

REVIEW OF STANDARDS PROCEDURES (WOODHOUSE) REVIEW - DRAFT ACTION PLAN

No	Recommendation	Priority	Issues Arising	Next Steps
	CODE OF CONDUCT			
1.	<i>The Committee considers producing a Code of Conduct, which incorporates the current Guidance and Protocols in a coherent way. (para 2.3.2)</i>	High	Should action on this await implementation of other recommendations on codes? Will need to be approved in Plenary.	Committee agreement for Secretariat/David Lambert to draft specific proposals. Prepare Draft. (NB - David Lambert has produced draft proposals on this recommendation which are attached as an annex to this document)
2.	The Committee considers supplying all Members with a new pocket guide, accompanied by an explanatory letter. It also considers seeking the agreement of the political parties that new Members should be briefed on the Code of Conduct. (para 2.3.3)	High	Recommendation welcomed by Committee Members at 31 October meeting. Would it be helpful if the pocket guide could be available, particularly for new Members, immediately after the election? Is this practically possible?	Committee agreement for Secretariat to draft specific proposals for next Standards Committee meeting.
3.	The Committee considers revising the	Medium	Needs to be considered	Secretariat to prepare more

	Code to include specific sections on its purpose and the conduct required of Members, as these relate to the Principles in Practice. (This recommendation should be seen in conjunction with those made in 2.3.2 above) (para 2.4.3)		<p>alongside Recommendation 1.</p> <p>The issue of principle (the possible overlap between the role of the Committee and that of the First Minister) needs to be considered by the Committee.</p> <p>Will need to be approved in Plenary.</p>	<p>in-depth paper for consideration by the Committee.</p> <p>Committee will need to decide whether it is content with the recommendation in principle.</p>
4.	The Committee considers reviewing the principles under which the Code operates and whether to include a requirement that Members must not bring the office of Member or the Assembly into disrepute. (para 2.4.5)	Medium	<p>Could make a very significant change to current standards culture of Assembly and needs careful consideration.</p> <p>Possibility of intrusive complaints.</p> <p>Need to avoid double standards (local govt, Parliament & other devolved administrations).</p> <p>Will need a change to Standing Orders.</p>	<p>Secretariat to prepare more in-depth paper for consideration by the Committee.</p> <p>Committee will need to decide whether it is content with the recommendation in principle.</p>
5.	The Committee considers revising the value of tangible gifts, for registration purposes, to a percentage of a	Medium	No apparent clear consensus on this among Committee Members.	Secretariat to provide paper setting out further factual information to inform

	Member's salary. (para 2.6.3)		Will need to be approved in Plenary.	consideration of issue by Committee. Committee will then need to decide whether it is content with the recommendation in principle.
6.	The Committee considers amending the requirement for the registration of shareholdings in line with either the House of Commons or Northern Ireland Assembly recommendations. (para 2.6.4)	Medium	See recommendation 5	See recommendation 5
7.	The Committee considers whether Members should have a wider duty to declare a relevant interest. (para 2.8.3)	Low	Whether Members should declare interests in correspondence with Ministers or others. Could be considered overly prescriptive. Will need a change to Standing Orders.	An initial Committee discussion is needed to decide whether it is content with the recommendation in principle.
8.	The Committee considers using the phrase 'lobbying for reward or consideration' to replace, or supplement, 'paid advocacy'. (para	Low	Recommendation agreed at 31 October Committee meeting. Will need a change to Standing	Committee agreement for Secretariat to draft specific proposals.

	2.9.1)		Orders.	Secretariat to prepare draft change to Standing Orders and any consequent changes needed in guidance.
9.	The Committee considers recommending a test whereby Members consider their interests as viewed through the eyes of an informed member of the public to help them determine when they should refrain from voting. (para 2.10.1)	Medium	<p>Conceptually complicated and may be difficult to interpret.</p> <p>May be thought to be overly restrictive, particularly if it follows the model set out in the Welsh local Government code.</p> <p>Re-introduces the concept of "indirect interests".</p> <p>Gives a more level playing field with local councillors.</p> <p>Would need a change to standing orders.</p>	<p>Committee need to decide whether it is content with the recommendation in principle.</p> <p>Secretariat to prepare more in-depth paper for consideration by the Committee.</p>
10.	The Committee considers whether the term, 'Agreement for the Provision of Services', is more appropriate than 'Employment Agreements'. (para 2.11)	Low	<p>Fees Office may have views on this.</p> <p>Appears non-contentious but will need a change to Standing Orders.</p>	<p>Committee agreement for Secretariat to consult further with Fees Office.</p> <p>Prepare draft Standing Orders Changes for Committee Consideration in light of Fees Office views.</p>

