar Ddiwygio Etholiadol y Senedd**

Lleoliad:	I gael rhagor o wybodaeth cysylltwch a:
Fideogynhadledd ar Zoom	Helen Finlayson
Dyddiad: Dydd Iau, 18 Mehefin 2020	Clerc y Pwyllgor
Amser: 13.30	0300 200 6565
	<a href="mailto:SeneddDiwygio@senedd.cymru">SeneddDiwygio@senedd.cymru</a>

Yn ei gyfarfod ar 19 Mai, penderfynodd y Pwyllgor yn unol â Rheol Sefydlog 17.42(ix) i wahardd y cyhoedd o'r cyfarfod hwn.

### **Rhag-gyfarfod anffurfiol**

(13.30–13.45)

#### **1 Cyflwyniad, ymddiheuriadau, dirprwyon a datgan buddiannau**

(13.45)

#### **2 Trafod y materion allweddol**

(13.45–15.50)

(Tudalennau 1 – 111)

##### **Dogfennau atodol:**

CSER(5)–9–20 Papur 1 – Dull o gyflwyno'r adroddiad

CSER(5)–9–20 Papur 2 – Capasiti'r Senedd

CSER(5)–9–20 Papur 3 – Ethol Senedd fwy amrywiol

CSER(5)–9–20 Papur 4 – Systemau a ffiniau etholiadol

CSER(5)–9–20 Papur 5 – Y ddadl dros ddiwygio

CSER(5)–9–20 Papur 6 – Y dull o ddiwygio

CSER(5)–9–20 Papur 7 – Deddfu i ddiwygio

#### **3 Ethol Senedd fwy amrywiol: tystiolaeth ysgrifenedig**

(15.50–15.55)

(Tudalennau 112 – 114)

##### **Dogfennau atodol:**

CSER(5)–9–20 Papur 8 – Tystiolaeth ysgrifenedig ar ethol Senedd fwy amrywiol



## **4 Papurau i'w nodi**

(15.55-16.00)

### **4.1 Ymatebion i ymgynghoriad y Pwyllgor ar ethol Senedd fwy amrywiol**

(Tudalennau 115 – 167)

#### **Dogfennau atodol:**

DIV 01 Cymdeithas Diwygio Etholiadol Cymru (Saesneg yn unig)

DIV 02 Llafur Cymru

DIV 03 Unigolyn (Saesneg yn unig)

DIV 04 Centenary Action Group (Saesneg yn unig)

DIV 05 Rhwydwaith Cydraddoldeb Menywod Cymru (Saesneg yn unig)

DIV 06 Leonard Cheshire (Saesneg yn unig)

DIV 07 Tîm Cymorth Lleiafrifoedd Ethnig ac Ieuencid Cymru (Saesneg yn unig)

### **4.2 Cyflwyniad ysgrifenedig gan Dr Alistair Clark mewn perthynas â'r bleidlais sengl drosglwyddadwy – Mai 2020**

(Tudalennau 168 – 173)

#### **Dogfennau atodol:**

CSER(5)-9-20 Papur i'w nodi 1 (Saesneg yn unig)

### **4.3 Llythyr gan Gadeirydd y Pwyllgor Cyfrifon Cyhoeddus at Archwilydd Cyffredinol Cymru a Chomisiynydd Cenedlaethau'r Dyfodol Cymru mewn perthynas ag adroddiadau statudol – 29 Mai 2020**

(Tudalennau 174 – 176)

#### **Dogfennau atodol:**

CSER(5)-9-20 Papur i'w nodi 2

Mae cyfyngiadau ar y ddogfen hon

Yn rhinwedd paragraff(au) ix o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

Mae cyfyngiadau ar y ddogfen hon

Mae cyfyngiadau ar y ddogfen hon

Mae cyfyngiadau ar y ddogfen hon

Yn rhinwedd paragraff(au) ix o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon



Yn rhinwedd paragraff(au) ix o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon

# Eitem 3

Yn rhinwedd paragraff(au) vi o Reol Sefydlog 17.42

Mae cyfyngiadau ar y ddogfen hon



## Electing a more diverse Senedd Consultation Response ERS Cymru

Becoming a more diverse Senedd is key to ensuring we have a parliament that works for Wales. As the Committee will note we have already provided evidence around electoral systems and the capacity of the Senedd and diversity of a future Senedd goes hand in hand with both elements.

Putting mechanisms in place to ensure greater diversity in Welsh politics is now necessary. While the Senedd has been historically successful in demonstrating gender balance, with a record breaking proportion of women elected in 2003, that has since declined and there are no formal requirements in place for this to be rectified.

Furthermore, since the Senedd first sat in 1999 there has never been a single BAME woman elected. Wider diversity recognising intersectionality is key in ensuring the Senedd is an institution that properly reflects the people of Wales.

As the parliament of Wales the Senedd also has a responsibility to ensure it sets an example to other institutions, both across borders and within Wales. Local Government in Wales in particular faces a diversity crisis, and any measures put in place for the Senedd and its elections should also be considered for councils.

***Exploring whether political parties should be required to publish anonymised diversity information about their Assembly election candidates, and the practical implications to which this would give rise;***

Understanding the current levels of diversity and the areas in which we are lacking is key to understanding how we improve the situation. The delay in enacting Section 106 of the Equality Act has meant our knowledge of how diverse candidates for the Senedd are, and subsequently those elected, is based on a combination of guesswork and survey responses.

Getting this information is not just about how diverse our institutions are but it also focuses on parties and their selection processes.

Requiring political parties to collect and publish anonymised data on diversity is a good first step in getting the information we require. We know from local government elections that completion rates for voluntary surveys by electoral registration officers are very low, so

**Y Pwyllgor ar Ddiwygio Etholiadol y Senedd**  
**Ethol Senedd fwy amrywiol**  
**DIV 01 Cymdeithas Diwygio Etholiadol Cymru**

parties formally requiring this information would provide much more motivation for candidates to share information and provide a much clearer picture.

Practically, there has been some resistance from previous UK Governments to enacting section 106 of the Equality Act, which would legally require parties publish their data, which the UK Government saying in a response to a House of Commons Women and Equality report, that it would put a 'regulatory burden on parties', and made a particular point of stating that this would be higher for smaller parties<sup>1</sup>.

However, we know that many parties already collect this data and some also publish the data in some format. The Labour Party, the Green Party, the Liberal Democrats and the , SNP all made manifesto commitments to enacting section 106 in 2019.

In terms of a burden all that would be required of a political party would be to add some questions on to the forms that all candidates must fill out anyway, and input the data from these into a shared template for publication. Many other sectors already compile such information as part of equalities monitoring in applications processes so why should political parties be exempt?

Clearly, anonymity is vital in the publication of data, but we believe broad diversity data could easily retain anonymity.

Given the UK Government's reluctance to date to enact Section 106 of the Equality Act, there are opportunities for discussion on how this could be introduced in Wales.

As such, we agree with the Expert Panel on Assembly Electoral Reforms recommendation in full that:

*"The Assembly should request that the Secretary of State commences section 106 of the Equality Act 2010 in relation to Assembly elections, or transfers the power to do so to the Welsh Ministers. Otherwise, legislation to reform the Assembly's electoral arrangements should include provision that would secure the availability of information regarding diversity".<sup>2</sup>*

***Considering the principles and the practical implications of the Panel's recommendation that legislative candidate gender quotas should be integrated into the Assembly's electoral system, and any voluntary steps parties could take to increase the diversity of their electoral candidates across the full range of protected characteristics under the Equality Act 2010;***

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/642904/Government\\_Response\\_-\\_Women\\_in\\_the\\_House\\_of\\_Commons.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/642904/Government_Response_-_Women_in_the_House_of_Commons.pdf)

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<https://www.assembly.wales/NAfW%20Documents/About%20the%20Assembly%20section%20documents/Expert%20Panel%20on%20Assembly%20Electoral%20Reform/A%20Parliament%20that%20Works%20for%20Wales.pdf>

**Y Pwyllgor ar Ddiwygio Etholiadol y Senedd**  
**Ethol Senedd fwy amrywiol**  
**DIV 01 Cymdeithas Diwygio Etholiadol Cymru**

It is clear that without direct action to promote diversity very little will change. Wales' success in achieving gender parity in 2003 and 52% female representation in 2006 was largely due to the success of parties that used positive action mechanisms to ensure they were fielding gender balanced candidates<sup>3</sup>. The use of All Women Shortlists and the twinning of constituencies were fundamental in that for Labour and zipping of the list system proved effective for Plaid Cymru.

While to date parties within the Senedd's use of systems like this has proven effective, if their electoral fortunes were to decline and parties who don't use systems like these were to increase representation it is likely we would see a fall in the number of diverse elected representatives. The Expert Panel report compared the number of female and male candidates standing for each party in the 2016 elections and found huge disparities between them.<sup>4</sup> As such voluntary measures adopted by parties will never be as effective as quotas in ensuring institutions retain or increase diversity, although parties should certainly be encouraged to use them.

Quotas themselves are a blunt tool that often fail to consider that candidates are people with multiple characteristics and skills, however we know from international success that they do prove effective.

Mona Krook's research points out that 100 countries world-wide now have some form of gender quotas in place and 40 also use them for intersectional groups such as BAME women<sup>5</sup>.

For example, Ireland has successfully used quotas requiring that at least 30 percent of the candidates each party stands nationally are female (rising to 40 per cent after seven years). The percentage of women candidates increased 90 percent at the 2016 election compared to the 2011 election, with a corresponding 40 percent increase in the number of women elected—35 in 2016 compared with 25 in 2011<sup>6</sup>.

9 of the 10 parliaments with the best gender parity in the world use mixed or PR systems, and the Canadian Parliament have published a useful overview of how electoral systems interact with gender.<sup>7</sup>

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<sup>3</sup> <https://blogs.cardiff.ac.uk/thinking-wales/2016/10/12/gender-and-representation-in-national-assembly-for-wales-elections/>

<sup>4</sup>

<https://www.assembly.wales/NAfW%20Documents/About%20the%20Assembly%20section%20documents/Expert%20Panel%20on%20Assembly%20Electoral%20Reform/A%20Parliament%20that%20Works%20for%20Wales.pdf>

<sup>5</sup> Mona Lena Krook, "Electoral Gender Quotas: A Conceptual Analysis." *Comparative Political Studies* 47 (9): 1268-1293, 2014

<sup>6</sup>

[https://www.researchgate.net/publication/310494640\\_Women\\_and\\_the\\_Election\\_Assessing\\_the\\_Impact\\_of\\_Gender\\_Quotas](https://www.researchgate.net/publication/310494640_Women_and_the_Election_Assessing_the_Impact_of_Gender_Quotas)

<sup>7</sup> [http://publications.gc.ca/collections/collection\\_2016/bdp-lop/bp/YM32-2-2016-30-eng.pdf](http://publications.gc.ca/collections/collection_2016/bdp-lop/bp/YM32-2-2016-30-eng.pdf)

**Y Pwyllgor ar Ddiwygio Etholiadol y Senedd**  
**Ethol Senedd fwy amrywiol**  
**DIV 01 Cymdeithas Diwygio Etholiadol Cymru**

We have long advocated for the introduction of the Single Transferable Vote for the Senedd and agree with the Expert Panel's recommendation that this could be introduced for Senedd elections with an integrated gender quota.

***Examining issues relating to the Panel's recommendation that people should be allowed to stand for election on the basis of job sharing, including implications for democratic accountability and any practical considerations which would need to be addressed.***

In our 2018 research report, '[New Voices](#)', we explored issues of job sharing with a number of people we interviewed as part of the project. Broadly job sharing was seen as a positive way of reducing some of the barriers that we know are present in getting more diverse people to stand for office. These are particularly pertinent in those with other job commitments or caring responsibilities, commitments which otherwise might deter a candidate from standing.

At a Senedd level this can be particularly aggravated by the distances between some constituencies and the Senedd in Cardiff Bay. Sharing of a role could make the time away from home more manageable, especially for those with caring responsibilities.

Certainly job sharing has already proved successful at a cabinet level in local government across Wales. Swansea Council in particular already has 3 of its 9 cabinet roles shared between members.

At an actual councillor or Member of the Senedd level though, this has yet to be seen, and does raise important questions about how such roles can be elected.

Clear guidance would need to be developed after thorough consultation and discussion with both the Electoral Commission and the Senedd Commission on how practically job sharing would work. This would also need to be clearly communicated to the electorate, with any candidates standing on the basis of a job sharing ticket doing so jointly and transparently on the ballot paper. The electorate should be informed at the outset and not following an election.

We also concur with the Expert Panel's conclusions that "job sharing partners are treated as if they are one person, and that job sharing Members should give rise to no additional costs beyond those of a single Assembly Member".<sup>8</sup>

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<https://www.assembly.wales/NAfW%20Documents/About%20the%20Assembly%20section%20documents/Expert%20Panel%20on%20Assembly%20Electoral%20Reform/A%20Parliament%20that%20Works%20for%20Wales.pdf>

### ***Tystiolaeth Llafur Cymru***

Mae gan Lafur Cymru enw da yn hyrwyddo amrywiaeth, sydd yn dyddio'n ôl i'r dewisiadau ar gyfer etholiadau cyntaf y Cynulliad ym 1999.

Ar hyn o bryd, mae grŵp Llafur Cymru yn cynnwys 15 o fenywod a 14 o ddynion, ac mae hyn yn bwydo cynrychiolaeth gref menywod yn Llywodraeth Cymru, a swyddi etholedig yn y Cynulliad. Yn ogystal, mae gan grŵp Llafur Cymru enw da o ran amrywiaeth gyda chynrychiolwyr etholedig LGBT, BAME ac anabl.

Yr uchelgais yw gwneud mwy mewn meysydd lle mae angen i ni fynd ymhellach, ond rydym yn falch o'n llwyddiant hyd yn hyn sydd yn dangos gymaint y gall plaid wleidyddol ei gyflawni.

### **Cwestiwn 1 – cyhoeddi data amrywiaeth**

Yn fras, ni fyddai cyhoeddi data o'r fath yn achosi unrhyw rwystrau ymarferol gan fod Llafur Cymru'n casglu data cyfle cyfartal fel rhan o'r broses ddethol, ond mae hyn yn cael ei wneud yn gyfrinachol ar hyn o bryd a byddai angen i ni newid hynny i'r dyfodol er mwyn gofyn i ymgeiswyr llwyddiannus a fyddent yn fodlon rhannu eu data.

Mae gennym rai pryderon y gallai rhannu'r data achosi anawsterau i rai unigolion, efallai na fydd ymgeiswyr LGBT neu anabl yn arbennig eisiau datgelu'r wybodaeth bersonol yma wrth geisio cael eu dethol neu eu hethol yn y lle cyntaf.

Rydym hefyd yn poeni, gyda sampl mor fach, y byddai datgan ffigurau ar gyfer pob plaid, hyd yn oed pe byddai'r rheiny'n ddiennw, yn arwain at geisio adnabod y rheiny, ac y gallai'r ymgais fod yn llwyddiannus.

Byddai angen rhestr gytûn o gategoriâu a'u diffiniad er mwyn sicrhau cysondeb ar draws pleidiau a hyd yn oed wedyn, gallai fod anghysondebau yn seiliedig ar ddiwylliannau gwleidyddol amrywiol. Er enghraifft, gallai aelodau o darddiad Gwyddelig mewn un plaid fod yn fwy tebygol o ddiffinio eu hunain fel BAME na'u cyfoedion mewn pleidiau eraill. Gyda samplau mor fach, gallai gwahaniaethau fel hyn greu darlun camarweiniol.

Yn anad dim, rydym yn pwysleisio mai'r nod yw sicrhau Cynulliad mwy amrywiol a chyfraniad y pleidiau i'r canlyniad hwn ddylai gael ei fesur. Gallai fod rhai manteision hirdymor i unigolion o grwpiau a dangynrychiolir wrth sefyll fel ymgeiswyr aflwyddiannus a chael profiad a allai arwain at lwyddiant mewn etholiadau yn y dyfodol, ond dylid annog pleidiau i ganolbwyntio eu hymdrechion ar seddi etholaethol

## Y Pwyllgor ar Ddiwygio Etholiadol y Senedd

### Ethol Senedd fwy amrywiol

#### DIV 02 Llafur Cymru

a rhestr lle mae'r rheiny sy'n cael eu dethol yn debygol o gael eu hethol. Ni ddylid rhoi clod i'r rheiny sydd yn dethol aelodau o grwpiau a dangynrychiolir ar gyfer seddi etholaethol neu restr nad ydynt yn eu hennill yn unig. Pe byddai deddfwriaeth yn gwneud cyhoeddi yn ofynnol, rydym o'r farn y dylai fod yn seiliedig ar ganlyniadau h.y. y ffigurau ar gyfer ACau etholedig, nid ymgeiswyr, pob plaid.

#### Cwestiwn 2. – Rhannu Swydd

Mae Llafur Cymru'n croesawu'r gwaith arloesol sy'n cael ei wneud gan rai awdurdodau lleol ar rannu swydd yn y Cabinet a swyddi eraill. Mae'r blaid ei hun bellach yn datblygu rhannu swyddi'r blaid yn lleol. Rydym yn awyddus i ddysgu gwersi o waith ymarferol o'r math hwn.

Ni does gan Lafur Cymru safbwynt ar rannu swyddi ar gyfer ACau ond hoffem weld mwy o eglurder ar yr hyn y gallai ei olygu yn ymarferol.

Byddai angen rhoi arweiniad ar y ffordd y gellir rhannu'r rôl hon. Gan nad oes unrhyw oriau gwaith penodol ac am nad oes llawer o ddiffiniad o swydd Aelod o'r Cynulliad y tu allan i'r Senedd fel ymgyrchydd, gweithiwr achos ac aelod gweithredol o'r gymuned, byddai angen gweithio ar y ffordd y byddai hyn yn gweithio yn ymarferol. Yn ogystal, byddai angen i bleidiau gwleidyddol ddiweddarau eu rheolau, eu gweithdrefnau a'u canllawiau eu hunain ar y ffordd y byddai rhannu swydd yn gweithio o fewn strwythur y blaid.

