

Child Care and Dependents Allowances – Draft Framework

Introduction

Regulation 7(h) of The Local Authorities (Members' Allowances) (England) Regulations 2003 permits payments to cover:

‘the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees or sub-committees.’

In the light of this, many local authorities include provision for the payment of a care allowance to members with dependents. However, there is to be very little consistency in what is provided, how it can be claimed or what level of payment is made, and a small number of authorities make no payment at all or make it only in very limited circumstances.

Increasing and maintaining the diversity of elected members in local government requires a consistent approach to resolving the challenges different groups of people face. The payment of allowances to parents and carers helps to bring a wider range of people into public office, and supports them in remaining there. Every local authority should have a functioning payment scheme and, so far as possible, the postcode lottery element of such schemes should be eliminated.

Local government Labour Groups will therefore wish to make the best possible provision to enable parents and carers to carry out their Council duties whilst also providing appropriate care for children and dependents. These guidelines provide a framework within which existing schemes can be reviewed, or new ones developed, and suggests baseline standards which should be met.

Declaration of Allowances

Recent studies of the representation of women in public life¹ have found that, even where there are clear and reasonable policies in place, women in particular are reluctant to claim care allowances because the way in which they are recorded and published appears to inflate the individual's expenses and can thus lead to criticism and abuse. In Wales, the Independent Remuneration Panel has already enabled local authorities to report payments for care separately from the main allowances declaration. In England, there would need to be an amendment to regulation 15 of The Local Authorities (Members' Allowances) (England) Regulations 2003, and Labour Groups and Councils are encouraged to take steps to secure this.

Care Allowances Framework

The guidance which follows incorporates recommendations from the Fawcett Society's report *Does Local Government Work for Women?*, as well as best practice from existing schemes around the country. Where text from a particular scheme has been incorporated this is recognised in the footnotes.

¹ E.g., The Fawcett Society, *Does Local Government Work for Women?*, July 2017, and Professor Sarah Childs, *The Good Parliament*, July 2016

Local authority schemes for care allowances should, as a minimum, cover the following areas.

a) The policy should be clear about the duties for which claims can be made. These should include (but may not be limited to):

- a meeting of the authority;
- a meeting of a committee or sub-committee of the authority;
- a meeting of Cabinet;
- a meeting of a committee of Cabinet;
- a meeting of any other body to which the authority makes appointments or nominations;
- a meeting of a committee or sub-committee of any other body to which the authority makes appointments or nominations;
- a meeting which has both been authorised by the authority, a committee or sub-committee of the authority or a joint committee of the authority and one or more other authorities, or a subcommittee of a joint committee and to which representatives of more than one political group have been invited (if the authority is divided into several political groups) or to which two or more councillors have been invited (if the authority is not divided into political groups);
- a meeting of a local authority association of which the authority is a member;
- duties undertaken on behalf of the authority in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;
- duties undertaken on behalf of the authority in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;
- duties undertaken on behalf of the authority in connection with arrangements made by the authority for the attendance of pupils at a school approved for the purposes of section 342 of the Education Act 1996;
- a meeting of an Area Housing Forum; and,
- attendance at Ward Surgeries.²

b) The policy should be clear about the rates at which care should be paid for. Those rates should cover actual costs for Ofsted-registered care and/or for professional home carers for adult dependents, and pay for informal care, such as a babysitter, at a minimum of the applicable Real Living Wage. Payments should also be made for reasonable transport costs (e.g., for taxis late at night).

c) Carers should be aged 18 or over, and care payments should not be made to members of the councillor's immediate household.

d) Payment should be claimable in respect of children aged 15 or under or in respect of other dependants where there is medical or social work evidence that care is required.³ Councillors should be able to claim for care for multiple dependents for the same period of time; currently some schemes restrict payments to care for only one child.

² This list is taken from the policy in force in Lambeth.

³ Southwark

- e) Councillors who are in receipt of Carers Allowance should not be excluded from claiming allowances in respect of Council duties.
- f) Schemes should not artificially limit the amount that councillors can claim over a period of time, or the number of children/dependents for whom claims can be made.
- g) The procedure for claiming should be straightforward and should include reasonable requirements for proof of payment. However, it should not be unduly bureaucratic or onerous and should not constitute a disincentive to claim.