

Meeting of:	Democratic Services Committee
Date of Meeting:	Monday, 16 November 2020
Relevant Scrutiny Committee:	All Scrutiny Committees
Report Title:	Reimbursement of Costs of Care
Purpose of Report:	To promote the Independent Remuneration Panel for Wales' (IRPW) determination in relation to the Reimbursement of Costs of Care and to encourage take up of the reimbursement
Report Owner:	Mr. J. Rees, Head of Democratic Services
Responsible Officer:	Mr. J. Rees, Head of Democratic Services
Elected Member and Officer Consultation:	All Members of the Council have been circulated by email on 7 th October, a link to the IRPW's Annual Report for 2021/22 including information on how to respond to the consultation by the deadline of 23 rd November, 2020. The Council's Head of Finance / Section 151 Officer has been consulted including the Group Accountant
Policy Framework:	As indicated within the report, the Council has resolved to abide by the determinations of the IRPW as set out in its Annual Report each year
<p>Executive Summary:</p> <ul style="list-style-type: none"> • The Welsh Government's "Diversity in Democracy Steering Group" has worked to encourage more diverse candidates from a variety of backgrounds to stand in the May 2017 Local Government Elections with the aim of having candidates that were more representative of the community. • The Reimbursement of Cost of Care (RoCoC) is in place to assist those Councillors and Co-opted Members with caring responsibilities. This in turn may help to increase diversity in democracy by encouraging people to stand as candidates as the caring responsibility barrier is removed. • Local Authorities must provide for the payment to Councillors and Co-opted Members of an Authority the reimbursement in respect of such expenses of arranging the care of children or dependants or for the individual Member as are necessarily incurred in carrying out official business as a Councillor or Co-opted Member of that Authority. • The IRPW in its current draft Annual report, intends to go further in terms of removing barriers to accessing care to allow Members to carry out their elected duties. The Panel's proposal for 	

2021/22 will remove the maximum amount cap of £403 that can be claimed and move to a reformed criteria limited to the following:

- Formal (registered with Care Inspectorate Wales) care costs to be reimbursed in full.
- Informal (unregistered) care costs to be reimbursed up to a maximum rate equivalent to the Real Living Wage (current rate is calculated at £9.30 per hour) at the time the costs are incurred.
- In an effort to meet the Principles set by the IRPW the Head of Democratic Services has designed a RoCoC “Claim Form” (Appendix B) and a “Receipt” (Appendix C) which are aimed at making the process simpler for Councillors and Co-opted Members. These forms will be made available as E forms on MemberNet or on request from the Democratic Services Team.
- The Authority is required to promote this provision so that those with caring responsibilities for other dependents such as the elderly are encouraged to claim.
- The IRPW has urged each Democratic Services Committee to take steps to encourage and facilitate greater use of the RoCoC provision so that Councillors / Co-opted Members are not financially disadvantaged.
- It is proposed that the Democratic Services Committee and the Head of Democratic Services promote the RoCoC provision throughout the Authority. This work should begin with this report being presented to Cabinet for endorsement.

Recommendations

1. That the report be noted.
2. That the draft claim and receipt form for the Reimbursement of Cost of Care (RoCoC) be approved.
3. That the report be submitted to Cabinet for endorsement.

Reasons for Recommendations

1. To apprise Members of the IRPW's determination for 2021/22.
2. To achieve the Principles relating to RoCoC.
3. To raise awareness.