Ein prif bryder fyddai eglurder ar faterion cyfansoddiadol:

- Beth fyddai'n digwydd pe byddai un o'r bobl sydd yn rhannu'r swydd yn marw, yn cael eu gwahardd neu'n penderfynu ymddiswyddo? Gan gymryd eu bod wedi cael eu hethol fel tîm rhannu swydd, byddai'n rhesymegol gofyn am is-etholiad ar yr adeg hon. Gan fod dau unigolyn yn gysylltiedig, byddai'r tebygolrwydd o fod angen is-etholiad am y rhesymau hyn yn fwy a byddai hyn yn arwain at gostau i'r cyhoedd ac i'r pleidiau.
- Yn yr un modd, a fyddai gwaharddiad dros dro yn berthnasol i'r ddau bartner?
- Beth fyddai'n digwydd pe byddai'r berthynas rhwng y ddau AC yn chwalu, yn arbennig pe byddai un yn penderfynu encilio i blaid arall a bod eu partner yn aros gyda'r blaid wreiddiol? Pwy, yn yr achos hwnnw, allai hawlio'r bleidlais mewn sesiynau llawn a meddiannu lleoedd ar bwyllgorau, a sut byddai maint pob grŵp yn cael ei gyfrifo o ran dyraniadau cymesur?
- Mae Rheolau Sefydlog y Cynulliad yn gwahaniaethu rhwng gweinidogion ac ACau eraill. A fyddai'n ofynnol ar ACau sydd yn rhannu swydd i rannu rolau gweinidogaethol neu a fyddai un person yn gallu derbyn swydd gweinidog. Os felly, beth fyddai statws AC sydd yn rhannu swydd os yw ei bartner neu ei phartner wedi cael eu penodi fel gweinidog?
- Beth fyddai'n digwydd, a pha aelod fyddai'n cael y bleidlais, pe byddai anghytundeb ynghylch pleidlais benodol?



## Y Pwyllgor ar Ddiwygio Etholiadol y Senedd

### Ethol Senedd fwy amrywiol

#### DIV 02 Llafur Cymru

- Sut byddai recriwtio a rheoli llinell staff yn gweithio? Beth fyddai'n digwydd i'r staff hynny mewn sefyllfa lle mae'r berthynas yn chwalu?

O safbwynt lles personol pobl sydd yn rhannu swydd, byddem eisiau sicrhau na fyddai hyn, yn ymarferol, yn arwain at ddau berson yn gwneud swydd amser llawn ar un cyflog. Nid oes unrhyw derfynau ar oriau gwaith ACau ac mae pryder y byddai etholwyr a sefydliadau lleol yn arbennig yn disgwyl mwy o'r ddau AC nag sydd yn rhesymol. Yn yr un modd, byddai angen i ni reoli disgwyliadau pleidiau lleol o ran eu cyfraniadau i ymgyrchu ac adrodd ac ni fyddai hyn, o reidrwydd, yn hawdd. Yn amlwg, byddai disgwyliadau gwahanol gan y rheiny sydd yn rhannu swyddi eu hunain, a chan fod ymgyrchu'n cael ei wneud yn wirfoddol, byddai'n anodd iawn cyfyngu neu fonitro.

Byddai'r gallu i ddangos y byddai rhannu swydd yn arwain at lwyth gwaith y gellir ei reoli ar gyfer y ddau bartner yn gwneud gwahaniaeth amlwg i'w effeithiolrwydd yn hybu amrywiaeth. Mae angen ystyried y materion hyn yn llawer manylach felly.

O ran monitro amrywiaeth, byddem eisiau gweld rhagofalon cryf yn erbyn defnyddio rhannu swydd i guddio diffyg cynnydd. Yn narpariaethau mewnol y Blaid Lafur ar gyfer rhannu swyddi'r blaid yn lleol, rydym wedi bod yn glir na ellir cyfrif menyw yn rhannu swydd gyda dyn mewn cwotâu rhyw. Rydym yn disgwyl i unrhyw ddeddfwriaeth sydd yn gofyn am gyhoeddi data amrywiaeth neu greu cwotâu rhyw deddfwriaethol i ddefnyddio dull yr un mor gadarn.

### Cwestiwn 3. Cwotâu rhyw ymgeiswyr deddfwriaethol

Ni allwn weithredu cyn ymgynghoriad y blaid ar ddulliau ethol yn y dyfodol trwy roi sylwadau manwl ar gwotâu sy'n cael eu cynnig o dan systemau amgen. Rydym, fodd bynnag, yn pwysleisio pe byddai cwota ymgeiswyr yn cael ei weithredu mewn system rhestr agored, byddai'n hawdd ei danseilio gan blaid sydd yn dewis eirioli'r defnydd o bleidlais gyntaf ac ail bleidlais ar gyfer ymgeiswyr gwrywaidd.

O ran y system bresennol, rydym yn gwrthod unrhyw gynnig sydd yn cyfyngu ar ddatblygu menywod. Mae cwotâu ein plaid bob amser wedi bod yn seiliedig ar isafswm menywod i gael eu hethol ac rydym o'r farn mai dyma'r dull cywir mewn cymdeithas anghyfartal. Rydym yn gwrthwynebu unrhyw ofyniad cyfreithiol i gael cymaint o ymgeiswyr gwrywaidd ag ymgeiswyr benywaidd.

Yn yr un modd, rydym yn gwrthwynebu unrhyw ofyniad i am-yn-eilio yn seiliedig ar osod ymgeiswyr gwrywaidd a benywaidd am yn ail. Mae ein rheolau ar hyn o bryd yn gofyn i'r am-yn-eilio ddechrau gydag ymgeisydd benywaidd a galluogi'r ail le i gael ei gymryd gan fenyw os yw'r lle ar y brig wedi ei gymryd gan AC Llafur benywaidd sydd wedi ei hailethol. Byddai'r cynigion felly'n lleihau'r cyfleoedd ar gyfer menywod.

## Y Pwyllgor ar Ddiwygio Etholiadol y Senedd

### Ethol Senedd fwy amrywiol

#### DIV 02 Llafur Cymru

Mae gosod cwotâu ar sail ranbarthol yn cyflwyno rhai problemau. Fel yr amlinellir uchod, rydym o'r farn y dylai ymdrechion i wella amrywiaeth fod yn seiliedig ar ganlyniadau, gan ganolbwyntio ar y niferoedd gwirioneddol a etholwyd i'r Cynulliad. Mae gan bob plaid ranbarthau sydd yn gryfach ac yn wannach yn etholiadol a byddai unrhyw ofyniad am gwotâu rhyw llym ym mhob rhanbarth yn torri ar draws gwaith wedi ei dargedu o'r fath ac yn galluogi pleidiau i fodloni'r cwota trwy gael menywod i sefyll ar gyfer seddi y maent yn llai tebygol o'u hennill. Gan fod gan Lafur Cymru ac un blaid arall fwy o ACau sydd yn fenywod na dynion yn barod, rydym hefyd yn bryderus y byddai angen i ddeddfwriaeth y DU gyd-fynd ag unrhyw ddeddfwriaeth y Cynulliad i ymestyn yr ethriad presennol o ddeddfwriaeth cydraddoldeb er mwyn sicrhau ein bod yn gallu defnyddio rhestrau byr yn cynnwys menywod yn unig neu efeillio mewn detholiadau etholaethol er mwyn bodloni cwota rhanbarthol.

Gan edrych ar yr angen i gynyddu nifer y grwpiau a dangynrychiolir, rydym yn bryderus ynghylch unrhyw ofynion deddfwriaethol ar gwotâu rhyw a allai gyfyngu ar hawl pleidiau i ddewis ble i osod eu cyfyngiadau rhyw eu hunain a ble i gael rhestrau byr agored er mwyn gwella eu siawns o gyrraedd nodau amrywiaeth eraill.

#### **Cwestiwn 4. Cymorth i weithredu diwygio**

Ni fyddai angen unrhyw gymorth mawr arnom i ymdrin â dau o'r tri mater a godir yn y cwestiwn.

Fel y nodir uchod, rydym yn disgwyl i unrhyw system o gyhoeddi data amrywiaeth gael ei hategu gan ymgynghoriad a chytundeb ar y rhestr o gategorïau a'u diffiniadau er mwyn sicrhau cymariaethau dilys. Byddai hyn, yn naturiol, yn arwain at ddarparu ffurflenni monitro cyffredin a denydd ategol i'w defnyddio gan bob plaid.

Mae gennym brofiad sylweddol yn gweithredu mesurau i sicrhau cydbwysedd rhwng y rhywiau ac mae gennym ddulliau dibynadwy o gyflawni hyn.

Fel yr amlinellir uchod, mae gennym nifer o gwestiynau sylfaenol am natur rhannu swydd a gynigir a byddai hyn yn effeithio ar y cymorth fyddai ei angen. Mewn unrhyw amgylchiadau, byddai angen atebion clir iawn ar bleidiau ar gyfer y cwestiynau cyfansoddiadol a godir uchod y gallent eu rhannu gydag aelodau a allai ystyried gwneud cais i gael eu dethol fel tîm rhannu swydd a'u defnyddio i ffurfio eu rheolau dethol eu hunain.

Pe byddai rhannu swydd yn cael ei fabwysiadu, byddem yn disgwyl i'r Cynulliad a Llywodraeth Cymru sefydlu ymgyrch addysg gyhoeddus sylweddol i osgoi'r problemau baich gwaith a nodir uchod.

Yn anad dim, fodd bynnag, rydym o'r farn y dylai mwyafrif unrhyw adnoddau sydd ar gael dargedu denu ac annog mwy o aelodau o grwpiau a dangynrychiolir i ystyried

[REDACTED]

dod ymlaen i gael eu dethol a'u hethol. Gellir gwneud rhywfaint o'r gwaith hwn ar sail niwtral, nad yw'n ymwneud â phlaid wleidyddol ond yn ein barn ni, mae angen gwaith sy'n benodol i blaid wleidyddol yn y maes hwn. Mae Rhaglen Ymgeiswyr y Dyfodol Llafur wedi cael rhywfaint o lwyddiant ond hoffem ymestyn y gwaith hwn ac nid yw hyn yn rhad. Rydym felly'n annog gwneud grantiau ar gael i bleidiau ar gyfer costau penodol, y gellir eu profi mewn cysylltiad â gwaith i hyrwyddo amrywiaeth ymgeiswyr. Gallai hyn gynnwys cymorth gyda chostau argraffu, llogi lleoliad, costau teithio ar gyfer cyfranogwyr a thalu tiwtoriaid allanol lle y bo'n briodol. Mae'n hanfodol sicrhau bod pobl yn barod ac yn awyddus i achub ar y cyfleoedd sy'n cael eu creu gan ddarpariaethau strwythurol.

Louise Magee  
Ysgrifennydd Cyffredinol  
Llafur Cymru

[REDACTED]

Dear Committee on Assembly Electoral Reform,

Please see my response to your consultation below.

### Diversity of the Assembly

1. How can the Assembly ensure that the views of under-represented groups are taken into account in its work, when there might not be any Assembly Members from those groups?
- 

Consult with those groups direct eg, Mothers with childcare responsibilities come under diversity in a wider sense as they are a sub group of sex as they are female (one of the nine protected characteristics) and also are underrepresented in the Assembly as not many women with childcare responsibilities are AMs. In fact, I can't think of one at the moment. This is a blind spot in the Equality Act and maybe has to do with the fact that many women who reach senior levels have often got there because they are childless and/or don't have childcare responsibilities and therefore lack understanding or knowledge about the needs of mothers with childcare responsibilities.

Groups to consult with would include ysgolion meithrin, Ti a fi, mother and baby groups (via NHS Community Health workers/ midwives), NCT members, mothers via nurseries, primary & secondary schools, mums net etc.

Mothers provide the very foundation blocks for society but are often left out of decision making process for our society. If they were included it would make society work for all, not just people without childcare or eldercare responsibilities.

2. What are the main barriers that may discourage somebody from an underrepresented group from standing for election to the Assembly?
- 

The discrimination that they will face when they stand. I have held many different jobs and roles in my life but I can honestly say I have never experienced the direct sex discrimination I have experienced in political life anywhere else. Our governance system is massively behind the rest of society. I have stood for election at Town and Community Council level (got elected), stood as a County Councillor, and MP Candidates. I tried to seek selection as a

AM candidate but was told I could not stand as I was female. The constituency I sort selection in was designated as a male only candidate constituency by my political party as it was twinned with a female only candidate constituency. I filed a direct sex discrimination complaint against my party but it was not upheld as they said they were allowed to discriminate against females because the Twinning Arrangement was allowed under the Equality Act. I argued that I was being discriminated against because I was female and that there was no justification for male only candidate constituencies as the number of male candidates standing for election vastly out numbered the number of female candidates. Males are not underrepresented in the Senedd and therefore should not be entitled to positive action using the Equality Act.

Also the discrimination they may face from an employer for having a political view and expressing it eg, if you work in the public sector you're not allowed to express you political view, I believe. Protecting people's right to have a political voice wherever they work should be allowed.

3. What are the most important things that could be done to help people from underrepresented groups or who might be concerned about giving up their existing job or profession to stand for election?
- 

Put measures in place to stop direct sex discrimination and other discrimination against underrepresented groups by political parties. Positive action is essential for equal representation as from my experience it will not happen naturally, it has to be forced because ultimately certain groups of people don't want to give up their existing power and share power. Over represented groups should not be entitled to use positive action and misuse the Equality Act to further over represent a group in our society eg The Twinning Arrangement. There should be support for all underrepresented groups including mothers with childcare responsibilities.

Also have scheme where employers have to keep a job open for someone who gets elected and/or is entitled to time out to campaign (a fund could be established by WAG to fund this regardless of what your income is or which political party you stand for).

4. Do people in Wales, including those from under-represented groups, know enough about what the role of an Assembly Member involves to be able to decide whether they are interested in standing for election?
- 

No. There should be a day / week in the life of a typical AM available on the internet. There should also be more flexible opportunities to have an insight into the work of an AM / shadow an AM for a day or week etc. Shadow them in the Senedd and/or in their constituency (the more flexible the better for those with childcare /eldercare responsibilities). Make it compulsory for political parties to provide this opportunity to all.

### Publishing data about the diversity of political candidates

5. If political parties were required to collect and publish anonymised data about the diversity of their Assembly election candidates, would this encourage them to select a more diverse range of people as candidates?
- 

Yes. Data should also include whether candidates have childcare responsibilities, to collect data on the motherhood penalty as it's not enough to have more female candidates. Female candidates need to reflect the whole of the female sex, it's not good governance just to have females who are childless, or don't have childcare responsibilities elected we need to make sure that women with childcare responsibilities and therefore their needs are represented etc. This seems to be a massive blind spot in our society as many of the women occupying senior positions or are politicians are childless and/or don't have childcare responsibilities and thus this large section of our society is frequently overlooked.

6. What would need to be done to ensure that candidate data was collected and published accurately and responsibly?
- 

An independent body needs to monitor and audit it to check it is correct. Political parties need penalties if they don't have the required diversity of candidates. Again you have to enforce this as it won't be done willingly by political parties otherwise.

## Job sharing by Assembly Members

7. If people were allowed to stand for election on the basis of job sharing, are there particular groups or communities that would be most likely choose to stand for election in this way?
- 

Yes, mothers with childcare responsibilities, women with caring responsibilities eg, elderly relatives, professionals who don't want give up their profession entirely (particularly as there is no guarantee of you being elected ever). It would also increase the diversity of politicians and bring much need diverse life, work, community and voluntary experience into the Senedd to inform policies and cover everyone in society needs not just career politicians who often have very limited real life experience.

## Electoral quotas

8. Should quotas be used to increase the representation of under-represented groups such as people with disabilities or ethnic minorities? What practical implications would need to be considered?
- 

Yes absolutely, again this has to be enforced to make political parties select candidates from under-represented groups (including mothers with childcare responsibilities) because as most political parties have more male members and/or non feminist members they will often exhibit unconscious bias and/or sexism and/or racism towards under-represented groups and therefore select candidates in their own image and not those from under-represented groups.

These quotas need to be proportional to how all groups in our society exist eg, Look at the whole population in Wales and how many people are an ethnic minority, I think it's 1 or 2 % in Wales, equally look at the proportion of mothers with childcare responsibilities in Wales and therefore of electoral candidate quotas the same to this, I think it's around 15% of the Welsh population, look at the proportion of LGBTQI in our Welsh society, I think it's 2% and equally have the same candidate quota for this.

If a political party can't find candidates from these groups to stand then they are not allowed to field candidates from over represented groups instead.

These quotas must be spread equally over winnable and non-winnable constituencies /regions eg, male candidates can't be allowed to stand in just winnable constituencies, equally mothers with childcare responsibilities must be allowed to stand in winnable constituencies etc.

Practical implications should include things like allowing mothers with childcare responsibilities to be given priority to stand in their home constituency/ region due to their need to be near their children's schools & their home address etc.

The different needs of each under-represented group needs to be looked at and met.

9. What evidence is there about how voters feel about the use of quotas to encourage the election of candidates with specific characteristics?
- 

I don't know of any evidence. But from personal experience:

I have had party members say to me that they don't think that there should be quotas, simply as it should be the best candidate gets selected. This however hides the fact that there are so many factors at play in the decision making process of a member selecting a candidate eg unconscious bias is at play where members may not even be aware of their own discriminatory behaviour which influences who they vote for as their candidate eg, an older female member may not be aware that they are not feminists and have been indoctrinated from birth to see only men as potential political candidates, so they won't ever vote for a female candidate when given the choice. When questioned, they may just say they just think the male candidate is better.

It's very complicated for many voters to understand unconscious bias and other factors which actually make them discriminate unfairly when they are choosing candidates, eg, the fact that we still live in a very patriarchal society.

## Experiences of party politics

10. Are there any barriers which might discourage people from under-represented groups from joining political parties or taking part in party politics?



Yes, the fact the majority of members in most political parties are from one group in our society, the white straight Christian older male. From experience as a younger mother with childcare responsibilities I have often not felt welcome in my political party.

Sexism is allowed to continue.

This has manifested itself in many ways, from walking into a room of older white male county councillor candidates at county hall and being the only female in the room. It's intimidating and takes a lot of courage to do.

Also the whole system of engagement of members is designed around retired people, members who can afford to travel and stay at conference (there is no grant or fund to help those attend who are unpaid or a video conference / skype / zoom available for members to contribute remotely) those who don't have childcare responsibilities eg, many meetings are held in the evening around the time you need to put children to bed rather than during school hours when some mothers may have more time available. More flexible opportunities for the engagement of members should be made available by political parties.