<p>11.</p>	<p>The Committee considers including a clause in the Code of Conduct which states that the leaking of confidential material from Assembly Committees is contrary to the requirements of confidentiality. (para 2.12.1)</p>	<p>Medium</p>	<p>Is Committee content to proceed as suggested? Earlier referral of the issue to Professor Woodhouse suggests that it is.</p> <p>Will require approval in Plenary.</p>	<p>Committee agreement for Secretariat to draft specific proposals.</p> <p>Secretariat to prepare draft changes to Code.</p>
<p>12.</p>	<p>The Committee seeks the co-operation of the political groups in the development of a culture in which the confidentiality of committee proceedings is respected. (para 2.12.2)</p>	<p>Medium</p>	<p>Likely to be general acceptance of the principle but how can this be achieved in practice?</p> <p>Is this a role for the Committee or the Independent Adviser?</p> <p>Is this issue best dealt with after the elections?</p>	<p>Committee will need to decide whether it is content with the recommendation in principle.</p> <p>Secretariat to prepare more in-depth paper for consideration by the Committee.</p>
<p>13.</p>	<p>The Committee considers recommending an amendment to the Government of Wales Act to provide Members with a defence to the offence of failing to register or declare an interest. (para 2.14.1)</p>	<p>High?/Low?</p> <p>[Not the highest priority but would need to be pursued</p>	<p>Would help address previously expressed committee concerns about “de minimis” defences.</p> <p>Difficult to pursue as a free-standing issue. Would be best taken forward as part of a slightly wider package of</p>	<p>Committee will need to decide whether it is content with the recommendation in principle.</p> <p>Secretariat to prepare more in-depth paper for consideration by the Committee.</p>

		vigorously given the mechanism for change]	suggested changes to the GOWA. (See recommendation 24 & 31.) Related to recommendation 16. Needs approval in plenary and then primary legislation.	
14.	The Committee considers the registration requirements of Assembly Members in the light of the requirements of the Electoral Commission (para 2.15.1)	High	Will need to be considered quickly if any changes are to be implemented in time for the Assembly elections. Depending on outcome, changes may be needed to Standing Orders.	The Committee may wish to recommend early changes to the current registration requirements. To facilitate this officials have made initial enquiries of the Electoral Commission. Their response will be provided to Committee Members as soon as it is available.
15.	<i>The advisory function as it relates to the Code of Conduct, including the registration and declaration of interests, should transfer to the Registrar and Clerk to the Standards Committee, acting under the authority of the Committee and consulting with it on matters of policy (para 2.17.5).</i>	High	Should the Presiding Officer be consulted for his views on this? May need a change to standing orders.	Committee agreement for Secretariat to consult the Presiding Officer for his views on this recommendation.

<p>16.</p>	<p>The Committee considers inserting into the Code a section on seeking advice which contains a statement to the effect that 'Members who act in good faith on the written advice of (whoever is deemed should give advice) in determining a registrable or declarable interest satisfy the requirements of the Code of Conduct. However, this does not guarantee immunity from prosecution under the Government of Wales Act.' (para 2.18.3)</p>	<p>Medium</p>	<p>Might offer Members a false sense of security, given that it does not provide any immunity from prosecution.</p> <p>Would need a clear protocol to ensure that Members sought, and had received, advice in a formal and considered way.</p> <p>Should the Police/CPS be consulted for their views?</p> <p>Related to recommendation 13.</p> <p>Would require approval in Plenary and may need changes to Standing Orders.</p>	<p>Committee will need to decide whether it is content with the recommendation in principle.</p> <p>Secretariat to prepare more in-depth paper for consideration by the Committee.</p>
	<p>THE COMPLAINTS PROCEDURE</p>			
<p>17.</p>	<p><i>Complaints should be received directly by the Independent Adviser or, alternatively, by the Clerk to the Standards Committee who will record their receipt and pass them automatically to the Independent Adviser. The Independent Adviser should assume total responsibility for</i></p>	<p>High</p>	<p>Needs to be viewed alongside recommendation 21.</p> <p>Lack of availability of, and direct administrative support for, the Independent Advisor suggests that complaints would be best addressed to</p>	<p>Committee agreement for Secretariat to draft specific proposals.</p> <p>Prepare draft revised complaints procedure and Standing Orders Changes alongside recommendation 21.</p>