1. Background

- 1.1 The Independent Remuneration Panel for Wales (IRPW) is tasked with setting the remuneration levels for Councils in Wales. As indicated in my previous report, the draft IRPW Annual Report for 2021/22 is currently subject to consultation.
- 1.2 Since the inception of the IRPW in January 2008 and in each of its Annual Reports there has been a Section relating to Care, aiming to assist Councillors and Co-opted Members with any caring responsibilities in order to enable them to carry out their Council related duties.
- 1.3 Council related duties include carrying out Electoral Ward Work; Reading Agendas prior to a Meeting, Attending a Meeting etc., together with Approved Duties.
- 1.4 The Democratic Services Committee, at its meeting in November 2019, considered the previous draft IRPW Annual Report (2020/21) which included "Reimbursement of Costs of Care" as part of the IRPW consultation arrangements.
- 1.5 Since the formal publication by the IRPW of the above Annual Report, the IRPW have since produced a Supplementary Report on "The Principles Relating to the Reimbursement of Cost of Care (RoCoC)" during May 2020, which sets out the minimum requirements Local Authorities, Town and Community Councils, National Parks and Fire Authorities should have in place to meet the relevant determinations of the IRPW. The Principles are attached at Appendix A.
- 1.6 This matter would have been reported to the Committee at that time, however due to the pandemic it was not possible to do so.

2. Key Issues for Consideration

- 2.1 The Welsh Government's "Diversity in Democracy Steering Group" has worked to and encourage more diverse candidates from a variety of backgrounds to stand in the May 2017 Local Government Elections with the aim of having candidates that were more representative of the community.
- 2.2 The Welsh Local Government Association (WLGA) Working Group on Diversity in Local Democracy objective is to see the above objective achieved for the Local Government Elections in May 2022.
- 2.3 The RoCoC is in place to assist those Councillors and Co-opted Members with caring responsibilities. This in turn may help to increase diversity in democracy by encouraging people to stand as candidates as the caring responsibility barrier is removed.
- 2.4 The IRPW believe that *"Democracy is strengthened when the membership of Local Authorities adequately reflects the demographic and cultural make-up of the communities such Authorities serve. The Panel will always take in to account the contribution its Framework can make in encouraging the participation of those who are significantly under-represented at Local Authority level."*
- 2.5 As reported last year, the IRPW has continued to contribute to enhancing Diversity in Local Government in Wales through its determinations. They have produced a leaflet for prospective candidates on the Remuneration of Members of Councils. This may be viewed at <https://gov.wales/payments-elected-members/principal-councils>.

What is the Reimbursement of Costs of Care?

- 2.6 Local Authorities must provide for the payment to Councillors and Co-opted Members of an Authority the reimbursement in respect of such expenses of arranging the care of children or dependants or for the individual Member as are necessarily incurred in carrying out official business as a Councillor or Co-opted Member of that Authority.
- 2.7 The IRPW in its current draft Annual report, appears to go further in terms of removing barriers to accessing care to allow Members to carry out their elected duties. The Panel's proposal for 2021/22 will remove the maximum amount cap of £403 that can be claimed and move to a reformed criteria limited to the following:
 - Formal (registered with Care Inspectorate Wales) care costs to be reimbursed in full.
 - Informal (unregistered) care costs to be reimbursed up to a maximum rate equivalent to the Real Living Wage (current rate is calculated at £9.50 per hour from 9th November, 2020) at the time the costs are incurred.

- 2.8** In an effort to meet the Principles set by the IRPW (Appendix A) the Head of Democratic Services has designed a RoCoC “Claim Form” (Appendix B) and a “Receipt” (Appendix C) which are aimed at making the process simpler for Councillors and Co-opted Members. These forms will be made available as E forms on MemberNet or on request from the Democratic Services Team.

Take up of the Reimbursement of Costs of Care?

- 2.9** During a number of recent visits to Local Authorities, the IRPW found that very few Councillors / Co-opted Members were utilising the RoCoC provision in their Annual Reports. The IRPW believe that many are reluctant to claim all they are entitled to support them in their Council role, because of concerns about the adverse publicity this can attract.
- 2.10** The Authority is required to promote this provision so that those with caring responsibilities for other dependents such as the elderly are encouraged to claim.
- 2.11** The Council is compliant with the IRPW’s current requirements contained its Annual Report 2020-2021 which states that the amount paid out under the RoCoC provisions should not be published against an individual and only for the Authority as a whole.