From being a non-fluent Welsh speaking member of Plaid Cymru, not being fluent in the Welsh language is definitely a disadvantage to standing as a candidate as many in the party think only fluent Welsh speakers should be allowed to stand as candidates (although it's not said publicly it's implied in many subtle ways).

All the work that members do is expected to be voluntary and there is no clear or fair pathway for members who want to progress in the party and seek selection. It seems to be OK for certain candidates to be helicoptered into a constituency who have done no work there but are from the Welsh elite or know senior people in the party etc These candidates are often from the over represented group as well.

Much of the work done by female members is not valued or credited in the same way as work done by male members.

I have very rarely been thanked for my considerable voluntary work and contribution to the party. In fact I am undermined and discriminated against in

return. This obviously doesn't encourage me to continue or contribute more to my political party or seek selection.

I also think the EHRC and Electoral reform society need to scrutinize political parties more as they are allowed too much scope to continue to discriminate against under represented members and/or candidates at the moment.

I think equality and diversity has to be enforced on political parties because they will not do so voluntarily. Something similar to employment law and rights needs to be set up for members and candidates. Currently under-represented groups are not protected enough in political parties and this ultimately contributes to the lack of diversity in our democracy and governance.

11. What changes could the Assembly introduce to its ways of working to make standing for election more attractive to people from under-represented groups?

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I think strict timing of assembly business, proxy voting and attending meeting remotely would definitely encourage more diverse candidates. During the pandemic we have seen the Senedd continue working remotely allowing AMs to contribute to meetings from their homes. This is possible so why aren't we doing it all the time?

This would obviously help mothers with childcare responsibilities stand as it provides more flexibility. It would also aid the spreading out the money spent on our democracy eg, civil servants, political jobs could be located across Wales and not just centred in Cardiff. This would benefit all the economy in Wales not just SE Wales.

This would also make it a more sustainable democracy where travelling is reduced by politicians and they could spend more time in their constituencies.

12. Are there examples of measures introduced in other countries which have significantly improved the parliamentary representation of under-represented groups?

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Take a look at Finland. Here they have put the needs of mothers with childcare responsibilities at the centre of their society and as a result mothers with

childcare responsibilities are enabled to become political leaders because their needs are met and they are supported by society.

'Generous parental leave policies, subsidised childcare and a commitment to work-life balance mean young working mothers are the norm here rather than the exception. Men are as likely as women to be chasing young children through Helsinki's vast new central library, or walking them home beside the city's lakes.

Statistics from the Organisation for Economic Co-operation and Development show it is the only country where fathers spend more time with school-age children than mothers, said Mikko Koivumaa, who as a diplomat in Japan became an unofficial ambassador for his country's family-friendly way of life.'

13. Should voluntary measures to encourage the selection and election of more candidates from under-represented groups be pursued and exhausted before legislative measures are developed?

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I don't think we should waste more precious time to encourage political parties to voluntarily select and elect more candidates from under-represented groups. Legislative measures should be developed immediately. Political parties have had 100yrs plus to reach sex equality and have more under-represented groups they have failed miserably.

There is too much discriminatory practices still allowed to go on by political parties as the majority are still run by just one group in our society 'white straight Christian older males' and they will always hold the majority vote unless you introduce positive action. From experience more diverse candidates will not happen voluntarily as the majority of members will not vote for them. It absolutely has to be enforced by legislative measures for the good of our democracy, governance and society.

Diolch,



**National Assembly for Wales Committee on Assembly Electoral Reform Consultation:  
Electing a More Diverse Assembly**

**Submission from Centenary Action Group**

**About the Centenary Action Group**

The [Centenary Action Group](#) (CAG) is a cross-party campaigning coalition convened by Helen Pankhurst and represents over 100 activists, politicians and women's rights organisations working together to eradicate the barriers that prevent a diverse range of women from taking part in the decisions that affect their lives by. Member's include Fawcett Society, Electoral Reform Society, Muslim Women's Network, WEN Wales, and women's groups from each main political party.

**Introduction**

Over one hundred years after women first gained the right to stand in elections, they remain hugely underrepresented in leadership roles and face a number of barriers to political representation. The Welsh Assembly, despite achieving gender parity in 2003<sup>1</sup>, has now reverted to having a greater number of male Assembly Members (AMs). There are no self-defined disabled AMs and only two coming from a BAME background, both of whom are male, representing 3.3 percent of the Assembly, compared to 4.2 percent of the Welsh population in the 2011 census.

We urgently need a political system that is diverse and reflective of the society it seeks to represent. This is not just because it is the fairest way to proceed but because policies are developed so much better when a wide range of views are taken into account. The Centenary Action Groups recommends that, as a first step, the Welsh Assembly request devolved powers to implement Section 106 of the Equality Act 2010. The Welsh Assembly should look to implementing other practices, including permanent proxy voting, an Access to Elected Office Fund for disabled candidates and childcare expenses for candidates.

**1) Diversity of Assembly**

**1.a) What are the main barriers that may discourage somebody from an underrepresented group from standing for election to the Assembly?**

In 2018 the Fawcett Society published a report detailing the barriers women face getting elected at various stages that make up the journey to political office<sup>2</sup>. These included:

- **Money:** The costs of being selected and elected are high and personal financial resources are a necessity for those seeking political office. This can significantly hinder the selection of those from lower socioeconomic groups and can act as a barrier for women and disabled people.
- **Time and Flexibility:** Getting selected, and being a candidate, can be a full-time job, as parties require a significant time and personal commitment. Given the time and financial costs involved in seeking selection, employment flexibility is crucial.
- **Caring responsibilities:** Local dedication, a history of party activism and voluntary experience are key considerations for UK party selectorates. While these criteria are not explicitly in favour of men, it was perceived that they often advantage men indirectly – women are do three times as much unpaid care work as men<sup>3</sup>, they are therefore disadvantaged in a system that rewards previous voluntary dedication.
- **Personal networks and patronage:** Political parties continue to operate on systems of patronage, rather than merit, with selection based on who, rather than what you know. This

<sup>1</sup> Young, R., 2003. "Welsh Assembly Elections: 1 May 2003". House of Commons Library.

<sup>2</sup> Fawcett Society (2018). [Strategies for Success Women's Experiences of Selection and Election in UK Parliament](#)

<sup>3</sup> UN Women. [Women and COVID-19: Five Things Governments Can Do Now](#). March 2020

was thought to advantage men, who can have greater opportunities to build informal connections. It was also perceived that men tend to support and promote other men.

- **Selectorate bias:** Research participants perceived that party members' "ideal candidate" is not only male but white, middle-class and able-bodied. Female candidates spoke extensively of being asked questions at events and meetings about childcare and their marital status and about their religious status, ethnicity and disability.
- **Abuse and harassment:** Many female candidates and MPs reported experiencing hostility, online abuse, harassment and threats of violence from the media, the public and from members of their own party.

### 1.b) What are the most important things that could be done to help people from underrepresented groups or who might be concerned about giving up their existing job or profession to stand for election?

- Practices such as unusual and predictable office hours, a lack of maternity leave, and a lack of consideration for the caring responsibilities, which are generally heaped on women, act as a major barrier to women's involvement in political life. Legislative business should be conducted within normal business hours and remote working should be made an available option for those who need it, such as those with caring responsibilities and disabled people.
- Political parties should provide funding to cover expenses such as childcare, which would otherwise stop them from being able to stand for election. The Women's Equality Party have an access fund to address any barriers to women standing for the party, including caring responsibilities, which they make available to all their candidates. This is particularly important for women from low incomes. The importance of financial support for childcare is evidenced by testimony from a London Assembly 2021 Candidate for the Women's Equality Party:

*Five years ago, standing for public office was an impossible dream for me, a self-employed lone parent breadwinner for three school-age children. All the politicians I saw in the news either didn't have children, or had a stay-at-home wife or full-time nanny doing all the childcare. I was stunned by the Women's Equality Party's commitment to pay the additional childcare costs I would incur as a candidate. A political party finally understood the significance and cost of childcare in my life. Suddenly, I could afford to stand, and had security my children would be properly cared for when I was out campaigning.*

- Disabled people are chronically underrepresented in politics. The Welsh Assembly should introduce an Access to Elected Office Fund to provide financial support for disabled people standing for election to the Welsh Assembly. This would replace the support given by the UK-wide Access to Elected Office Fund which was set up to provide financial support for disabled people standing for election to the UK Parliament, English local and mayoral elections, Greater London Authority elections and Police and Crime Commissioner elections in England and Wales. The fund closed in May 2015 and has not been replaced in England, Wales and Northern Ireland.

## 2) Publishing data about the diversity of political candidates

One of the major obstacles to achieving a fair share of seats for women is that they are underrepresented among candidates. Currently, we don't know how many women step forward to be selected. We don't know how many candidates from diverse backgrounds hope to stand or if any candidates with disabilities seek election. In fact, there is no public, collated data at all – preventing similarities and differences from being seen. And without the data, sustainable change cannot occur. Open, transparent data drives diversity in politics like it does in every other area of our society.

**2.a) If political parties were required to collect and publish anonymised data about the diversity of their Assembly election candidates, would this encourage them to select a more diverse range of people as candidates?**

Political parties are the 'gatekeepers' to political representation: they are ultimately responsible for attracting members and aspirant candidates, the processes through which candidates are chosen, and their placement in winnable constituencies. As noted by the House of Commons Women and Equalities Committee, it is therefore parties who must take responsibility for increasing diversity amongst their pool of possible candidates.

Parties across the spectrum have made public attempts to increase the diversity of their candidates. The majority of parties, including smaller parties, made a manifesto commitment to enacting section 106 of the Equality Act at the 2019 UK Parliament general election, which reveals that there is a willingness to take action. Nonetheless, there are limits to the success of any internal attempt to drive diversity without knowing the full picture relating to all the stages of the recruitment process. A compulsory system put in place by a central body, such as the Electoral Commission, would therefore benefit parties in the following ways:

- Parties do not currently have sufficient information to take a targeted approach to improving diversity. By monitoring diversity throughout the recruitment process, rather than solely of those candidates selected for seats, trends and problems will be illuminated.
- Publicly available information from all parties would provide a benchmark as to what could be achieved as well as allowing parties to monitor each other's progress.
- Parties monitor data internally at the very least about selected candidates. The provision of a centralised system, administered by an independent body, reduces the burden on parties to devise their own systems for collating and publishing data.
- Transparency is key to accountability. Parties are motivated by the prospect of winning or losing voters, thus providing a source of information to the public on which they can measure party success, empowers the electorate and encourages parties to act.

The case for the publication of data to drive change and best practice is not new: NHS Choices, the Police Effectiveness and Efficiency Scheme and the publication of appointments to directorship level within the FTSE 100, are all examples of drives to promote high performance. The introduction of mandatory annual reporting on the gender pay gap from 2017 was steered by the same logic: that collecting information promotes transparency which in turn drives change<sup>4</sup>. Such public information can illuminate particular areas of weakness to organisations, thereby incentivising remedial action.

Diversity reporting is commonplace nowadays in workplaces and recruitment practices. Businesses, universities, governmental organisations and trade unions are amongst the examples of organisations in which there is publicly available information in relation to diversity, which has been shown to promote improvements. A few examples are:

- McKinsey & Company have carried out comprehensive research demonstrating the correlation between diversity amongst a business's employee base and business growth. Their evidence shows that a programme being data driven is one of the key factors in driving its success<sup>5</sup>.
- Ofcom publishes findings from the diversity data gathered during its recruitment processes as a part of its annual diversity reporting. In doing so it clearly sets out its successes and weaknesses, which in the year 2018-2019 included a higher conversion rate of female applicants to accepting job offers, but a fall in the conversion rate of BAME candidates through the recruitment process<sup>6</sup>.
- Linklaters, along with many other law firms, report on their diversity statistics across the firm and within their trainee intake. Whilst it would be more useful to see the diversity statistics

<sup>4</sup> Government Equalities Office, 2015. "Closing the Gender Pay Gap: Government Consultation"; Deloitte, U.K., 2016. "Trailblazing Transparency: Mending the Gap", Government Equalities Office.

<sup>5</sup> Hunt, V. Layton, D., Prince, S., (2015) "Diversity Matters". McKinsey and Company; Hunt, V. et al., (2018) "Delivering Through Diversity". McKinsey and Company.

<sup>6</sup> Ofcom, (2019), "Diversity at Ofcom 2018/2019".



from throughout the recruitment process to see if there is a drop off point indicating bias, this allows for external monitoring and accountability of their efforts to recruit a diverse cohort of trainees<sup>7</sup>.

- The TUC has carried out diversity monitoring of the composition of membership and elected bodies and trade unions since 2001, reporting that this has enabled unions to look closely at what groups are over- and under-represented, and address any obstacles facing certain individuals. The result has been increased focus on diversity and evidence of more participation and representation from a diverse range of individuals.<sup>8</sup>
- Universities of Oxford, Cambridge and Edinburgh along with most others across the country have developed comprehensive diversity strategies for both students and teaching staff. The strategies are all based on reporting data year on year to monitor improvements<sup>9</sup>.

## 2.b) What would need to be done to ensure that candidate data was collected and published accurately and responsibly?

The diversity data should be collected, as a minimum, before and after each election. In the future, when data is collected on unsuccessful candidates for nomination<sup>10</sup>, this should be done more regularly. Reporting on this basis provides an ongoing incentive to parties to push for increased diversity amongst candidates, whilst providing a practical solution to the uncertainty of polling dates.

There have been suggestions, for example by the Fawcett Society, that parties should only be subject to reporting requirements if they stood candidates in a minimum number of constituencies at the previous election. Conversely, a small party fielding only one candidate would have a very small administrative burden in returning a standard diversity monitoring form. Additional measures to support small parties and ensure that returns were suitably anonymised, considering the small pool of candidates, could be investigated and put in place by a body such as the Electoral Commission.

All parties would submit data in the same, simplified format, allowing for ease of publication and comparison of data by the public. This would make it easy to do at a local or regional level. The vast majority of organisations now undertake diversity reporting during their recruitment processes so this would be seen as a very standard request. The Centenary Action recommends a body such as the Electoral Commission, which currently manages all filings in relation to political parties, should be empowered to collect and publish diversity monitoring data on a dedicated webpage.

## 4. Other Issues

**4.a) What changes could the Assembly introduce to its ways of working to make standing for election more attractive to people from under-represented groups? For example, some people have suggested that having strict limits on the timing of Assembly business, enabling proxy voting, or allowing Assembly Members to attend meetings remotely might encourage a more diverse range of Assembly candidates.**

- **Proxy voting:** Legislatures must be accessible to parents. A failure to do so will have a disproportionate impact on women. A formal and transparent system of proxy voting would provide this and would guarantee the right of constituents, and parents, to have their voice and vote recorded in the National Assembly. Centenary Action Group welcomes the fact that previous oral witnesses to the Parliamentary Procedure Committee were hugely supportive of implementing proxy voting in the House of Commons. A formal and transparent system of

<sup>7</sup> Linklaters, (2019) "Diversity Statistics: 2019".

<sup>8</sup> Evidence provided to the Speaker's Conference (on Parliamentary Representation) summarised in paragraph 158 of their final report.

<sup>9</sup> University of Nottingham, (2018) "Diversity in Recruitment".

<sup>10</sup> Including unsuccessful candidates for selection is an important activity because following individuals through the selection process would show how many times it takes for individuals to be selected. For example, it could be that a large number of BAME women in a party put themselves forward as candidates but very few make it past selection or are placed in winnable seats. Alternatively, it may be that the low number of known disabled members of parliament reflects the number of candidates coming forward. This might reveal that disabled people are discouraged from putting themselves forward. These scenarios would prompt different policy responses, but without the data available to parties to know what action to take, any attempts to increase diversification of candidates can only be a blunt tool.

proxy voting for maternity leave, as recommended in Professor Sarah Childs' *Good Parliament* Report<sup>11</sup>, would guarantee the right of constituents to have their voice and vote recorded, without putting parents in the unreasonable and unrealistic situation where, in order for their constituency to be represented, they must return to work after very little time following the birth or adoption of their child<sup>12</sup>.

- **Locum MPs:** There is currently no parental leave in place for elected representatives to ensure that they access cover for the work that they do outside of the constituency. Parental leave is also essential to ensure that constituents do not have reduced representation whilst an elected representative is on parental leave. Centenary Action Group urges the Welsh Assembly to commence a consultation on automatic access to funding for a locum cover should an AM be taking parental leave.

#### 4.b) Are there examples of measures introduced in other countries which have significantly improved the parliamentary representation of under-represented groups?

- **Proxy voting:** Both New Zealand and Australia have incorporated proxy voting into their respective democracies<sup>13</sup> and provide excellent examples of how other legislatures can also incorporate proxy voting into their parliamentary systems.
- **Candidate Diversity Data:** Coherent reporting of diversity amongst candidates already takes place in few countries worldwide and has been shown to be effective in focusing efforts towards improvement. Finland, for example, provides regular diversity reporting in relation to parliamentary candidates. The country has secured female representation of 46 percent and has a coalition government made up of five women leaders.

#### 4.c) Should voluntary measures to encourage the selection and election of more candidates from under-represented groups be pursued and exhausted before legislative measures are developed?

In order for parties and campaigners to understand the varied and nuanced reasons why the majority of representatives continue to be male, white, and straight, it is vital that they know where in the recruitment process diverse candidates are falling away. Comprehensive gathering and publication of data about candidates standing for parliament will highlight which policies are successful and where there are particularly weak areas. This data, should it be made widely available, will drive changes in the diversity of our representatives. The lack of diversity and lack of information available demonstrates that the current voluntary system does not work. As the Centenary Action Group has long argued, transparency is key. Parties need to be held to account for their efforts to improve political diversity. Therefore we are calling on the government to enact section 106 of the Equality Act immediately to prevent this problem getting worse.

The 2019 Feminist Scorecard recommended that Welsh Government integrate gender quotas into the electoral system so that all political parties put forward at least 50% women candidates by 2021<sup>14</sup>. WEN Wales and Oxfam Cymru recommend that the Welsh Assembly implement legally binding quotas, with sanctions or incentives, to ensure we do not continue to see a reduction in the numbers of women elected to the Welsh Parliament, and the continuation of low numbers of women elected in local councils<sup>15</sup>. CAG recommends that the inclusion of quotas in forthcoming legislation on Reform of the Welsh Parliament should be given further consideration.

