

# The National Assembly for Wales



*Independent Adviser  
on Standards of Conduct for  
Assembly Members*



*Information for Candidates*

# THE NATIONAL ASSEMBLY FOR WALES

Thank you for requesting this pack which invites you to apply for the post of Independent Adviser of Standards of Conduct for Assembly Members. After reading it carefully, we hope you will decide to apply for the advertised vacancy.

## *The National Assembly for Wales*

1. The Welsh Office was established in April 1965 following the creation of the Office of the Secretary of State for Wales in October 1964. Since then there has been an increasing transfer of functions from Whitehall. Under the provisions of the Government of Wales Act a National Assembly for Wales was elected in May 1999 and has taken over most of the functions previously exercised by the Secretary of State for Wales and thus the Welsh Office. It represents all the people of Wales and provides a democratically elected and accountable body responsible for important public services in Wales. It has the power to make subordinate legislation to meet Welsh circumstances. Strong links with Westminster and Whitehall will ensure that Welsh interests continue to be taken into account in the formulation of primary legislation. The Secretary of State for Wales continues to be a member of the Cabinet and Wales sends the same number of MPs to the Westminster Parliament.

2. The Assembly aims to increase the economic prosperity and the quality of life for all the people of Wales, to promote social inclusion and extend democratic accountability. In the pursuit of these wide aims it disposes of an annual budget of some £7.5 billion.

## *The Assembly's Complaints Procedure & the Independent Adviser*

3. The Assembly's standing order 16 governs the procedure for the investigation of complaints and the role of the Independent Adviser.

4. Paragraph 16.3 requires the appointment of an independent person to provide advice and assistance to the Presiding Officer on any matter relating to Standing Orders. The Committee may also, in addition to the appointment of its own adviser, invite the Assembly's appointee to investigate factual matters arising out of any matter put before it. The Assembly's procedures take account of the fact that some complaints may, if justified, point towards a criminal offence having been committed, usually under Section 72(6) of the Government of Wales Act 1998. They provide a mechanism for identifying and reporting such allegations to the police for investigation and for avoiding any prejudice to any criminal proceedings.

5. The key features and implications of the standing orders are that:

- ❑ the Independent Adviser is appointed by the Assembly as a whole and is therefore accountable ultimately to the Assembly as a whole;
- ❑ the Independent Adviser is obliged to advise and assist the Presiding Officer on request in respect of any matter relating to conduct of members; the adviser's role in relation to the Committee is by invitation and limited to the investigation of factual matters;
- ❑ any complaint which is to be investigated by the Committee on Standards must be addressed in the first instance to the Presiding Officer in his role of overseeing the general standards of conduct within the Assembly;
- ❑ standing orders require the Committee on Standards, at an appropriate stage of an investigation, to permit a Member who is the subject of an investigation to make oral or written representations to the Committee;
- ❑ the Committee is required to report to the Assembly on the result of its investigation, making a recommendation as to what action the Assembly should take.
- ❑ the Assembly may, on the basis of a report from the Committee, exclude a Member from the Assembly for a specified period. During that period the Member can take no part in proceedings and will receive no salary.

*The Independent Adviser's main role is:*

6. To provide advice and assistance to the Assembly and the Presiding Officer on matters relating to the conduct of members and upon invitation by the Assembly Committee on Standards of Conduct to investigate factual matters arising out of any complaint referred to the Committee.

7. The principal duties are:

- ❑ Conducting a preliminary investigation into complaints including identifying those requiring liaison with the police and the Crown Prosecution Service.
- ❑ Providing independent and practical advice on the handling of individual complaints and submitting a reasoned report with a recommendation on whether to dismiss the matter or investigate further.
- ❑ If the matter is deemed to warrant further investigation then undertaking the detailed investigation on behalf of the Committee;
- ❑ Assembling detailed documentary, written and oral evidence: dealing directly with Members, the complainant and others in the preparation of such evidence.

- Preparing a further factual report for the Committee and presenting the evidence.
- Attending meetings of the Committee to clarify points of fact.
- Advising the Presiding Officer on other matters concerned with standards of Members.
- Assisting the Committee in the preparation of its annual report to the Assembly.

### ***TERMS AND CONDITIONS OF APPOINTMENT***

8. The appointment will be for 3 years in the first instance but subject to termination by a substantive resolution of the Assembly. This is a new post and the Assembly will want the successful candidate to take up post as soon as may be after the completion of the recruitment process. It is anticipated that this will be around April 2000.

9. The adviser will not be a member of the staff of the Assembly as defined by section 34 of the Government of Wales Act 1998. The Assembly resolved on 24<sup>th</sup> November 1999 that the appointment would be made in accordance with arrangements to be made by the Presiding Officer, taking into account the principles of the Assembly's Code of Practice on Public Appointments.

10. After the first year, the post will be reviewed in order to decide whether the level of duties and the estimated time commitment remain appropriate. It will be open to the Adviser to propose modifications earlier in the light of his/her assessment of the requirements of the post.

### ***Salary & Hours***

11. Remuneration will be provided on a per diem basis at £300 per day plus a "retainer" annual sum of £3,000. Travel & subsistence will be paid in accordance with National Assembly staff rates.

12. The appointee will be required to work such hours as may be necessary to enable the efficient discharge of the duties of the post. It is envisaged that the time commitment averaged over a year will be no more than 2-3 days per month but this could vary depending on any advice requested by the Presiding Officer or the Committee.

### ***Support & Accommodation***

13. The adviser will be linked to Assembly's IT network and can therefore work either from home, or from one of the Offices of the National Assembly for Wales. Staff from the Office of the Presiding Officer will support the adviser.

## *THE PERSON*

14. The successful candidate will need to have outstanding intellectual qualities and the highest personal integrity, winning the confidence and trust of Assembly Members, as well as that of the wider public. Wide experience of both the public and private sectors would be a distinct advantage.

The National Assembly operates equally in Welsh and English. Because of this the ability to consider evidence and documents in Welsh as well as English would be an asset. Translation facilities are, however, readily available.

### *15. The postholder will need to possess:*

- a deep understanding of the background, policy and issues concerned with standards in public life;
- the ability to analyse and evaluate complex data;
- sound judgement;
- impartiality of any political or sectoral interest and ability to command confidence both within the Assembly and outside;
- An understanding of equal opportunities and human rights issues;
- excellent communication skills with a wide experience of report writing and presentation at senior levels.

## *SELECTION*

16. You will need to provide as much evidence as possible of the strength of your candidature at each stage of the selection process. The process will start with an initial sift of the application forms by the selectors (although you are advised to enclose an up to date CV, this is not to replace full completion of the application form). Those candidates successful at the sift stage will be invited to attend an interview. The interview will be with a panel of up to six people including an external assessor and Members of the Committee on Standards of Conduct, under the Chairmanship of the Assembly's Presiding Officer. The interviews will include a short presentation made to the selection Board and are likely to be held in February, at the National Assembly Building, Cardiff Bay.

## *APPLICATION*

17. Your completed application form should be returned to Ms J M Grant, Deputy Clerk to the Standards Committee, Table Office, National Assembly for Wales, Cardiff Bay, CF99 1NA by close of business on 17<sup>th</sup> January 2000. Telephone number 01222 898207 and the email address is [julie.grant@Wales.GSI.gov.uk](mailto:julie.grant@Wales.GSI.gov.uk).

## *FURTHER ENQUIRIES*

18. You are welcome to contact Julie Grant for further enquiries.