Role of the Democratic Services Committee

- 2.12** The IRPW has urged each Democratic Services Committee to take steps to encourage and facilitate greater use of the RoCoC provision so that Councillors / Co-opted Members are not financially disadvantaged.
- 2.13** It is proposed that the Democratic Services Committee and the Head of Democratic Services promote the RoCoC provision throughout the Authority. This work should begin with this report being presented to Cabinet for endorsement.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** The Well-being of Future Generations (Wales) Act sets out effective transparency as a key part of improving the delivery of public bodies.
- 3.2** The Act requires public bodies to communicate and explain the processes of selecting its well-being objectives and how these objectives have been chosen, how decisions are taken in line with these objectives and what difference these objectives have made.
- 3.3** The importance of presenting the report is to ensure that transparency has taken place and to inform the Council and the public of the above arrangements which are required to be undertaken to comply with the Local Government (Wales) Measure 2011 (as amended).

4. Resources and Legal Considerations

Financial

- 4.1** Providing a Councillor / Co-opted Member meets the requirement to claim for the RoCoC, they are entitled to a payment. Expenditure for such payments will be funded from the Policy Budget.

Employment

- 4.2** There are no employment issues as a result of this report.

Legal (Including Equalities)

- 4.3** The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - Advance equality of opportunity between people who share a protected characteristic and those who do not;
 - Foster good relations between people who share a protected characteristic and those who do not.

5. Background Papers

IRPW Draft Annual Report 2021/22.



Independent Remuneration Panel for Wales

Supplementary Report

The Principles relating to the Reimbursement
of Costs of Care

May 2020

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

Supplementary Report 2020

The Principles in respect of the Reimbursement of Costs of Care (RoCoC)

Introduction

The Panel's core principles have been a fundamental feature of its work since it was established and are contained in each Annual Report. These include:

Remuneration

1.3 The Framework provides for payment to members of relevant authorities who carry a responsibility for serving their communities. The level of payment should not act as a barrier to taking up or continuing in post. There should be no requirement that resources necessary to enable the discharge of duties are funded from the payment. The Framework provides additional payments for those who are given greater levels of responsibility.

Diversity

1.4 Democracy is strengthened when the membership of relevant authorities adequately reflects the demographic and cultural make-up of the communities such authorities serve. The Panel will always take in to account the contribution its Framework can make in encouraging the participation of those who are significantly under-represented at local authority level.

This Supplementary Report builds on these core principles and adds principles which specifically relate to costs of care. The provision of financial support for members with care responsibilities or personal needs is an important factor in improving and sustaining the diversity of membership. It is essential that there is clarity in the availability of and the access to this support.

The purpose is:

To enable all members and co-opted members of relevant authorities to carry out their duties effectively

The Relevant Authorities are:

22 Local Authorities, 735 Town and Community Councils, 3 National Park and 3 Fire and Rescue Authorities

The Minimum Authorities should do		How this could be done
1 Be clear who it is for	<p>1.1 Members with primary caring responsibilities for a child or adult and or personal support needs where these are not covered by statutory or other provision.</p> <p>1.2 For personal support. This might also include a short term or recent condition not covered by the Equality Act 2010, access to work, Personal Payments, insurance or other provision.</p>	A Confidential review of the needs of individual members annually and when circumstances change
2 Raise Awareness	2.1 Ensure potential candidates, candidates and current members are aware that RoCoC is available to them should their current or future circumstances require.	Ensure clear and easily found information is available on website and in election and appointment materials, at Shadowing and at induction and in the members' "handbook". Remind serving members via e-mail and or training. Signpost to IRPW Payments to Councillors leaflets.
3 Promote a Positive Culture	3.1 Ensure all members understand the reason for RoCoC and support and encourage others to claim where needed.	Encouragement within and across all parties of Relevant Authorities to support members to claim. Agree not to advertise or make public individual decisions not to claim.
4 Set out the approved duties for which RoCoC can be claimed	<p>4.1 Meetings – formal (those called by the Authority) and those necessary to members' work (to deal with constituency but not party issues) and personal development (training, and appraisals.)</p> <p>4.2 Travel – in connection with meetings.</p> <p>4.3 Preparation – reading and administration are part of a member's role. Some meetings and committees require large amounts of reading, analysis or drafting before or after a meeting.</p> <p>4.4 Senior salary holders with additional duties may have higher costs.</p>	<p>Approved duties are usually a matter of fact. Interpretation of the IRPW Regulations are set out in the Annual Report.</p> <p>"Any other duty approved by the authority, or any duty of class so approved, undertaken for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees."</p>