<sup>11</sup> Childs, S., (2016) "The Good Parliament" Available at: <https://www.bristol.ac.uk/media-library/sites/news/2016/july/20%20Jul%20Prof%20Sarah%20Childs%20The%20Good%20Parliament%20report.pdf>

<sup>12</sup> The Fawcett Society (2019) [Written Submission to Gender Sensitive Parliament \(House of Commons\) Inquiry](#)

<sup>13</sup> Childs, S., (2016) "The Good Parliament" Available at: <https://www.bristol.ac.uk/media-library/sites/news/2016/july/20%20Jul%20Prof%20Sarah%20Childs%20The%20Good%20Parliament%20report.pdf>

<sup>14</sup> WEN Wales and Oxfam Cymru (April 2020) [Feminist Scorecard 2019](#)

<sup>15</sup> WEN Wales and Oxfam Cymru (April 2020) [Feminist Scorecard 2020](#)



**4.d) Which voluntary or legislative measures to encourage the election of a more diverse Assembly would make the biggest impact, and which measures should be prioritised?**

Collecting and publishing diversity data is an effective method of ensuring society is reflected within an organisation. This has been shown time and again in business, civil society and government. A third of FTSE 100 board members are now women, meeting a target set by the government-backed Hampton-Alexander report a year early. The goal of the UK Government's Race Disparity Unit's is the publication of data in order to drive policy change. Gender pay gap reporting has already brought considerable changes to women in the workplace. This is proof, should anymore be needed, that data definitely drives diversity.

Hannah Swirsky, CAG Campaign Coordinator: [REDACTED]

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#StillMarching

## Consultation: Electing a more diverse Assembly

### Who is WEN Wales?

i.i [WEN Wales](#) is a representative women's network<sup>1</sup> and human rights organisation. Our vision is a transformed Wales, free from gender discrimination. We call for a Wales where all women and men have equal authority & opportunity to shape society and their own lives.

i.ii WEN Wales asked our individual members to respond to the questions of the Committee. The views of the 24 respondents have informed WEN Wales' response below. *After WEN Wales had consulted with our members, the Welsh Parliament changed its name. Where quotes have been used directly, the former name for the Welsh Parliament has been included.*

i.iii Our general approach to electing a more diverse Senedd centres around three areas which we believe will all need concerted action. There is no silver bullet to increase diversity and now with the Covid-19 pandemic it is even more important that we take action or intersectional women will be so busy responding to the crisis that they will not have the time or finances to get involved in politics. WEN Wales believes it will take action in three areas: legislation, mentoring and changing our culture. One will not work without the other and it is a long-term project. Women have had the vote for 100 years and yet we still do not have equality in political life. Tinkering around the edges will not work. We need a suite of bold measures including:

- We need to **implement legislation** that compels political parties to put forward equal numbers of candidates – i.e legally binding gender quotas with incentives or sanctions which results in at least 50:50 MS's candidates from all parties
- We need to **create the pipeline** for diverse women leaders via supporting the WEN and the Eyst Mentoring Scheme – and as soon as possible bringing them together in an 'Equal Power, Equal Voice: All Wales Mentoring Programme' including Disability Wales and Stonewall Cymru
- We need to **change the culture** that surrounds politics via strong codes of conduct at the Senedd, via holding those MS's that do not uphold high standards to account and by holding social media companies and individuals who abuse politicians via social media to account.

i.iv We believe that all three measures above must be pushed forward if we are to get a truly diverse Senedd.

### i.v Our specific recommendations to ensure the Senedd is more diverse are:

- a) **Ensure that forthcoming legislation on Reform of the Welsh Parliament should include provisions on legally binding gender and diversity quotas**

**The evidence supporting quotas is clear:**

- **Research shows that quotas are the "single most effective tool for 'fast tracking' women's representation in elected bodies for government."** ;

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<sup>1</sup> Over 1300 individual members and organisational members, including women's rights and allied organisations from across the third sector, academia, international and national NGOs.

- Among the twenty Organization for Security and Co-operation in Europe (OSCE) countries registering the sharpest growth in the proportion of women in parliament during the last decade... half had introduced legal quotas. By contrast, among the twenty OSCE countries lagging in growth, none had implemented legal quotas ;
  - There is international backing - various international institutions, including CEDAW, the Beijing Platform for Action, the EU and the Council of Europe support quotas;
  - Ireland has successfully used quotas requiring that at least 30% of the candidates each party stands nationally are female (rising to 40% after seven years). The percentage of women candidates increased 90% at the 2016 election compared to the 2011 election, with a corresponding 40% increase in the number of women elected – 35 in 2016 compared with 25 in 2011 ;
  - The 2017 Expert Panel on Assembly Electoral Reform, appointed by the Llywydd of the Welsh Parliament, recommended introducing prescriptive gender quotas for the 2021 elections. This presented an opportunity for Welsh Government to bring forward legislation to ensure diverse and equal representation.
- b) Establish an Access to Elected Office Fund in time for 2021 elections
- c) Implement an action plan urgently to increase the involvement of BAME women in public and political life

*i.vi In addition to our own response, WEN Wales would like to draw the Committee's attention to the Centenary Action Group's submission to this consultation. WEN Wales is a member of this group.*

**1. How can the Assembly ensure that the views of under-represented groups are taken into account in its work, when there might not be any Assembly Members from those groups?**

*1.1 "I do not think that the Assembly can ensure that views of under-represented group are taken into account in its work, when there might not be any AMs from these groups... the fact that e.g. the Assembly could ensure the views of Black and minority ethnic women are taken into account in its work without the Senedd having ever had a Black and minority ethnic woman representative is sexist and racist. It's that simple." – WEN Wales member*

1.2 The Welsh Parliament has never had a Black, Asian or minority ethnic woman (BAME) Member of the Senedd. This is unacceptable because BAME women and girls have not been represented at the centre of Welsh politics. One WEN Wales member described this as a symptom of a *"crisis of democracy and representation."* Political parties must do more to encourage diversity and if they are not willing to act voluntarily, they must be encouraged to do so by legal means.

1.3 Many of our members called for far greater engagement with underrepresented groups, including going out across the whole of Wales, with particular focus on rural areas in North and mid-Wales. There was a call for increased co-productive working in the development of policy and legislation, where underrepresented groups are supported to build capacity and financial support for potential future candidates is made available.

1.4 WEN Wales is disappointed at the lack of Access to Elected Office Fund for the 2021 Senedd Elections and while plans to make such a fund available for disabled candidates for the 2022 local government elections is welcome, we recommend that more underrepresented groups are also financially supported: BAME women, women from low-income households, women needing assistance with childcare costs, LGBT+ women etc.

*1.5 “Introduce reversed mentoring or opportunities for shadowing with mentors being remunerated for their time. Ensure time is used to consult and engage with these groups – the same effort to engage in an election should be used at all levels of outreach and engagement.” – WEN Wales member*

1.6 Our members called for mentoring opportunities, such as those already offered by WEN Wales and EYST, for women and BAME young people advancing careers in political and public life in Wales. Others also suggested the use of reverse mentoring and shadowing. We know that these have been organised by organisations such as Women Connect First and Chwarae Teg in the past, though more financial support needs to be offered to women accessing these schemes, particularly in relation to childcare provisions for women wishing to attend but who would not be able to do so without access to free childcare. We would like to see an All Wales and All Protected Characteristic Mentoring scheme run by WEN in partnership with Eyst, Stonewall Cymru and Disability Wales and have put forward proposals for this to happen to the Deputy Minister and Chief Whip.

1.7 The Senedd could do more to make the route to political office clearer and run a communications strategy to encourage people to consider a career in the Senedd, which could include interviews and testimonials, and engagement with young people in educational institutions across Wales. The Senedd could also create liaison posts, directly employing people from under-represented groups to liaise with communities.

1.8 The message from some is simple: *“Work out which groups are under-presented, work out possible reasons why that is, then devise ways to overcome these barriers so that they can be included.”* There are many women’s groups and charities in Wales already working with people who are in or at risk of being in poverty, are single parents, are disabled and not represented in the Senedd. The individuals who are underrepresented should be treated as much as experts as those already consulted on ‘expert panels’ and should be paid for their time and expertise.

**2. What are the main barriers that may discourage somebody from an underrepresented group from standing for election to the Assembly?**

*2.1 “Lack of experience of or exposure to public office. This is the effect of historical discrimination and marginalisation and requires concerted, targeted and long-term positive action. I believe that on-going racism and sexism also dissuades some people from standing. I would feel that as a BME woman I would start out with a disadvantage and that at every stage I would be scrutinised more closely and criticised more freely than either a male or white counterpart. I wouldn’t want to put myself or my family through that pressure.” – WEN Wales member*

2.2 Many of the responses that WEN Wales received expressed concerns around institutional and cultural racism, alongside a multitude of other forms of discrimination: (cis)sexism, ableism,

islamophobia, anti-Semitism, homophobia, transphobia. Not only was it raised that white supremacy and colonialism are at the heart of the workings of some political parties and existing political institutions, but concerns were also raised around social media abuse experienced by underrepresented groups. The sheer volume of online abuse and violence that Diane Abbott MP receives daily is an example of this, and is utterly unacceptable. Despite the wide reporting of this abuse, neither the police, the criminal justice system, social media conglomerates or political institutions have come near to dealing with this detestable behaviour. Underrepresented group should not have to accept this as the norm and live with the consequences for themselves, their families, and their communities. Welsh Government must do more to hold social media companies to account.

2.3 Gender stereotypes prevail in Welsh society and ‘default-male’ is still the model of leadership that predominates in the mind of people across Wales. Therefore, those who are not already represented may find it difficult not only to stand for elected office but to think that such an option is open to them. WEN Wales members have also raised issues of low confidence of potential candidates, lack of understanding about the political roles available and the process of how to get elected and the cost implications. Costs were raised in the context of those who would stand as independent, as well as those who are members of political parties.

2.4 Barriers were also highlighted within political parties, such as a perception that the current electoral system is being used to discriminate: *“Male only candidates constituencies using twinning as an excuse to now allow female candidates to stand in twinned constituencies.”* WEN Wales supports all recommendations of the Expert Panel on Electoral Reform, including a Single Transferable Vote system with integrated legally binding gender quotas and diversity quotas.

2.5 Some also saw the Senedd as exclusionary: *“the Assembly is very much composed of people who have all the advantages of social capital and in many cases candidates are selected to stand because of personal social connections.”*

2.6 While the Senedd has prided itself on its family friendly policies, many felt that barriers for standing included caring responsibilities, lack of childcare provisions and difficulties with travelling, particularly for those from constituencies far from Cardiff Bay.

2.7 *“I’m disabled, I need help with transport and other things if I’m to participate, the opportunity to job share would be welcome. How accessible is the Senedd. It doesn’t really look wheelchair accessible in the debating chamber. I don’t see people from minority groups in the chamber so don’t feel like we belong.”* While there is funding for reasonable adjustments for disabled Members of the Senedd, this is not widely communicated. Also as there is currently no Members of the Senedd who uses a wheelchair in the Chamber it is not clear whether the space could accommodate one appropriately.

### 3. What are the most important things that could be done to help people from underrepresented groups or who might be concerned about giving up their existing job or profession to stand for election?

**3.1 “I think that the Senedd and political parties in Wales have historically not given due regard under various Acts and now we are at a point where the Senedd is toxic and they need to rush equality. Equality can never be rushed. We can’t bypass 30+ years of work to just say “what can we do” ... we need to organically create a political climate within which ‘underrepresented’ groups feel comfortable.” – WEN Wales member**

3.2 There is a perception that behaviours and procedures need to change within political parties and within the culture of the Senedd to make them more inclusive, supportive and not allow any direct discrimination to occur within political parties: **“Parties and Welsh Government to provide clear anti-oppression statements and policies that outline how oppressive and discriminatory behaviour will not only not be tolerated but will be dealt with within the party.”** Following the #MeToo movement and subsequent moves towards improving standards of complaints procedures in the Senedd, WEN Wales and our members have been disappointed at failings of the Standards Commissioner to instil confidence in the system, for example, in relation to the sexist video created by Gareth Bennett MS of Joyce Watson MS, which was entirely inappropriate. Failure to recognise clear acts of misogyny does not paint the Senedd in good light.

3.3 Cost is a significant barrier which is why we suggest an Access to Elected Office Fund.

3.4 Some members felt that candidates should be able to continue their jobs until they are sworn into office. Others highlighted that secondments from current jobs or career breaks, either full or part-time, would reduce barriers.

3.5 In relation to the need for widely available information about the workings of the Senedd, there was a suggestion that case studies could be distributed which show how different viewpoints in the Chamber and within the work of the Senedd made a measurable difference to the people of Wales.

3.6 There were calls for organisations who could guide and encourage people to stand, as well as calls for mentoring, training, and shadowing of existing Members. WEN Wales and EYST Wales run mentoring schemes for small cohorts of people wanting to advance in their political and public careers, including prospective political candidates, however the schemes are heavily over-subscribed and we would like to double their size to have a bigger impact. We recommend that further investment into existing schemes should be made to increase capacity and the impact now and in the future.

These schemes work - WEN Wales has had one mentee elected to the UK Parliament and several have become candidates for Senedd Elections, as well as several women becoming Councillors since being on the scheme. The attached infographics show the results of the two WEN mentoring schemes so far – there have been big increases in wanting to stand for elected office and in mentees understanding of how to run for office. So whilst Mentoring schemes are not a silver bullet, they are most definitely needed to increase the pipeline of women coming through to stand for political office.

#### **4. Do people in Wales, including those from under-represented groups, know enough about what the role of an Assembly Member involves to be able to decide whether they are interested in standing for election?**

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**4.1 “No, there is a general cynicism about politics and about politicians currently, which leads to a lack of understanding about the role.” – WEN Wales member**

4.2 WEN Wales’ members either responded “no” or “probably not” to this question. One respondent suggested making greater use of the Youth Assembly as advocates. Another suggested that Welsh Government should fund an inquiry into this issue, which could then be gather information to inform an action plan for change.

4.3 One practical suggestion was: “I don’t think so. I also think the negative press about politicians can put people off. So perhaps it would be helpful to produce a video with AMs explaining the positive side of being involved in politics. For example, the good they are able to do for others, the positive influence in the legal system.”

4.4 Educating people across Wales about our political institutions is vital. “There are people from all over Wales, not necessarily from underrepresented groups, who know little or nothing about the role of an Assembly Member. I know the Assembly does its best to provide information on its role and activities but far too many see it as a sort of additional Council which we have to pay for and fail to recognise devolved matters and the link between the Assembly and Westminster. I know the assembly provides information on its activities and that of its members, but people just don’t get it.” Our member highlighted a lecturer at Cross Keys College who runs an excellent politics course. WEN Wales fully supports the Electoral Reform Society Cymru’s call for compulsory non-partisan political education in all educational institutions. Without it, this issue of misunderstanding the political systems of Wales will continue and will weaken our democracy. We urge the Committee to ensure that Welsh Government do not miss this opportunity to include meaningful, compulsory political education in the new curricula.

4.5 Consultations with underrepresented groups should be done through engagement with people or organisations already positioned to consult with each group, with enough time, information and an appropriate way in which to respond, to make it as easy as possible. Consulted groups should always be remunerated for their time and expertise.

**5. If political parties were required to collect and publish anonymised data about the diversity of their Assembly election candidates, would this encourage them to select a more diverse range of people as candidates?**

**5.1 “Encourage or force? They may certainly be under more pressure to do more to attract a more diverse range of people.” – WEN Wales member**

5.2 WEN Wales believes it is essential that parties publish candidate data and supports the recommendations laid out by the Electoral Reform Society (ERS) Cymru in their report *New Voices*<sup>2</sup>. The report states that:

*“The UK Government has legislated under the Equality Act for parties to publish information around the diversity of their candidates for elections, however this provision has never been enacted. Often the reason for this is cited as due to the burden on smaller parties, however*

<sup>2</sup> <https://www.electoral-reform.org.uk/wp-content/uploads/2018/07/New-Voices.pdf>

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*we know that some smaller parties already collect this information. The lack of data on protected characteristics is a major barrier to progress on diversity. If we are unclear of the scale of the problem, then how can we begin to address it? Unless the UK Government takes this issue seriously and enacts Section 106 of the Equality Act, then the fundamentals of inequality will remain.”<sup>3</sup>*

5.3 Without this data it is extremely hard to robustly hold parties to account on the lack of diversity in candidate lists. Some protected characteristics are hidden, such as sexual orientation and disability, and all characteristics should be self-defined by candidates and should not be taken on assumption. One member stated that they thought it would **“definitely”** make a difference as **“it would show how poorly we are currently doing in terms of encouraging diverse groups.”** While some members agreed, others thought it might make a difference. Some thought that it would only work **“if targets were also set.”**

5.4 Concerns were raised that parties should be free to **“select the best candidates not fulfil a box ticking exercise. Quality candidates not people learning as they go along.”** As ERS Cymru stress in their report, “quotas alone are not a panacea.”<sup>4</sup> Diverse candidates must be supported through initiatives such as mentoring schemes, as discussed elsewhere in this document.

5.7 Concerns were also raised around the word diversity – implying that there is a non-diverse group. It was raised that **“the Senedd is in Butetown. Butetown is home to one of the oldest multiracial communities in Northern Europe, but you won’t find a woman of colour there who works as an Assembly Member... how offensive it is to say that we in S Cardiff are “diverse”.”**

## **6. What would need to be done to ensure that candidate data was collected and published accurately and responsibly?**

6.1 WEN Wales’ members’ responses have highlighted that the data should be collected and verified independently, whether this be through existing commissioners, the electoral commission or a third party; and be audited independently too.

6.2 It is imperative that the system ensures that data is anonymised – with a clear process for when publishing data would easily break this anonymity (e.g. if there was one female candidate reported this may break anonymity). Categories for how data will be published needs to be made clear and it was suggested that aligning this data to the protected characteristics of the Equality Act 2010, and **“not adjusting to pander to a vocal but small lobby group”** would be essential.

6.3 Another suggestion was that people from the protected characteristics laid out in the Equality Act 2010 should be paid to conduct this work: **“hire people from the “diverse” backgrounds you have mentioned above under the Equality Act to make sure that this happens, basically, pay people, pay working class people, disabled people, older people, people of colour etc.”**

## **7. If people were allowed to stand for election on the basis of job sharing, are there particular groups or communities that would be most likely choose to stand for election in this way?**

<sup>3</sup> <https://www.electoral-reform.org.uk/wp-content/uploads/2018/07/New-Voices.pdf>

<sup>4</sup> <https://www.electoral-reform.org.uk/wp-content/uploads/2018/07/New-Voices.pdf>

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7.1 This would benefit women, people with disabilities, people with caring responsibilities, those worried about leaving their jobs either for financial reasons or because they wouldn't want to leave their careers, as well as those leading Third Sector organisations.