	<i>sifting complaints. (para 3.1.2)</i>		<p>the Committee Clerk in the first instance.</p> <p>Administratively simple to implement but would need a change to Standing Orders.</p>	
18.	<i>The Committee adopts a procedure whereby trivial complaints, where the breach has been rectified, are dealt with by a letter either from the Chair of the Committee or the Independent Adviser. (para 3.2.1)</i>	High	<p>Need a robust definition of what constitutes a trivial complaint.</p> <p>Who decides whether a complaint is trivial needs to be resolved?</p> <p>How would repeated trivial offences be dealt with?</p>	<p>Committee agreement for Secretariat to draft specific proposals.</p> <p>Secretariat to prepare more detailed proposals, including definition of trivial, for consideration by Committee.</p>
19.	The Committee seeks the co-operation of party managers in the development of a standards culture. (para 3.3.2)	Medium	<p>How to take this issue forward?</p> <p>Should it be taken forward on a wholly political level or should officials/independent adviser be involved (e.g. in organising seminars etc)?</p> <p>Is this best addressed after the election?</p>	<p>Discussion of issues at next Standards Committee meeting to decide whether the Committee is content with the recommendation in principle.</p>

20.	The Committee considers adopting the practice of naming complainants and those against whom complaints are made, unless there are good reasons not to do so. (para 3.3.3)	Medium	<p>Needs to be considered alongside recommendation 22.</p> <p>Current system is against natural justice and general Assembly policy of openness.</p> <p>Current system allows complainants to leak information selectively.</p> <p>Too open a system could be used to smear Members even where cases against them are subsequently not found.</p>	Discussion of issues, alongside recommendation 22, at next Standards Committee meeting to decide whether the Committee is content with the recommendation in principle.
21.	The Independent Adviser should determine into which category a complaint falls and, accordingly, either report to the Committee on Standards that it is within its jurisdiction and he is undertaking a further investigation, or, if it concerns a criminal offence, pass it to the police. (para 3.4.2)	Medium	<p>Needs to be viewed alongside recommendation 17.</p> <p>Administratively simple to implement but would need a change to Standing Orders.</p>	<p>Committee agreement for Secretariat to draft specific proposals.</p> <p>Prepare draft revised complaints procedure and Standing Orders Changes alongside recommendation 17.</p>
22.	<i>The Committee considers adopting the practice of hearing oral representations in public, unless there are good reasons not to do so.</i> (para 3.4.4)		<p>Needs to be considered alongside recommendation 20.</p> <p>Current system is against principle of justice being seen to be done and general</p>	Discussion of issues, alongside recommendation 20, at next Standards Committee meeting to decide whether the Committee is content with the recommendation in principle.

			<p>Assembly policy of openness.</p> <p>Current system allows complainants to leak information selectively.</p> <p>Too open a system could be used to smear Members even where cases against them are subsequently not found.</p>	
23.	<p><i>The reports of the Independent Adviser to the Committee on Standards of Conduct should normally be published as an annex to the Committee's reports. (para 3.5.2)</i></p>	High	<p>Can be implemented with immediate effect if the Committee is so minded.</p>	<p>Committee to consider at next meeting whether it is content for the recommendation to be implemented with immediate effect.</p>
24.	<p>The Committee considers whether the Independent Adviser can adequately fulfil his function without investigative powers or whether he needs to be provided with statutory powers (and see Role of the Independent Adviser later in Report). (para 3.6.1)</p>	High/ Medium	<p>Needs to be considered alongside recommendation 25 and 31. (Statutory Commissioner)</p> <p>Should the Committee be given the power to call for documents and witnesses under the GOWA.</p> <p>Can investigative powers be granted under current legislation.</p>	<p>Discussion of issues, alongside recommendations 25 and 31, at next Standards Committee meeting to decide whether the Committee is content with the recommendation in principle.</p>