<p>5 Be as enabling as possible about the types of care that can be claimed</p>	<p>5.1 Members should not be “out of pocket” subject to the limit set in the Annual Report.</p> <p>5.2 Models of care and needs vary.</p> <p>5.3 Members may use a combination of several care options.</p> <p>5.4 Patterns of care may alter over the civic and academic year.</p> <p>5.5 Not all care is based on hourly (or part hourly) rates.</p> <p>5.6 Where a whole session must be paid for, this must be reimbursed even where the care need is only for part of a session.</p> <p>5.7 Members may need to:</p> <p>5.7.1 book and pay for sessions in advance</p> <p>5.7.2 commit to a block contract: week, month or term</p> <p>5.7.3 pay for sessions cancelled at short notice</p> <p>5.8 Where care need straddles two sessions both should be reimbursed.</p>	
<p>6 Have a simple and effective claim process</p>	<p>6.1 Members should know how to claim.</p> <p>6.2 The claim process should be clear, proportionate and auditable.</p>	<p>Check members understand how to claim and that it is easy to do so.</p> <p>Flexibility to accept paperless invoices Online form Same or similar form to travel costs claim</p>
<p>7 Comply with IRPW Publication rules</p>	<p>7.1 The IRPW Framework states:</p> <p>“In respect of the publication of the reimbursement of the costs of care, the Panel has decided that relevant authorities should only publish the total amount reimbursed during the year. It is a matter for each authority to determine its response to any Freedom of Information requests it receives. However, it is not intended that details of individual claims should be disclosed.”</p>	

Vale of Glamorgan Council Reimbursement of Cost of Care Claim Form

Name of Councillor / Co-opted Member:			
Address:		Post Code:	

Name of Dependant(s)			
Address: If Different		Post Code:	

Date of Care			Times of Care / Session AM or PM	Council Approved Duty Undertaken i.e. Describe Duty, Name of Meeting etc.	Cost of Care (Inc. Receipt)
dd	mm	yyyy			
		20			
		20			
		20			
		20			
		20			
		20			
		20			
		20			
Total					

Declaration:

- 1) *I certify that for me to perform Councillor / Co-opted Member duties, this claim for the Reimbursement of necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance for the Council approved duties set out above is correct.*
- 2) *I understand that I must alert the Head of Democratic Services (HoDS) of any change of circumstance relating to this claim and failure to do so could result in a breach of the Members Code of Conduct concerning the stewardship of public funds.*
- 3) *The National Minimum Wage is the **minimum** hourly rate paid to a Carer. Higher payments may be made; however, the HoDS in consultation with the Section 151 Officer reserves the right to challenge excessive hourly rate claims and to reduce them to a more reasonable level.*
- 4) *I certify that the receipts attached relate to the Reimbursement of Costs of Care claim(s) above.*

Signed:		Date:	
Authorised by:		Date:	

Vale of Glamorgan Council

Costs of Care Receipt

Name of Councillor / Co-opted Member:	
--	--

Address of Councillor / Co-opted Member:	
---	--

Name of Dependant(s):	
------------------------------	--

Address of Dependant(s) (If different to address of claimant)	
---	--

Date(s), Time(s) & Cost of Care Claimed

Date			Time		Length of Care			Cost of Care	
DD	MM	YYYY	From	To	Hours	Minutes	Session Cost	£	p
Total Time & Cost:									

Hourly Rate of Care:	£		
-----------------------------	---	--	--

Name of Carer:	
-----------------------	--

Address of Carer:	
--------------------------	--

Contact Details of Carer: e-mail / Phone	
--	--

Signature of Carer:	
----------------------------	--

Date of Receipt:	
-------------------------	--

Note: Please complete all shaded areas.