7.2 One member said: *"I can't speak for other people/groups but I think it would encourage someone like me/BME women. That would be purely due to feeling more supported (by a job-share partner) as I don't have caring responsibilities."*

7.3 Others used the opportunity to raise concerns around the electorate's understanding of a job-sharing system: *"Yes, women. But, although people may be happy to stand on a job-sharing ticket, I'm not convinced the electorate would accept it easily. It could be seen as someone just "being a part-timer" and less effective. It's a big sell!"*. Another view was *"I don't see how that would work? I wouldn't vote for 2 people. What happens if you like 1 candidate but not the person they job share with?"*

7.4 WEN Wales supports the use of job sharing, as we have highlighted in our *Feminist Scorecard 2020*<sup>5</sup> at all level of politics, though we are aware of the issues raised by our members. We endorse Professor Sarah Childs view, as expressed to this Committee in February: *"Job sharing will enable some women to participate in politics who couldn't otherwise, but the global evidence is absolutely clear that it is electoral quotas which are the most effective at increasing the participation of women in politics."*<sup>6</sup>

**8. Should quotas be used to increase the representation of under-represented groups such as people with disabilities or ethnic minorities? What practical implications would need to be considered?**

*8.1 "I think the Assembly should reflect its constituency. What I mean is, if the ration is 50% males and 50% female it should aim to be the same." – WEN Wales member*

8.2 WEN Wales strongly believes that quotas should be used and have included our briefing on quotas in the appendix. Quotas are a temporary special measure supported and recommended by the UN Convention on the Elimination of Discrimination Against Women (CEDAW). We also believe that the principles of CEDAW should be incorporated into welsh policies and laws in relation to devolved matters. While women make up 52% of the population of Wales, the high proportion of women Members of the Senedd could regress dramatically in next year's Senedd elections if parties who do not use temporary special measures such as twinning and zipping are elected.

8.3 We also believe that people with disabilities or those from BAME communities should also benefit from temporary special measures. These would have to not be at odds with the Equality Act 2010, as current all-women shortlist allowances are specific exemptions within the Act that do not apply across other protected characteristics. As our members' responses have highlighted, gender quotas have benefited white women, and therefore not diversified politics as effectively as further measures surly could.

<sup>5</sup> <https://wenwales.org.uk/wp-content/uploads/2020/04/Feminist-Scorecard-Report-2020-Eng.pdf>

<sup>6</sup> Professor Sarah Childs speaking to the Committee on Assembly Electoral Reform, Monday, 3 February 2020 10.15, <http://www.senedd.assembly.wales/ieListDocuments.aspx?Cid=542&Mid=6029>

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8.4 WEN Wales does recognise that not all are convinced of the benefits of quotas and fear that unqualified people would usurp stronger candidates to fill the quota. For others, there is a worry that quotas would feel tokenistic. One member highlighted that *“quotas would have to go alongside lots of other positive action measures – but they could help.”*

8.5 Another member suggested *“Use figures to name and shame parties and ask them how they will address the imbalance.”* WEN Wales believes that all political parties must be obliged to publish anonymised candidate data, including protected characteristics, so that the information needed to lobby political parties on their lack of diversity at selection stage, is available, as currently, this strategy is undermined by the lack of available figures. Even data on elected politicians is incomplete and flawed, as the Electoral Reform Society Cymru’s report *New Voices*<sup>7</sup> found in 2018.

8.6 One supporter of the use of quotas answered *“Absolutely, practical challenges would be preparing people for candidature including confidence building but also training party members, including other candidates, so that they fully understand and support the aim and the purpose.”*

#### 9. What evidence is there about how voters feel about the use of quotas to encourage the election of candidates with specific characteristics?

9.1 A member who supports quotas suggests that *“some people resent it as it blocks the way for (usually male) candidates who have to make way for ‘diverse’ candidates, who might be weaker candidates and might lack experience compared to them. Other people approve of this.”*

9.2 Political parties who have used systems of twinning and zipping, like Plaid Cymru and the Labour Party, should inform this discussion – *“this evidence could be gathered from the Labour Party for example, who have used it for the recruitment of women candidates’* via All Women Shortlists – which is a form of quotas.

9.3 This question also highlights again the need for strong political education in Wales: *“I’m afraid not enough people understand even the basics of selection and find quotas even more confusing. Admittedly, this is based on general conversations I’ve had both within a political party structure and in the wider community.”*

9.4 One member expanded on this point:

*“I’ve received anecdotal evidence from members of my political party who don’t like male only candidate constituencies as they think it’s unfair to female candidates who would like to stand. There needs to be an education campaign to inform the electorate as to the need for positive action and quotas. Many don’t understand why we will never have a 50;50 female / male representation in the Senedd naturally unless there are quotas. This is because the reasons are complex and are to do with our still very patriarchal Welsh society, unconscious bias against women especially mothers with childcare responsibilities, the fact that discrimination against women can come from some other women (e.g. childless women, older women) as well as some men. The reasons are many and complex and in a way quotas are necessary because many female candidates are being asked to challenge*

<sup>7</sup> <https://www.electoral-reform.org.uk/wp-content/uploads/2018/07/New-Voices.pdf>

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and change the whole of our Welsh patriarchal society on their own - It is impossible and too much to ask each female candidate to do on their own (they are being asked to change and challenge their own political parties too, which still have the majority of members who are male and/or females who can discriminate against other women too!). I think if you look to the workplace it's common to see positive action going on e.g. Welsh speakers only or ethnic minorities, disabled people will have an automatic interview etc. It's just bringing our governance and democratic systems up to date." WEN Wales member

9.5 One member suggested that the Committee looks at recent United Nations survey data on world-wide gender bias against women and leadership positions. The United Nations Committee for the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) routinely recommend the use of temporary measures such as quotas to all countries who go before them. Data around the use of the Convention may help inform this issue.

9.6 WEN Wales published a CEDAW briefing for Members of the Senedd in March 2020. This can be found on our website<sup>8</sup>, as can further information about CEDAW<sup>9</sup>:

**10. Experiences of party politics: Are there any barriers which might discourage people from under-represented groups from joining political parties or taking part in party politics?**

10.1 *"Vile bullying online, a climate of sexual harassment in the Welsh Senedd or Westminster or the Scottish Parliament. Politics has always been hard, uncompromising, male dominated arena where verbally abusing each other is part of the process. It seems to me that makes a system where all sorts of other abuse is accepted."* – WEN Wales member

10.2 From social media to print media, vile abuse and violence experienced by politicians, the reasons that under-represented groups may be discouraged are vast. *"Mainstream media needs to be accountable"* argues one member, while another raises the life-threatening reality of online abuse that women in public and political life suffer, which is a serious and prevalent form of violence against women: *"There are barriers facing all people – social media assassination, family scrutiny, party political in-fighting, financial checks. It's a minefield which the honest, upright committed candidate has to develop a thick skin pretty quickly."* The ERS Cymru report *New Voices*<sup>10</sup> details this further, with evidence gathered from interviews and surveys of Welsh politicians from across political parties and institutions. There is also a lack of faith in current internal complaints procedures, both inside parties and political institutions: *"young women's voices and complaints are frequently being silenced or not upheld because some male members and/or non-feminist female older members don't see feminist viewpoints"*. There is a call for more independent scrutiny of political parties' internal processes and complaints procedures to address institutional sexism and racism.

10.3 Another member raised that *"one of the biggest barriers are poor engagement methods that fetishize diverse communities and lead to community consultation. Other ones include racism, sexism, sexist racism, racist sexism, ableism anti-blackness, white supremacy, institutionally racist political parties not responding to e.g. Lammy review, despite an epidemic of BME people in Wales"*

<sup>8</sup> [https://wenwales.org.uk/wp-content/uploads/2020/03/WEN\\_CedawBriefing\\_Bilingual.pdf](https://wenwales.org.uk/wp-content/uploads/2020/03/WEN_CedawBriefing_Bilingual.pdf)

<sup>9</sup> <https://wenwales.org.uk/cedaw/>

<sup>10</sup> <https://www.electoral-reform.org.uk/wp-content/uploads/2018/07/New-Voices.pdf>

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*in prisons and Senedd in “BME heartland” of Wales. Party politics in Wales is closely related to gentrification.”*

10.4 Some have raised issue around parties and meetings seeming very *“cliquey”*, male-dominated, and not accessible to those with caring responsibilities. Others have highlighted that there is *“still institutional sexism in the process and procedures of political parties, e.g. male-only candidate constituencies are being used with twinning arrangements even when there are massively less female candidates being selected.”* Some members see that the Equality Act 2010 is being used by men to discriminate against potential and actual women candidates.

10.5 Mistrust of political systems, apathy, lack of feeling represented by parties and time and money constraints were also raised as barriers.

**11. Ways of working: What changes could the Assembly introduce to its ways of working to make standing for election more attractive to people from under-represented groups? For example, some people have suggested that having strict limits on the timing of Assembly business, enabling proxy voting, or allowing Assembly Members to attend meetings remotely might encourage a more diverse range of Assembly candidates.**

11.1 The workings of the Senedd has had to adapt very quickly to the limitations due to the COVID-19 crisis. WEN Wales believes that best practices from this period should be incorporated into everyday practices going forward, rather than seen as extreme measures during a crisis. The relative youth of the Senedd has enabled quick reaction to external factors imposed by the pandemic, unlike the dusty corridors of Westminster. This has allowed for continued scrutiny of Welsh Government’s response to the crisis, which has been extremely important, especially given that specific issues for women and girls have been further worsened by COVID-19. One member stated that the Senedd should use *“remote working which nondisabled people are suddenly discovering is practical. Disabled people have been telling them this for ages!”*

11.2 WEN Wales is particularly interested in the way that the Senedd has used remote voting, something that has been a real area of contention for AMs on parental leave, with no provision to allow proxy voting in the Chamber. This is something that Bethan Sayed MS has been vocal about in recent months and something that WEN Wales has discussed at greater length in evidence submitted to this Committee.

11.3 Some members have simply responded their support for all the listed suggestions, adding surprise that these are not currently in place, given their prevalence in many other work environments. Others have suggested that *“the Assembly should consider having an in-house creche or child care vouchers so mothers can work.”* This is an initiative that WEN Wales supports.

11.4 There are been suggestions too that upskilling Members of the Senedd and all staff about *“unconscious bias and why some people simply do not hear women’s voices, especially mothers with childcare responsibilities in the same way as others.”*

11.5 There are also calls for the Senedd to try different ways of working *“that enable AMs to balance constituency and Assembly business. However, there is still a given amount of business that needs*

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*to be done and scrutiny needs to be effective – this goes to the point about the need to increase the number of AMs.”*

11.6 As has been discussed in more depth elsewhere, there is also a need for an inquiry into *“why the Senedd has refused to interact with certain groups and allow this issue to fester. That’s how we do this, I feel.”*

**12. International best practice: Are there examples of measures introduced in other countries which have significantly improved the parliamentary representation of under-represented groups?**

12.1 WEN Wales has included as list of international best practice in relation to quotas in the briefing in the appendix of this document. These include:

- i. **Croatia** has legally binding quotas and uses incentives - for each MP representing an underrepresented gender, political parties receive an **additional 10 per cent of the amount envisaged** per individual MP;
- ii. **Bosnia and Herzegovina:** where 10 per cent of the funding provided to political parties is distributed to parties in proportion to the number of seats held by MPs of the gender which is less represented in the legislature.
  - a. One member has also recommends “Intersectionality, recruitment and Section: Ethnic Minority Candidates in Dutch parties”<sup>11</sup> by Liza M Mügge, suggesting that **“qualitative research would be a good move including overseas research in other European countries.”** Others have highlighted Scotland – which has many ethnic minority MSPs and MPs, Iceland, Rwanda, Sweden, Finland – where younger women lead all the political parties and other Scandinavian countries, Basque Country (see WEF index).
  - b. Another member stated that *“in India there have been reservations in public office and employment in public sector workforce since Indian independence. The success has been mixed and those not in beneficiary group resent reservations. However, I think it has given minorities confidence to stand for election and a greater believe in their right to have a say. It is a flawed system but in principle it’s good and in practice better than not having it.”*

**13. Implementing change: Should voluntary measures to encourage the selection and election of more candidates from under-represented groups be pursued and exhausted before legislative measures are developed?**

13.1 WEN Wales supports the use of legislative quotas with either incentives or sanctions for compliance. As one member states *“political parties must be forced to do this. 100 years since some women secured the vote. Time has shown us it will not happen voluntarily by political parties.”*

<sup>11</sup> <https://academic.oup.com/pa/article-abstract/69/3/512/2240751>



13.2 Respondents from WEN Wales' membership had mixed opinions on this issue, some stating, *"voluntary has not worked... legislate"* and *"if you want to change things, the change will be quicker if you just enforce it."* Others felt that here was time to use voluntary measures – some suggesting *"but time limited, say 3/5 years"* and others *"Perhaps introduce and monitor other measures first, and then bring in legislation if necessary."*

13.1 WEN Wales strongly believes that it will be necessary to legislate. One member has suggested *"Things should definitely be tried on a voluntary basis (but not exhausted) – this could happen while legislation is being developed and passed (like happened with Part 2 of the Housing (Wales) Act 2014 – some Local Authorities agreed to pilot different parts of the legislation a year before it was enacted)."*

**14. Implementing change: Which voluntary or legislative measures to encourage the election of a more diverse Senedd would make the biggest impact, and which measures should be prioritised?**

14.1 *"Best to set up a project specifically designed to do this and choose leadership who are qualified and passionate about this subject, not necessarily simply getting paid to do ta job. Someone who is from a minority group(s) to head it up. There will need to be budget to produce video footage, education in comprehensive schools and universities, literature, a website and advertising. It sounds like an exciting project!" WEN Wales member*

14.2 Several members have called for a project or inquiry focusing specifically on this question, that could look at why these groups have been ignored for so long. Others have highlighted the need for a wider cultural change, addressing wider *"discrimination in society, particularly poverty and quotas might help."* Many respondents have listed quotas here, as well as publishing equality data and *"getting out into communities, education, and "more active engagement and communication with underrepresented groups which is valuable and not just a PR opportunity."*

14.3 Others have suggested that the Senedd needs to meet across Wales and take its business to the people. One member urges that decisions are not made to *"introduce voluntary measures as they won't be adhered too"* but instead calls for *"insisting on legislative measures to ensure 50:50 female to male candidates in winnable constituencies and regions."* They have also raised the need to think specifically about women with childcare responsibilities.

14.4 Further discussions around equal representation and leadership can be found in our [Feminist Scorecard 2020](#)<sup>12</sup>, launched on 21<sup>st</sup> April 2020.

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We thank the Committee for the opportunity to respond to this consultation.

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<sup>12</sup> <https://wenwales.org.uk/wp-content/uploads/2020/04/Feminist-Scorecard-Report-2020-Eng.pdf>

Appendix 1:

**BRIEFING PAPER****The case for quotas to deliver equal and diverse representation**

1. WEN Wales favours an electoral system that results in gender balance or 'Equal Power and Equal Voice' in the Senedd and in Local Government in Wales. The system must also ensure that the voices of those with protected characteristics are represented. **We therefore support the use of legally binding prescriptive gender quotas with sanctions or incentives.**
2. WEN Wales supports the findings of the Expert Panel on Senedd Electoral Reform, who support the Single Transferable Vote with **the integration of gender quotas into the system.**
3. WEN Wales believes that women's participation and the success of women as candidates in elections are vital indicators of the health of a representative democracy, and an integral part of achieving a more equal Wales, in line with the ambitions of the Wellbeing of Future Generations (Wales) Act 2015.
4. Gender quotas should be enforced through legislation, and not just through voluntary measures as we believe we need to 'bake in' gender equality into our electoral system or we will continue to see reductions in numbers of woman AMs, low number of women as Councillors and a lack of diversity of political representatives too.

**Evidence supporting quotas**

5. Research shows that quotas are the **"single most effective tool for 'fast tracking' women's representation in elected bodies for government."**<sup>13</sup>
6. Among the twenty Organization for Security and Co-operation in Europe (OSCE) countries registering the sharpest growth in the proportion of women in parliament during the last decade...**half had introduced legal quotas. By contrast, among the twenty OSCE countries lagging behind in growth... none had implemented legal quotas.**<sup>14</sup>
7. There is international backing for gender quotas. Various international institutions, including the United Nations Committee on the Elimination of Discrimination (**CEDAW**), the Beijing Platform for Action, the EU and the Council of Europe support their use.
8. **Ireland** has successfully used quotas requiring that at least 30 per cent of the candidates each party stands nationally are female (rising to 40 per cent after seven years). **The percentage of women candidates increased 90 per cent at the 2016 election** compared to the 2011 election, with a corresponding **40 per cent increase in the number of women elected** – 35 in 2016 compared with 25 in 2011.<sup>15</sup>
9. **100 Countries** world-wide now have some form of gender quotas in place and 40 also use them for intersectional groups such as BAME women.

<sup>13</sup> *Drude Dahlerup et al., Atlas of Electoral Gender Quotas, International Institute for Democracy and Electoral Assistance [IDEA], IPU and Stockholm University, 2013.*

<sup>14</sup> *Norris, P. and Krook, M. for OSCE, Gender equality in elected office: a six-step action plan, 2011*

<sup>15</sup> *Brennan, M. and Buckley, F. 'The Irish legislative gender quota: the first election', Administration, vol 65(2), May 2017*

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10. A report published by the United Nations in 2012 found that **out of the 59 countries that held elections in 2011, 17 of them had quotas**. In those countries, women **gained 27% of parliamentary seats compared to 16% in those without**.<sup>16</sup>

### Types of Quota

11. Different types of gender quota have been used in different countries, depending on the electoral system and local circumstances. The Expert Panel on Electoral reform<sup>17</sup> describes the three main types as:
12. **Candidate quotas which introduce a ‘floor’** for the proportion of male or female candidates a party stands for election. These could be applied in the form of constituency twinning for First Past The Post (FPTP) seats. They could also be applied to multimember systems such as STV or Flexible List at a constituency or a national level. Parties in Scandinavia, Spain and Austria have voluntarily adopted similar quotas, ranging from 33 per cent to 50 per cent.
13. Requirements for **the ordering of candidates on any list** element of the system. Voluntary quotas of this nature have been used by parties in Wales in Senedd elections, for example zipping of regional candidate lists. (I.e. listing candidates alternately according to their gender)
14. **‘Reserved seats’** to which only female candidates could be elected. This type of quota is widely used in South Asia, the Arab region and sub Saharan Africa.