			Will need standing orders changes and may need primary legislation.	
25.	The Committee considers how it would deal with a complaint where the Member complained about is uncooperative or disputes the facts and whether it needs to seek enhanced powers for such situations. (para 3.7.2)	Medium	Needs to be considered alongside recommendation 24 and 31. (Statutory Commissioner) Similar issues arise as for recommendation 24.	Discussion of issues, alongside recommendations 24 and 31, at next Standards Committee meeting to decide whether the Committee is content with the recommendation in principle.
26.	The Committee considers implementing a system which gives complainants the opportunity to feedback comments and any concerns about the process. (para 3.8.2)	Medium	Can be implemented with immediate effect if the Committee is so minded.	Committee to consider at next meeting whether it is content for the recommendation to be implemented with immediate effect.
27.	<i>The Committee recommends to the Assembly one of the following appeals options:</i> 1. <i>a right of appeal when the facts are disputed to an ad hoc tribunal, with an external lawyer as chair and two senior Members of the Assembly; or</i> 2. <i>appeal to the Presiding Officer (if he no longer had a part in the</i>	High	Recommendation for an appeals system accepted in principle at 31 October Committee. Precise form of appeals system needs to be decided. Will need Standing Orders Changes.	Committee to consider which appeals system it favours in principle. Secretariat/ David Lambert to prepare paper setting out implications of various options prior to further Committee discussion.

	<p><i>complaints process; see recommendation 31 below), the Deputy Presiding Officer and one other senior Assembly Member. Alternatively, if the Presiding Officer retains his current position, appeal could be to the Deputy Presiding Officer and two other senior Assembly Members. (para 3.9.2)</i></p>			
28.	<p>The Committee recommends to the Assembly that all its reports on substantiated complaints should always be debated and works with the business managers to ensure that this is the case. (para 3.10.1)</p>	Medium	<p>Will need Business Committee agreement.</p> <p>Would this apply to “trivial” complaints? (See recommendation 18.)</p> <p>Should this be implemented with immediate effect or should it wait on progress on other related recommendations.</p>	<p>Committee will need to decide whether it is content with the recommendation in principle and whether the Business Committee should be consulted on the practical implications.</p>
29.	<p>The Committee considers discussing with party groups possible sanctions for offences which are not serious enough to warrant the exclusion of a Member. (para 3.11.3)</p>	Medium	<p>Should sanctions (even relatively less serious ones) be left to political parties?</p> <p>Who is best placed to take this forward?</p>	<p>Committee will need to decide whether it is content with the recommendation in principle and, if so, consider how party groups should be consulted on the practical implications.</p>

				Paper for Committee consideration on possible sanctions that might fall in this category and how party groups should be consulted.
	ROLES RELATING TO STANDARDS OF CONDUCT			
30.	<i>The role of the Presiding Officer should be confined to a general oversight of standards in the Assembly. This would enable him, if it was thought appropriate, to hear appeals from the Committee on Standards. (para 4.1.)</i>	High	The Committee expressed general support for this recommendation at the 31 October meeting. Would need changes to Standing Orders.	Committee agreement for Secretariat to draft specific proposals following consultation with the Presiding Officer. Prepare draft.
31.	<i>The Committee considers recommending to the Assembly that it seek primary legislation for a statutory Commissioner for Standards. (para 4.2.13)</i>	High	At the October 31 meeting, Committee Members expressed support for this recommendation but also concerns that it might represent a “sledgehammer to crack a nut”. To what extent should the other proposals in this area (also set out in the report) be used as either interim measures or as a substitute for	Committee to decide whether it is content with the recommendation in principle and/or whether it favours interim measures. Secretariat and David Lambert to prepare paper setting out implications of various options prior to further Committee discussion.

			<p>a statutory commissioner?</p> <p>Will need primary legislation to implement in full and changes to standing orders for the interim measures.</p>	
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