### Examples of Incentives used:

15. **Croatia** has legally binding quotas and uses incentives - for each MP representing an underrepresented gender, political parties receive an **additional 10 per cent of the amount envisaged** per individual MP;
16. **Bosnia and Herzegovina**: where 10 per cent of the funding provided to political parties is distributed to parties in proportion to the number of seats held by MPs of the gender which is less represented in the legislature.
17. **Two for the price of one deposits** for two candidates of different genders could be used in Wales —this would appear to us to be proportionate in the context of seeking to ensure that the gender balance in the Senedd reflects the gender balance in the communities it serves.<sup>18</sup>

### What needs to happen next

18. After decades of campaigning by NGOs to make change, women – who make up 52% of the population in Wales - still do not have equality in terms of representation in politics. In Welsh local government just 28% of local councillors, four of the 22 council leaders (18%) and 27% of Council Cabinet members are women. One local authority cabinet is 100% male. At the rate of change to date, gender balance in Welsh councils is unlikely before 2073.

<sup>16</sup> <https://www.theguardian.com/politics/2013/aug/20/quotas-women-parliament-authors-edinburgh-book-festival>

<sup>17</sup> *A Parliament that works for Wales, Report of the Expert Panel on Assembly Electoral Reform, November 2017*

<sup>18</sup> *A Parliament that works for Wales, Report of the Expert Panel on Assembly Electoral Reform, November 2017*



19. We have a unique window of opportunity to progress the diversity and equality of representation agenda and push for legislative and party political change to enshrine diversity into our political system for years to come. Wales is at a tipping point and, with legislative quotas, Wales could lead the way and be a trail blazer in terms of showing the rest of the UK how quotas can be used.

#### Political Context:

20. In 2017 the Wales Act devolved power to Wales to have control over its own electoral system. An expert panel on Senedd reform, Chaired by Prof. Laura McAllister and appointed by the Llywydd (Presiding Officer) recommended introducing gender quotas for the 2021 Senedd elections as part of a new electoral system with STV or Flexible List PR, lowering the age of voting to 16 and changing the name of the Welsh Assembly to Senedd Cymru.
21. This resulted recently in 'Phase 1' of the Electoral Reform legislation - The Senedd and Elections (Wales) Bill however it was not bold enough in tackling equality and diversity partly as the Presiding officer felt there was not sufficient public support, though it extended the franchise to 16 year olds. The Liberal Democrats said it is an "important step" that will "ensure the voices of young people are heard within Welsh politics and help us create a better Welsh democracy."
22. Phase 2 of the reforms are likely to take place after the May 2021 elections and will include looking at the electoral system and the enlarging of the Senedd. **We see the legislation on quotas as being a perfect fit with this reform Bill as it goes hand in hand with STV and an enlarged Senedd.**

#### Conclusion

23. WEN Wales believes that legally binding quotas, with sanctions or incentives, are essential to ensure we do not continue to see a reduction in the numbers of women AMs elected to the Senedd and the continuation of low numbers of women elected in Local councils.

We are calling for:

- 1) **All Political Parties to include a commitment to legally binding quotas in their Manifestos for the 2021 elections**
- 2) **The Local Government and Elections (Wales) Bill and forthcoming legislation on Reform of the Senedd should include provisions on legally binding quotas.**

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## **Electing a more diverse Senedd: Consultation Response**

### **About Leonard Cheshire**

We are Leonard Cheshire – supporting individuals to live, learn and work as independently as they choose, whatever their ability. Led by people with experience of disability, we are at the heart of local life – opening doors to opportunity, choice and support in communities around the globe.

Leonard Cheshire is one of the UK's largest voluntary sector providers of services for disabled people. We work in local communities to provide people with opportunity, choice and support. We have accommodation services – including supported living and registered care homes; and social, education and leisure services – including day support, community outreach services and respite support.

### **Introduction**

This consultation-response focusses on the barriers disabled people face in accessing public life and public appointments. It considers the implications of these barriers for this under-represented community, and how these can be alleviated to create a Senedd that represents the people of Wales.

Leonard Cheshire Cymru makes several recommendations throughout this response such as how to improve diversity and make sure that individuals' voices are heard in all aspects of public life. Questions have also been grouped together where appropriate.

### **Question 1: How can the Assembly ensure that the views of under-represented groups are taken into account in its work, when there might not be any Assembly Members from those groups?**

It is important to acknowledge the intersectional nature of individuals considered to be under-represented or have protected characteristics. Many of these criteria interact, and therefore form experiences that are varied and unique to the individual. This means that it is not always possible to represent the views of a group accurately without giving them a tangible voice in those settings.

Senedd Committees and the Welsh Government often garner such experience and expertise via a third sector or charitable organisation that supports these groups. This method has several advantages, as an organisation can act as a collective voice for hundreds of people across Wales.

However, a potential risk with this approach is that if the same organisation is particularly focussed on in consultations, then the views and opinions expressed can become homogenous, and not truly reflect the intersectional nature of society. Within the disability sector alone, there are a wide range of organisations with different views and perspectives on particular issues.

In addition, there may be nuances around an organisation's evidence on a particular issue if it has close links or is receiving funding from the UK, Welsh or local government, which may not entirely reflect the full diversity of views within society.

Therefore, Leonard Cheshire Cymru would recommend that the organisations invited to consultation exercises/oral evidence sessions are varied and do not simply include the organisations with popularity, or the closest ties with Welsh Government.

**Recommendation 1:** Senedd Committees and the Welsh Government should consult with a wide variety of third sector organisations, of different sizes and capacity. This will ensure a varied and intersectional response to proposed legislation that reflects the people concerned and allow individuals who may not interact with larger national charities to have their voices heard.

Senedd Committees have undertaken a variety of innovative methods to facilitate individuals, as well as organisations, in responding to their consultations. Such innovation is very welcome. However, these methods are not universal. For example, consultations on all subjects (not just those related to Equality matters) should actively be provided in a variety of formats – including Easy Read and Braille, and should facilitate responses being provided via video-clips as well as written submissions. Easy Read versions of consultations should also provide for respondents to have at least the same timescales for responding to them as non-Easy Read versions. This will inevitably be challenging when Senedd Committees have short timescales for conducting inquiries (such as considering the general principles of legislation), but fundamentally until these measures are introduced for all consultation exercises, this will remain a barrier for under-represented groups in submitting evidence.

There are also a variety of instances when Senedd Committees have sent individual members of the Committee to meet with groups in the community who represent these individuals on a local level (such as Wales People First, or Citizen Panels who are vocal on related issues and well-established in their community). We would recommend that such use of rapporteurs becomes more routine, as it facilitates people in contributing in a slightly more informal setting.

**Recommendation 2:** Senedd Committees should continue to make increasing use of rapporteurs, and both Senedd Committees and the Welsh Government should undertake innovative methods to facilitate engagement with individuals as well as organisations.

**Question 2: What are the main barriers that may discourage somebody from an underrepresented group from standing for election to the Assembly?**

We would like to see secondary legislation rapidly put in place to place disability-related expenditure outside electoral expenditure limits.

Currently, there is a perverse disincentive in our electoral system for political parties to select disabled candidates. This is because if a party spends money on equipment

or other reasonable adjustments for the candidate, their limit for spending money on actual campaigning is reduced. For example: if a candidate needs to take taxis due to inaccessible stations, they cannot do so without compromising the amount they have remaining for promotional materials and canvassing. These barriers are only emphasised for those who live in rural areas of Wales where inaccessible stations and reliable public transport are even more common.

Financial barriers also exist regarding the lack budget for personal assistants, communications support, equipment and assistive technology for those who may require it. These financial barriers are only exacerbated when coupled with the lower attainment rates of disabled individuals.

The relationship between disability and poverty has been highlighted by the EHRC's *Is Wales Fairer? Report (2018)*<sup>1</sup>, which presents another example of the barriers to participation if there are not provisions in place for financial support. Fundamentally, disabled individuals should not have to consider whether they can afford to participate in the political realm and should be equally as supported as their non-disabled counterparts.

This systemic concern is coupled with anecdotal evidence from several disabled people who are supported by Leonard Cheshire Cymru. Anecdotally, a number of disabled people who have sought to become candidates with political parties have found in interviews that a particular emphasis is placed on canvassing (i.e. physically knocking on doors) as a key aspect in the role of a candidate. Disabled people have reported that they have been asked if they would be able to cope with this. This effectively puts the onus on an individual to overcome society's barriers related to disability, rather than the desirable situation where political parties are actively seeking to facilitate disabled people's participation.

The Explanatory Memorandum to the Senedd and Elections Wales Act noted that on 24 September 2018, "the First Minister wrote to the Llywydd to indicate that the Welsh Government agreed with the Assembly Commission that... costs attributable to an individual's disability should be exempt from electoral expenditure limits. The First Minister also stated that the Welsh Government's view was that it would be more appropriate for these matters to be addressed through secondary legislation."<sup>2</sup>

Almost two years later, this secondary legislation has not been put in place. It is encouraging that the Minister for Finance and Trefnydd advised the Committee on Senedd Electoral Reform on 27 January 2020 that the Welsh Government was "currently undertaking... the draft conduct Order for the next Senedd elections."<sup>3</sup> However, this may already be too late, as many political parties will have already selected candidates for the next Senedd election.

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<sup>1</sup> *Is Wales Fairer?* 2018. Equality and Human Rights Commission (Wales).

<sup>2</sup> Explanatory Memorandum, Senedd and Elections Wales Act 2020, page 32.

<sup>3</sup> Record of proceedings, Committee on Senedd Electoral Reform, 27 January 2020.

Leonard Cheshire Cymru would also like to see all disability-related expenditure exempted from electoral expenditure limits, not only expenditure related to a candidate's own disability. This would include, for example, the cost of producing the content for an Easy Read version or a Braille version of a party's manifesto. Again, the current system perversely provides a disincentive for political parties in engaging with people with disabilities. This in turn will play a contributing factor in dissuading disabled people from thinking that standing for election is 'for them.'

**Recommendation 3:** Secondary legislation should urgently be put in place to provide that all disability-related costs (both for candidates and the electorate) should be exempted from electoral expenditure limits.

Leonard Cheshire Cymru also suggests that an access to elected office fund should be put in place in time for the next Senedd elections which would provide- amongst other things- for the travel costs experienced by disabled candidates, as a result of the inaccessibility of public services.

This would replicate the work of Scottish Government in partnership with Inclusion Scotland, who have established the *Access to Elected Office Fund (Scotland)*<sup>4</sup>. This fund recognises the barriers that prevent disabled people from running for office and alleviates some of the barriers and concerns that might be associated with running for office as a disabled individual. This programme has been successful in getting more disabled people engaged in politics and running for elections. Inclusion Scotland reports that in the 2017 Local Authority elections, there were 39 disabled candidates supported by the Access to Elected Office Fund pilot scheme. Of these candidates, 15 were elected, representing 4 different political parties in 12 different councils.

It is also important to note that a Welsh scheme that supports candidates with access requirements would align with the *Strategic Equality Objectives 2020-2024*<sup>5</sup>, specifically **Long-Term Aim 7** which dictates that everyone in Wales should be able to participate in political, public and everyday life. Welsh Government elaborates on how they will achieve this aim:

*“By 2024, we will increase the diversity of decisionmakers in public life and public appointments, exploring areas where further action is needed to ensure greater balance of diversity among decision-makers and identify and investigate mechanisms to redress inequality”*

Establishing an access fund to alleviate the aforementioned barriers to public life would align with this aim and would address the inequalities that exist in Welsh Government appointments and the electoral process.

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<sup>4</sup> *Access to Elected Office Fund (Scotland)*. Inclusion Scotland supported by Scottish Government.

<sup>5</sup> *Strategic Equality Plan 2020-2024*. Strategic Equality Objectives (Wales) 2020-2024. Welsh Government.



It is therefore welcome that the Minister stated to this Committee on 27 January 2020 her intention that an access to elected office fund would be put in place, but disappointing that she stated that the fund would not be established until the local government elections in 2022.<sup>6</sup> We would like to see consideration being given to establishing such a fund through non-legislative means, to facilitate disability-related expenditure for the 2021 Senedd election.

**Recommendation 4:** The Welsh Government should establish an access to elected office fund to alleviate barriers for disabled people that are associated with running for election. This fund should be in place for the 2021 Senedd election.

In addition, the Senedd website provides limited information to actively encourage a person to stand for election or how to go about doing it. The webpage <https://senedd.wales/en/memhome/mem-work-become-mem/Pages/becoming-MS.aspx> provides a helpful indication of a Member's role, and some of the disqualifications that would prevent a person becoming a Member, but not specifics on what to do if a person is interested in seeking to become a Member. Case-studies of current/former Members talking in personal terms about how and why they sought to become Members could help people from underrepresented people groups feel the process is 'for them.'

As mentioned in the consultation document under **Question 7**, job sharing may also be an effective way to redefine roles in public life and make them more accessible for disabled candidates, provided that practical solutions are put in place to certain key issues (such as a clear mechanism for resolving disputes between job sharing partners).

**Question 3: What are the most important things that could be done to help people from underrepresented groups or who might be concerned about giving up their existing job or profession to stand for election?**

**Question 4: Do people in Wales, including those from under-represented groups, know enough about what the role of an Assembly Member involves to be able to decide whether they are interested in standing for election?**

Job-related disqualifications should be set out in an accessible and understandable form, including information on which disqualifications relate to standing for election, and which relate only to the point of taking Oath as a Member.

Individuals who are interested in representing their communities are not always aware of the process. This needs to be recognised as one of the principal barriers to disabled individuals standing for election. It is important that the roles and what they entail is communicated pan-disability and is available in a variety of formats to address this (such as BSL videos, Braille, and Easy-read).

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<sup>6</sup> Record of proceedings, Committee on Senedd Electoral Reform, 27 January 2020.

To further the participation from underrepresented groups, it would be apt to consider educating the public on roles available. This could be delivered in schools and public settings to spread the message that these roles are available to everyone. Leonard Cheshire Cymru has attended a number of consultation exercises that touched on this issue in both local and national political contexts. The primary concern that were raised in these forums across all organisations that attend was that people from these underrepresented groups cannot see other people like themselves in these roles; and therefore, do not apply. To facilitate a culture shift towards inclusivity in public life, education within the community should be a priority.

**Recommendation 5:** More education within the community needs to be delivered. This will allow people from underrepresented groups to understand the responsibilities involved in the roles, and ultimately see themselves in these positions.

**Question 5: If political parties were required to collect and publish anonymised data about the diversity of their Assembly election candidates, would this encourage them to select a more diverse range of people as candidates?**

Leonard Cheshire Cymru is in favour of the mandatory collection and publication of data pertaining to diversity within the Senedd, and Senedd candidates. To date, voluntary publication of data has not proven effective.

Though mandatory reporting can be controversial, it would provide targets for inclusion and diversity, and would enable parties to be held accountable for their decisions.

Reporting these figures will also provide a benchmark for improvement that can be monitored on a regular basis.

We anticipate that over time mandatory reporting would influence societal perception towards accepting diversity in public life as the 'norm'. This would in turn lead to more candidates applying from underrepresented groups as they will perceive public roles as available to everyone, and not a select few.

**Recommendation 6:** legislation should require parties to regularly publish data on the diversity of their candidates for election.

**Question 8: Should quotas be used to increase the representation of under-represented groups such as people with disabilities or ethnic minorities? What practical implications would need to be considered?**

The intersectionality of different protected characteristics (such as gender, disability and ethnicity) would inevitably be a significant challenge for any consideration of quotas to improve diversity. Quotas must not become the main objective in selecting a candidate: they should be a tool in facilitating equal opportunity, not undermining it.

However, serious consideration of the potential for putting in place quotas may be necessary if mandatory diversity reporting does not have the desired effect.

**Question 11: What changes could the Assembly introduce to its ways of working to make standing for election more attractive to people from under-represented groups?**

Consideration should be given towards continued use of remote working and virtual meetings. Disabled individuals would benefit from knowing that if they are unable to travel or attend a meeting in person due to unforeseen circumstances and/or societal barriers, they will still be able to attend virtually and their voice and that of their constituents will not be lost.

In response to Covid-19, the Senedd has innovatively undertaken virtual plenary meetings and Senedd committee meetings. While the limitations of these practices should be recognised (for example, Members are currently limited in their ability to dissent from their parties on votes), they also demonstrate that radical changes to ways of working can be adopted, if there is perceived to be sufficient need. In the view of Leonard Cheshire there is an equally significant need for disabled people to be facilitated in becoming elected representatives, and innovations developed to mitigate public-health risks associated with Covid-19 should be built upon and adapted rather than disbanded altogether.

**Question 14: Which voluntary or legislative measures to encourage the election of a more diverse Assembly would make the biggest impact, and which measures should be prioritised?**

As a priority, secondary legislation should urgently be put in place to provide:

- that all disability-related costs should be exempted from electoral expenditure limits; and
- for an access to elected office fund to alleviate barriers for disabled people that are associated with running for election.

In addition, Leonard Cheshire Cymru recommends that all the above measures be actioned within the next four years to ensure greater diversity and inclusion and public life, in conjunction with the Welsh Government's *Strategic Equality Plan*<sup>7</sup> 2020-2024. Any that can readily be implemented without new guidance and legislation should be enacted with immediate effect, such as including a wider breadth of organisations in consultations.

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<sup>7</sup> *Strategic Equality Plan* 2020-2024. Strategic Equality Objectives (Wales) 2020-2024. Welsh Government.



## **Electing a more diverse Senedd: Consultation Response**

### **About Leonard Cheshire**

We are Leonard Cheshire – supporting individuals to live, learn and work as independently as they choose, whatever their ability. Led by people with experience of disability, we are at the heart of local life – opening doors to opportunity, choice and support in communities around the globe.

Leonard Cheshire is one of the UK's largest voluntary sector providers of services for disabled people. We work in local communities to provide people with opportunity, choice and support. We have accommodation services – including supported living and registered care homes; and social, education and leisure services – including day support, community outreach services and respite support.

### **Introduction**

This consultation-response focusses on the barriers disabled people face in accessing public life and public appointments. It considers the implications of these barriers for this under-represented community, and how these can be alleviated to create a Senedd that represents the people of Wales.

Leonard Cheshire Cymru makes several recommendations throughout this response such as how to improve diversity and make sure that individuals' voices are heard in all aspects of public life. Questions have also been grouped together where appropriate.

### **Question 1: How can the Assembly ensure that the views of under-represented groups are taken into account in its work, when there might not be any Assembly Members from those groups?**

It is important to acknowledge the intersectional nature of individuals considered to be under-represented or have protected characteristics. Many of these criteria interact, and therefore form experiences that are varied and unique to the individual. This means that it is not always possible to represent the views of a group accurately without giving them a tangible voice in those settings.

Senedd Committees and the Welsh Government often garner such experience and expertise via a third sector or charitable organisation that supports these groups. This method has several advantages, as an organisation can act as a collective voice for hundreds of people across Wales.

However, a potential risk with this approach is that if the same organisation is particularly focussed on in consultations, then the views and opinions expressed can become homogenous, and not truly reflect the intersectional nature of society. Within the disability sector alone, there are a wide range of organisations with different views and perspectives on particular issues.

In addition, there may be nuances around an organisation's evidence on a particular issue if it has close links or is receiving funding from the UK, Welsh or local government, which may not entirely reflect the full diversity of views within society.

Therefore, Leonard Cheshire Cymru would recommend that the organisations invited to consultation exercises/oral evidence sessions are varied and do not simply include the organisations with popularity, or the closest ties with Welsh Government.

**Recommendation 1:** Senedd Committees and the Welsh Government should consult with a wide variety of third sector organisations, of different sizes and capacity. This will ensure a varied and intersectional response to proposed legislation that reflects the people concerned and allow individuals who may not interact with larger national charities to have their voices heard.

Senedd Committees have undertaken a variety of innovative methods to facilitate individuals, as well as organisations, in responding to their consultations. Such innovation is very welcome. However, these methods are not universal. For example, consultations on all subjects (not just those related to Equality matters) should actively be provided in a variety of formats – including Easy Read and Braille, and should facilitate responses being provided via video-clips as well as written submissions. Easy Read versions of consultations should also provide for respondents to have at least the same timescales for responding to them as non-Easy Read versions. This will inevitably be challenging when Senedd Committees have short timescales for conducting inquiries (such as considering the general principles of legislation), but fundamentally until these measures are introduced for all consultation exercises, this will remain a barrier for under-represented groups in submitting evidence.

There are also a variety of instances when Senedd Committees have sent individual members of the Committee to meet with groups in the community who represent these individuals on a local level (such as Wales People First, or Citizen Panels who are vocal on related issues and well-established in their community). We would recommend that such use of rapporteurs becomes more routine, as it facilitates people in contributing in a slightly more informal setting.

**Recommendation 2:** Senedd Committees should continue to make increasing use of rapporteurs, and both Senedd Committees and the Welsh Government should undertake innovative methods to facilitate engagement with individuals as well as organisations.

**Question 2: What are the main barriers that may discourage somebody from an underrepresented group from standing for election to the Assembly?**

We would like to see secondary legislation rapidly put in place to place disability-related expenditure outside electoral expenditure limits.

Currently, there is a perverse disincentive in our electoral system for political parties to select disabled candidates. This is because if a party spends money on equipment

or other reasonable adjustments for the candidate, their limit for spending money on actual campaigning is reduced. For example: if a candidate needs to take taxis due to inaccessible stations, they cannot do so without compromising the amount they have remaining for promotional materials and canvassing. These barriers are only emphasised for those who live in rural areas of Wales where inaccessible stations and reliable public transport are even more common.

Financial barriers also exist regarding the lack budget for personal assistants, communications support, equipment and assistive technology for those who may require it. These financial barriers are only exacerbated when coupled with the lower attainment rates of disabled individuals.

The relationship between disability and poverty has been highlighted by the EHRC's *Is Wales Fairer? Report (2018)*<sup>1</sup>, which presents another example of the barriers to participation if there are not provisions in place for financial support. Fundamentally, disabled individuals should not have to consider whether they can afford to participate in the political realm and should be equally as supported as their non-disabled counterparts.

This systemic concern is coupled with anecdotal evidence from several disabled people who are supported by Leonard Cheshire Cymru. Anecdotally, a number of disabled people who have sought to become candidates with political parties have found in interviews that a particular emphasis is placed on canvassing (i.e. physically knocking on doors) as a key aspect in the role of a candidate. Disabled people have reported that they have been asked if they would be able to cope with this. This effectively puts the onus on an individual to overcome society's barriers related to disability, rather than the desirable situation where political parties are actively seeking to facilitate disabled people's participation.

The Explanatory Memorandum to the Senedd and Elections Wales Act noted that on 24 September 2018, "the First Minister wrote to the Llywydd to indicate that the Welsh Government agreed with the Assembly Commission that... costs attributable to an individual's disability should be exempt from electoral expenditure limits. The First Minister also stated that the Welsh Government's view was that it would be more appropriate for these matters to be addressed through secondary legislation."<sup>2</sup>

Almost two years later, this secondary legislation has not been put in place. It is encouraging that the Minister for Finance and Trefnydd advised the Committee on Senedd Electoral Reform on 27 January 2020 that the Welsh Government was "currently undertaking... the draft conduct Order for the next Senedd elections."<sup>3</sup> However, this may already be too late, as many political parties will have already selected candidates for the next Senedd election.

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<sup>1</sup> *Is Wales Fairer?* 2018. Equality and Human Rights Commission (Wales).

<sup>2</sup> Explanatory Memorandum, Senedd and Elections Wales Act 2020, page 32.

<sup>3</sup> Record of proceedings, Committee on Senedd Electoral Reform, 27 January 2020.

Leonard Cheshire Cymru would also like to see all disability-related expenditure exempted from electoral expenditure limits, not only expenditure related to a candidate's own disability. This would include, for example, the cost of producing the content for an Easy Read version or a Braille version of a party's manifesto. Again, the current system perversely provides a disincentive for political parties in engaging with people with disabilities. This in turn will play a contributing factor in dissuading disabled people from thinking that standing for election is 'for them.'

**Recommendation 3:** Secondary legislation should urgently be put in place to provide that all disability-related costs (both for candidates and the electorate) should be exempted from electoral expenditure limits.

Leonard Cheshire Cymru also suggests that an access to elected office fund should be put in place in time for the next Senedd elections which would provide- amongst other things- for the travel costs experienced by disabled candidates, as a result of the inaccessibility of public services.

This would replicate the work of Scottish Government in partnership with Inclusion Scotland, who have established the *Access to Elected Office Fund (Scotland)*<sup>4</sup>. This fund recognises the barriers that prevent disabled people from running for office and alleviates some of the barriers and concerns that might be associated with running for office as a disabled individual. This programme has been successful in getting more disabled people engaged in politics and running for elections. Inclusion Scotland reports that in the 2017 Local Authority elections, there were 39 disabled candidates supported by the Access to Elected Office Fund pilot scheme. Of these candidates, 15 were elected, representing 4 different political parties in 12 different councils.

It is also important to note that a Welsh scheme that supports candidates with access requirements would align with the *Strategic Equality Objectives 2020-2024*<sup>5</sup>, specifically **Long-Term Aim 7** which dictates that everyone in Wales should be able to participate in political, public and everyday life. Welsh Government elaborates on how they will achieve this aim:

*“By 2024, we will increase the diversity of decisionmakers in public life and public appointments, exploring areas where further action is needed to ensure greater balance of diversity among decision-makers and identify and investigate mechanisms to redress inequality”*

Establishing an access fund to alleviate the aforementioned barriers to public life would align with this aim and would address the inequalities that exist in Welsh Government appointments and the electoral process.

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<sup>4</sup> *Access to Elected Office Fund (Scotland)*. Inclusion Scotland supported by Scottish Government.

<sup>5</sup> *Strategic Equality Plan 2020-2024*. Strategic Equality Objectives (Wales) 2020-2024. Welsh Government.

It is therefore welcome that the Minister stated to this Committee on 27 January 2020 her intention that an access to elected office fund would be put in place, but disappointing that she stated that the fund would not be established until the local government elections in 2022.<sup>6</sup> We would like to see consideration being given to establishing such a fund through non-legislative means, to facilitate disability-related expenditure for the 2021 Senedd election.

**Recommendation 4:** The Welsh Government should establish an access to elected office fund to alleviate barriers for disabled people that are associated with running for election. This fund should be in place for the 2021 Senedd election.

In addition, the Senedd website provides limited information to actively encourage a person to stand for election or how to go about doing it. The webpage <https://senedd.wales/en/memhome/mem-work-become-mem/Pages/becoming-MS.aspx> provides a helpful indication of a Member's role, and some of the disqualifications that would prevent a person becoming a Member, but not specifics on what to do if a person is interested in seeking to become a Member. Case-studies of current/former Members talking in personal terms about how and why they sought to become Members could help people from underrepresented people groups feel the process is 'for them.'

As mentioned in the consultation document under **Question 7**, job sharing may also be an effective way to redefine roles in public life and make them more accessible for disabled candidates, provided that practical solutions are put in place to certain key issues (such as a clear mechanism for resolving disputes between job sharing partners).

**Question 3: What are the most important things that could be done to help people from underrepresented groups or who might be concerned about giving up their existing job or profession to stand for election?**

**Question 4: Do people in Wales, including those from under-represented groups, know enough about what the role of an Assembly Member involves to be able to decide whether they are interested in standing for election?**

Job-related disqualifications should be set out in an accessible and understandable form, including information on which disqualifications relate to standing for election, and which relate only to the point of taking Oath as a Member.

Individuals who are interested in representing their communities are not always aware of the process. This needs to be recognised as one of the principal barriers to disabled individuals standing for election. It is important that the roles and what they entail is communicated pan-disability and is available in a variety of formats to address this (such as BSL videos, Braille, and Easy-read).

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<sup>6</sup> Record of proceedings, Committee on Senedd Electoral Reform, 27 January 2020.



To further the participation from underrepresented groups, it would be apt to consider educating the public on roles available. This could be delivered in schools and public settings to spread the message that these roles are available to everyone. Leonard Cheshire Cymru has attended a number of consultation exercises that touched on this issue in both local and national political contexts. The primary concern that were raised in these forums across all organisations that attend was that people from these underrepresented groups cannot see other people like themselves in these roles; and therefore, do not apply. To facilitate a culture shift towards inclusivity in public life, education within the community should be a priority.

**Recommendation 5:** More education within the community needs to be delivered. This will allow people from underrepresented groups to understand the responsibilities involved in the roles, and ultimately see themselves in these positions.

**Question 5: If political parties were required to collect and publish anonymised data about the diversity of their Assembly election candidates, would this encourage them to select a more diverse range of people as candidates?**

Leonard Cheshire Cymru is in favour of the mandatory collection and publication of data pertaining to diversity within the Senedd, and Senedd candidates. To date, voluntary publication of data has not proven effective.

Though mandatory reporting can be controversial, it would provide targets for inclusion and diversity, and would enable parties to be held accountable for their decisions.

Reporting these figures will also provide a benchmark for improvement that can be monitored on a regular basis.

We anticipate that over time mandatory reporting would influence societal perception towards accepting diversity in public life as the 'norm'. This would in turn lead to more candidates applying from underrepresented groups as they will perceive public roles as available to everyone, and not a select few.

**Recommendation 6:** legislation should require parties to regularly publish data on the diversity of their candidates for election.

**Question 8: Should quotas be used to increase the representation of under-represented groups such as people with disabilities or ethnic minorities? What practical implications would need to be considered?**

The intersectionality of different protected characteristics (such as gender, disability and ethnicity) would inevitably be a significant challenge for any consideration of quotas to improve diversity. Quotas must not become the main objective in selecting a candidate: they should be a tool in facilitating equal opportunity, not undermining it.

However, serious consideration of the potential for putting in place quotas may be necessary if mandatory diversity reporting does not have the desired effect.

**Question 11: What changes could the Assembly introduce to its ways of working to make standing for election more attractive to people from under-represented groups?**

Consideration should be given towards continued use of remote working and virtual meetings. Disabled individuals would benefit from knowing that if they are unable to travel or attend a meeting in person due to unforeseen circumstances and/or societal barriers, they will still be able to attend virtually and their voice and that of their constituents will not be lost.

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**Question 14: Which voluntary or legislative measures to encourage the election of a more diverse Assembly would make the biggest impact, and which measures should be prioritised?**

As a priority, secondary legislation should urgently be put in place to provide:

- that all disability-related costs should be exempted from electoral expenditure limits; and
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In addition, Leonard Cheshire Cymru recommends that all the above measures be actioned within the next four years to ensure greater diversity and inclusion and public life, in conjunction with the Welsh Government's *Strategic Equality Plan*<sup>7</sup> 2020-2024. Any that can readily be implemented without new guidance and legislation should be enacted with immediate effect, such as including a wider breadth of organisations in consultations.

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<sup>7</sup> *Strategic Equality Plan* 2020-2024. Strategic Equality Objectives (Wales) 2020-2024. Welsh Government.

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22 May 2020

### Written Evidence to the Senedd Cymru Committee on Assembly Electoral Reform

1. My expertise is in electoral systems and administration. I have written widely on the introduction of the single transferable vote (STV) in Scotland and have recently given evidence on aspects of its operation to the Scottish parliament's Standards, Procedures and Public Appointments Committees (<http://www.ncl.ac.uk/gps/staff/profile/alistairclark.html#background>). In this evidence, I concentrate primarily on the potential implications of introducing STV. I write in a personal capacity.

#### Key Points

- Voter choice and proportionality should be the key factors guiding electoral system choice;
- STV is a highly democratic system which enhances choice and representation for voters;
- Scottish voters have adapted well to STV, using it in a similar way to voters elsewhere;
- STV is likely to require changes to party nomination and campaign strategies;
- STV may necessitate additional electoral administration requirements and costs;
- A public information campaign regarding any new STV system may be helpful for Welsh voters.

#### Principles

2. The Expert Panel set out 10 principles to guide electoral reform. These were: government accountability and effectiveness; proportionality; member accountability; equivalent status; diversity; voter choice; equivalent mandates; boundaries; simplicity; sustainability and adaptability.

3. These are all important principles. I would argue that voter choice and proportionality be foremost in informing such a choice. This should permit voting for individual candidates even within and beyond traditional party blocs. It should also ensure that the outcome is as close a representation of public opinion as possible.

4. It is important however to recognise the limits of what might be achieved by electoral systems. While they certainly structure political opportunities, they cannot, of themselves, guarantee particular outcomes.

5. Diversity is often held to be something that electoral systems can provide. Political parties are ultimately responsible for selecting their candidates. Research shows party selectorates reluctant to prioritise diversity in their selections. Careful design of aspects of the electoral system and electoral law are therefore crucial in focusing party minds on selecting diverse candidates. Both should place the onus firmly on political parties to select diverse candidates in winnable seats, for instance by setting quotas as recommended by the Expert Panel.

#### Implications of recommendations

6. The Expert Panel's preferred system was the single transferable vote (STV), with multi-member constituencies of between 4-6 members, allowing for between 80-90 members to be elected.



STV is highly rated by electoral systems experts.<sup>1</sup> Since it allows voters to rank all candidates on the ballot, rather than just choose parties, it is 'a highly democratic system'.<sup>2</sup>

7. There is a trade-off between the number of candidates to be elected in a constituency (the district magnitude) and proportionality. The fewer elected in a multi-member constituency, the lower the proportionality. In a four-member constituency, a candidate will need to get approximately 20% of the vote to be elected, for example. The higher the district magnitude therefore, the greater the proportionality.

8. The optimal district magnitude for achieving proportionality with STV is thought to be around 5-6.<sup>3</sup> Thus, the panel's recommendations should achieve a relatively proportional outcome. However, even with magnitudes of 3-4, STV in Scotland has led to relatively proportional outcomes as measured by standard political science indicators of proportionality.<sup>4</sup>

9. STV provides both proportionality, and direct links to constituency representatives. With multiple representatives, constituents arguably have greater access to representation under STV. STV was recommended in Scotland by the Renewing Local Democracy Working Group because it allowed for proportionality, a councillor-ward link, fair provision for independents, geographical diversity and a close fit between council wards and communities.<sup>5</sup>

### Public Use and Voter Choice

10. Voters have handled STV well in Scotland. The key implication of STV for voters is that they are asked to rank candidates in order of preference. Thus, they are required to complete the ballot paper with numbers (1,2,3,4 etc) rather than with an X. Voters are reminded by polling station workers of this when handed their ballot, ballot papers have clear instructions on the top of them, and there have also been public information campaigns to inform voters.

11. The introduction of STV has increased voter choice at the local level in Scotland. Under the pre-2007 first-past-the-post system (FPTP), the average number of candidates standing in a local ward was just over three. The introduction of STV saw this rise sharply, more than doubling to just over seven candidates per ward between 2007 and 2017.<sup>6</sup>

12. There has been some suggestion in Scotland that STV is associated with poor turnout. While turnout can always be higher, local election turnout has not been driven by the introduction of STV, but whether local elections were held concurrently with those to a higher level of institution (Table 1). In 1999, 2003 and 2007, local elections coincided with those to the Scottish parliament. Consequently, turnout was higher. While the average local turnout for STV between 2007-2017 is slightly lower at 46.8 than that for FPTP between 1995-2003 at 51.2, this is accounted for by a particularly high interest election in 1999, the first election for the re-established Scottish parliament.

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<sup>1</sup> Bowler, S., Farrell, D. M. and Pettitt, R. T. (2005) 'Expert opinion on electoral systems: So which electoral system is "best"?', *Journal of Elections, Public Opinion and Parties*, 15, (1), pp.3-19.

<sup>2</sup> Farrell, D. M. (2011) *Electoral Systems: A Comparative Introduction 2e*, Basingstoke: Palgrave, p.151.

<sup>3</sup> Farrell, D. M. (2011).

<sup>4</sup> Clark, A. (2020) 'The Effects of Electoral Reform on Party Campaigns, Voters and Party Systems at the Local Level: From Single Member Plurality to the Single Transferable Vote in Scotland', Working Paper.

<sup>5</sup> Renewing Local Democracy Working Group (2000) *The Report of the Renewing Local Democracy Working Group*, Edinburgh: Scottish Executive.

<sup>6</sup> This section draws on the discussion in: Clark, A. (2020) 'The Effects of Electoral Reform on Party Campaigns, Voters and Party Systems at the Local Level: From Single Member Plurality to the Single Transferable Vote in Scotland', Working Paper.

Table 1: Turnout, Scottish Local Elections 1995-2017

	1995	1999	2003	2007	2012	2017
Electoral System	First Past the Post			Single Transferable Vote		
Turnout	44.9	59.4	49.2	53.8	39.7	46.9
Concurrent with elections to the Scottish Parliament	N	Y	Y	Y	N	N

13. The 2017 local turnout under STV of 46.9% compares well with both the 1995 figure of 44.9% under FPTP, and even the 2003 figure of 49.2% when local elections were concurrent with Scottish parliament elections. The equivalent turnout for English local elections in 2016 and 2017, held under FPTP, was 33.8% and 35.1% respectively.<sup>7</sup> Turnout under STV performs well by comparison, despite a supposedly complex electoral system.

14. STV has however seen an increase in the proportion of rejected ballots. Under FPTP in 1999 and 2003, the proportions were 0.59% and 0.77% respectively. This rose to 1.83% in 2007 under STV, 1.74% in 2012 and 1.95% in 2017. The vast majority of rejected ballots were because voters had failed to make their preferences clear, for example by marking two 1s or two Xs instead of a preference ranking. These figures compare with 1.83%, 1.33% and 1.16% of rejected ballots in the three Northern Ireland Assembly elections between 2011-2017 where the electorate have a longer history of using STV.<sup>8</sup>

15. Preference usage is a further indicator of how voters have used STV. Votes are counted even if the voter only uses one preference. The average number of preferences used in each round of STV elections has been around 3.<sup>9</sup> Figure 1 plots the percentage of voters using more than one preference in each round of STV elections. Second and third preferences have been used by increasing numbers of voters. While 78% used a second preference in 2007, this rose to 81% in 2012 and 85% in 2017. More than half have also used a third preference, with 54% doing so in 2007, 53% in 2012 and 60.6% in 2017. After three preferences however, usage falls sharply, even if a very small number of electors go all the way down to the bottom of their ballot paper. Nonetheless by 2017, the levels of preference usage in 2017 are generally higher than in the previous two rounds.

16. Scottish usage compares well with other STV systems. Northern Irish voters used an average of 3.4 preferences in their 2016 Assembly election, while in the Republic of Ireland voters tend to use between 3-4 preferences on average.<sup>10</sup>

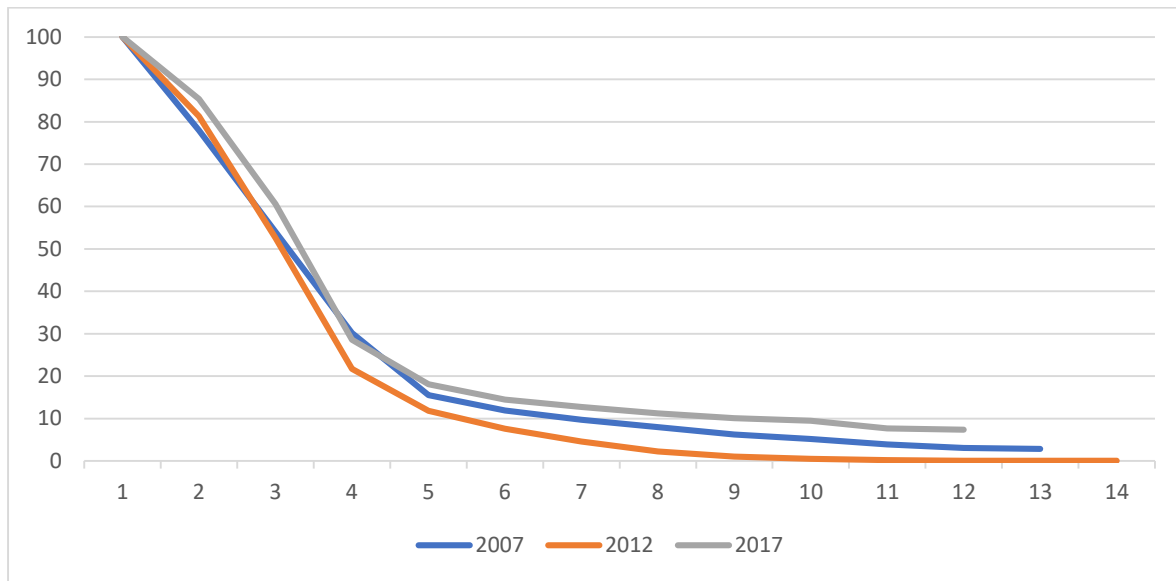
<sup>7</sup> Data for English local elections available at: <https://www.electoralcommission.org.uk/our-work/our-research/electoral-data/electoral-data-files-and-reports> [14/3/19].

<sup>8</sup> Data from The Electoral Office for Northern Ireland <http://www.eoni.org.uk/Elections/Election-results-and-statistics/Election-results-and-statistics-2003-onwards> [15/3/2019].

<sup>9</sup> Denver, D., Clark, A. and Bennie, L. (2009) 'Voter Reactions to a Preferential Ballot: The 2007 Scottish Local Elections', *Journal of Elections, Public Opinion and Parties*, 19, (3), pp265-282; Curtice, J. and Marsh, M. (2008) How Did They Vote? Voters Use of the STV Ballot Paper in the 2007 Scottish Local Elections', *Representation*, 44, (4), pp285-300; Bochel, H. and Denver, D. (2017) *Report on Scottish Council Elections 2017*, London: Electoral Commission.

<sup>10</sup> Ghose, K. (2017) 'Northern Ireland's voting system allows for a more diverse, open politics', *Electoral Reform Society Blog*, <https://www.electoral-reform.org.uk/northern-irelands-voting-system-allows-for-a-more-diverse->

Figure 1: Preference Usage in STV Local Elections, 2007-2017<sup>11</sup>



**Implications for Political Parties**

17. The introduction of STV has had implications for political parties. Although more candidates are standing in local wards, the reduction of wards from 1,222 to 353-354 larger wards has meant that parties have had to find fewer potential candidates in total to offer choice in the form of a single candidate in each ward. Overall candidate numbers fell by around 39% from 2003 under FPTP to 2017 under STV.<sup>12</sup>

18. There are fewer uncontested wards under STV. In 2003, 61 wards (5%) under FPTP went uncontested. In 2007 and 2012 under STV, there were no uncontested wards. While a small handful of wards were said to be uncontested in 2017, these still attracted as many nominations as there were seats.

19. The introduction of multi-member wards for STV has provided parties with an opportunity to offer more than one candidate in a ward where they might have the support to get more than one candidate elected. Typically, only larger parties have tended to adopt such a strategy. In 2007, the Labour Party offered teams of two or three candidates in 51% of wards. By 2012, the SNP offered two or more candidates in 69.6% of wards, with similar numbers seen in 2017. Smaller parties, or those normally opposed to electoral reform, have typically only offered one candidate per ward.

20. STV can require changes to local campaign strategy where parties offer teams of candidates. Scottish practice has been heavily influenced by experience with STV in both jurisdictions on the island of Ireland. This has seen constituencies or wards divided up between party candidates, with each

[open-politics/](#) [7/10/2019]; Laver, M. (2004) 'Analysing structures of party preference in electronic voting data', *Party Politics*, 10(5), pp. 521–541.

<sup>11</sup> Data from: Denver, D., Clark, A. and Bennie, L. (2009) 'Voter Reactions to a Preferential Ballot: The 2007 Scottish Local Elections', *Journal of Elections, Public Opinion and Parties*, 19, (3), pp265-282; Clark, A. (2013) 'Second Time Lucky? The Continuing Adaptation of Parties and Voters to the Single Transferable Vote in Scotland', *Representation*, 49, (1), pp55-68; Bochel, H. and Denver, D. (2017) *Report on Scottish Council Elections 2017*, London: Electoral Commission.

<sup>12</sup> Clark, A. (2020) 'The Effects of Electoral Reform on Party Campaigns, Voters and Party Systems at the Local Level: From Single Member Plurality to the Single Transferable Vote in Scotland', Working Paper.

allocated a specific territory where they are deemed lead candidate. In campaign literature in that part of the ward, voters are advised to give a particular candidate their first preference vote, and any other party candidates their second or even third preference. In other areas that advice is reversed and the other candidate prioritised for first preferences.

21. The intention of dividing up wards in such a way when parties offer candidate teams is to try to maximise the number of candidates elected. The key is to ensure voters' preference transfers remain within the party, voters giving their second, and sometimes third, preferences to running mates of their first preference candidate.

22. There have been cases of intra-party conflict between candidates supposedly working as teams. A survey of Scottish local party organisations conducted in 2007 found that, aggregating all parties, 48 per cent of local party organisations indicated their candidates campaigned solely within agreed areas while 38 per cent indicated there had been a little campaigning outside agreed areas.<sup>13</sup>

23. Levels of preference transfer solidarity have generally been high. Voters are more likely to use more than one preference where candidates have party running mates. In 2007, between 49-70% of second preferences went to candidates from the same party as voters' first preference candidate. In 2012, levels of transfer solidarity were higher at around 69-77%.<sup>14</sup>

24. Candidates are placed alphabetically on the STV ballot paper. A tendency for alphabetical ballot paper effects has been noted in every round of STV elections, mainly by party candidates who may have lost out to party running mates ranked higher on the ballot paper because of their surname.<sup>15</sup> Parties have tried to combat this. For example, in 2012, the SNP allocated 60% of wards to candidates with lower-placed surnames, 40% to those with higher placed surnames.<sup>16</sup>

25. Noting alphabetical effects is not the same as deciding if anything should be done about it. Most elections have such effects to some degree, even under FPTP. The Scottish government and parliament have consulted numerous times on the issue, considering various forms of randomisation. These have included (but have not been limited to): drawing candidates by lot in each ward; full (Robson) randomisation of each ballot paper; grouping candidates by party; and alternating A-Z & Z-A ballot papers. There are additional logistical and administrative implications for any of these options.

26. Despite numerous consultations, no decision has yet been made to change ballot paper ordering under STV. The danger is any randomisation would introduce considerable voter confusion, and primarily be seen as having been introduced for partisan advantage. There have also been objections from special needs and visual impairment groups.

27. STV has also helped smaller parties such as the Greens get elected, particularly if they are attract transfer preferences from other parties' voters. An increasing number of Green councillors, from 8 in 2007 to 19 in 2017, have been elected, whereas FPTP meant small parties previously had negligible

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<sup>13</sup> Clark, A. (2012) 'Party Organisation and Concurrent Multi-Level Local Campaigning: The 2007 Scottish Elections Under MMP and STV', *Party Politics*, 18, (4), pp603-622.

<sup>14</sup> Clark, A. (2013) 'Second Time Lucky? The Continuing Adaptation of Parties and Voters to the Single Transferable Vote in Scotland', *Representation*, 49, (1), pp55-68.

<sup>15</sup> For example: Curtice, J. and Marsh, M. (2014) Confused or Competent? How Voters Use the STV Ballot Paper', *Electoral Studies*, 34, 146-158; Denver, D., Clark, A. and Bennie, L. (2009) 'Voter Reactions to a Preferential Ballot: The 2007 Scottish Local Elections', *Journal of Elections, Public Opinion and Parties*, 19, (3), pp265-282.

<sup>16</sup> Clark, A. (2013) 'Second Time Lucky? The Continuing Adaptation of Parties and Voters to the Single Transferable Vote in Scotland', *Representation*, 49, (1), pp55-68.

chance of winning seats. The higher the district magnitude, the more likely smaller parties are to have such opportunities.

28. Whichever of the approaches of the Expert Panel to designing constituencies is chosen (pairing existing Senedd constituencies, or pairing local council areas) will determine how party candidate strategies develop. Their electoral strength and ability to potentially win seats in each area will ultimately determine whether they offer teams of candidates, or single candidates. Major parties are likely to follow the former approach, smaller parties the latter, although there will be variation across the country.

29. There has been some recent criticism of the multi-member system between elections. It is difficult to get to the roots of what is motivating this, but the fact that councillors now face competition from members from other parties in representing constituents may be an important factor. Ultimately, changing or dismantling the multi-member system would undermine the STV electoral system. Arguably, that constituents have a number of members representing them should lead to more and better representation.<sup>17</sup>

### **Cost/Resource Implications**

30. The method of counting is a key potential cost implication for electoral administration if STV were chosen. Scotland implemented electronic counting from 2007 onwards. This has speeded up a potentially lengthy count process. Results are known the day after STV elections have been held, thereby meeting public expectations of swift reporting of results.

31. E-counting has involved significant procurement and testing processes to ensure system reliability. Such a process is likely to take time. It will also cost money. A Scottish government FOI reply shows that the cost of e-counting for the STV local elections in 2012 was approximately £5.6m, with £3.7m reimbursed to local councils. Equivalent approximate costs for 2017 were £5.9m, with £3.2m reimbursed to councils.<sup>18</sup> The average spent by Scottish councils on e-counting for 2017 was around £101,000.

32. There may be additional costs if a public information campaign on the operation of the new electoral system is deemed necessary.

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<sup>17</sup> [https://www.parliament.scot/S5\\_Standards/Inquiries/20191128\\_LCGtoSPPA.pdf](https://www.parliament.scot/S5_Standards/Inquiries/20191128_LCGtoSPPA.pdf)

<sup>18</sup> <https://www.gov.scot/publications/foi-18-00866/>

**Adrian Crompton**

Archwilydd Cyffredinol Cymru

**Sophie Howe**

Comisiynydd Cenedlaethau'r Dyfodol

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29 Mai 2020

### Lles Cenedlaethau'r Dyfodol – Adroddiadau Statudol

Annwyl Adrian a Sophie,

Diolch unwaith eto ichi am ddod i gyfarfod y Pwyllgor Cyfrifon Cyhoeddus ar 18 Mai 2020. Roedd yn gyflwyniad ac yn fan cychwyn defnyddiol iawn i'r Senedd ystyried eich adroddiadau statudol pwysig.

Rydym yn cydnabod bod egwyddorion Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 ('y Ddeddf') yn sail i bob agwedd ar fywyd cyhoeddus yng Nghymru ac mor bwysig yw sicrhau y dylai'r holl waith craffu gan y Senedd gwmpasu popeth.

O'r herwydd, hoffem gymryd amser i fyfyrion ar sut y gall y Senedd gyflawni'r gwaith hwn yn effeithiol a byddwn yn disgwyl nes lansiad ffurfiol eich adroddiadau yn yr hydref cyn bwrw ymlaen â'n gwaith craffu. Bydd hyn yn ein galluogi i asesu sut mae cyrff cyhoeddus yng Nghymru yn ymateb i'ch canfyddiadau ac yn ystyried unrhyw adborth gan randdeiliaid, a fydd yn llywio ein barn.

Er y gofynnwyd i'r Pwyllgor Cyfrifon Cyhoeddus arwain y gwaith hwn, byddaf yn sicrhau bod holl Gadeiryddion Pwyllgorau'r Senedd yn cael eu gwahodd i gyfrannu. Rydym am fod yn glir y bydd angen i'r gwaith craffu hwn gynnwys craffu ôl-ddeddfwriaethol ehangach ar y Ddeddf, a sicrhau bod hyn yn cael ei wneud yn rheolaidd. Ar hyn o bryd, er bod y Ddeddf ar waith ers 5 mlynedd, ni chafwyd craffu ôl-ddeddfwriaethol ehangach hyd yma



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a dim ond y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau sy'n craffu ar Gomisiynydd Cenedlaethau'r Dyfodol yn flynyddol.

Rydym yn cydnabod pwysigrwydd ymgorffori'r Ddeddf ar draws Sector Cyhoeddus Cymru. Fodd bynnag, rydym yn pryderu nad yw rhai cyrff cyhoeddus yn ystyried hyn yn flaenoriaeth. Bydd ein hystyriaeth yn gwyntyllu sut y gallai'r Senedd ymgymryd â gwaith craffu ôl-ddeddfwriaethol ar y Ddeddf. Bydd hyn yn cynnwys archwiliad manwl o'r rhwystrau rhag gweithredu'r Ddeddf yn llwyddiannus, fel a ddisgrifir yn eich adroddiadau, a sut y gellir goresgyn y rhwystrau hynny. Er enghraifft:

- Rôl Llywodraeth Cymru wrth gynnig arweiniad ar weithrediad y Ddeddf.
- Cylchoedd cyllido tymor byr, a sut mae'r rhain yn atal cynnydd.
- A oes gan y cyrff y mae'r Ddeddf yn effeithio arnynt ddigon o adnoddau i roi egwyddorion y Ddeddf ar waith yn ymarferol.

Byddwn hefyd yn canolbwyntio ar ddatblygu cerrig milltir clir i fesur cynnydd, ac yn ystyried a ddylid dynodi cyrff cyhoeddus ychwanegol trwy Orchymyn i fod yn ddarostyngedig i'r Ddeddf.

Mae'r Pwyllgor yn cydnabod yr heriau sylweddol a wynebir gan gyrff cyhoeddus yng Nghymru yn sgil pandemig COVID-19. Rydym yn gweld fframwaith Deddf Llesiant Cenedlaethau'r Dyfodol fel cyfle i fynd i'r afael â rhai o'r heriau hyn. Mewn sawl ffordd, mae'r pandemig wedi datblygu egwyddorion y Ddeddf trwy esgor ar fwy o weithio ystwyth a hyblyg, teithio llesol, cydweithio a newidiadau cadarnhaol eraill. Gobeithiwn na fydd y newidiadau cadarnhaol hyn yn cael eu colli gyda llacio cyfyngiadau symud COVID-19.

Nodwn y bydd angen ystyried pob agwedd ar fywyd cyhoeddus trwy ddrych COVID-19 wrth i gyrff cyhoeddus weithredu argymhellion eich adroddiadau. Bydd hyn yn rhan sylfaenol o'n gwaith yn yr hydref.



Rydym yn edrych ymlaen at drafod â chi yn nes ymlaen eleni wrth fwrw ymlaen â'n gwaith craffu ar ganfyddiadau eich adroddiadau.

Yn gywir,

A handwritten signature in black ink that reads "Nick Ramsay". The signature is written in a cursive style with a long, sweeping underline.

**Nick Ramsay AS**  
**Cadeirydd**

Croesewir gohebiaeth yn Gymraeg neu'n Saesneg / We welcome correspondence in Welsh or English.

