



## Comisiwn y Cynulliad Assembly Commission

### NAFWC 2009 (Paper 4 Part 1)

**Date:** Monday 23 March 2009  
**Time:** 1.30pm  
**Venue:** Conference Room 4B  
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### Development of Assembly staff services to support legislative and scrutiny functions

*This paper has been prepared for consideration by the National Assembly for Wales Commission. It has been deemed suitable for publication after such consideration in line with the Commission's rules for conduct of business. Premature publication or disclosure of the contents of this paper is not permitted as this might prejudice the Commission's deliberations*

#### Purpose and summary of issues

1. The Commission is not being asked to take any specific decisions at this point. Rather, this paper is intended to raise Commissioners' awareness of the pressures being generated by the formal business of the Assembly and the nature of the choices that need to be made if these are to be met without reduction in the quality of service experienced by Members.
2. At the Commission's March meeting, senior managers will attend to discuss the key developments in their services since the start of the Third Assembly<sup>1</sup> and the future pressures and priorities that they anticipate. This paper describes some of those pressures and outlines the options for the Commission if these, and Members' rising expectations, are to be met.

#### Discussion

3. The constitutional independence and legislative functions conferred by the Government of Wales Act 2006 have driven significant additional demands on the services provided by Assembly staff. These are characterised by:
  - *a higher volume of work* – plenary sits for longer and committees are more active than in previous Assemblies; use of the Members' Research Service is higher than ever and continues to rise; the legislative programme has grown steadily; and the development of legislative proposals for individual AMs and

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<sup>1</sup> also, see Annex A.



committees has generated a huge amount of demanding work for researchers, lawyers and clerks.

- *greater complexity and sophistication in the services required* – in the research support required by Members throughout the legislative process and in fulfilling their scrutiny role in committee; the procedural advice required of Legislation Office and Chamber staff; the legislative drafting and advice delivered by the Legal Service; specialist legal translation; and the combination of policy and procedural advice demanded by independent scrutiny and other committees.

#### ***Future resource pressures and priorities***

4. In their submission to the All Wales Convention, Keith Bush and Adrian Crompton addressed the question of whether any bureaucratic or capacity issues in the Assembly staff needed to be addressed before Part IV of the 2006 Act could be brought into force. Their conclusion was that:

*All the necessary skills are already in place to deal with the consideration of Acts of the Assembly were there to be a move in that direction and any net increase in the volume of legislative work to be supported could be accommodated by the staff who will, by the end of the current term of the Assembly, already be in place to support the Assembly's existing legislative activity. The National Assembly for Wales's Parliamentary Service is fully equipped either for a continuation of the status quo or, alternatively, for the coming into force of Part 4 of GOWA 06, if the Welsh electorate should so decide.*

5. It is testament to the skill and commitment of the Assembly staff that we are able to say this with such confidence less than two years after the start of the Third Assembly. It is also a reflection of the fact that, even though the impact of the GOWA 2006 was uncertain at the outset, we have been able to build up the level and quality of resource successfully to keep pace with the growth in demand. However, that uncertainty about levels of demand continues. While we will respond to these pressures flexibly and innovatively, there is a limit to the degree to which current planned resources can meet increasing demands without an adverse impact on service levels or quality. This point was made by the Finance Committee when we appeared before them on the Commission's budget for 2009-10. Commenting on how tight our financial position already is, the Committee said:

*the Finance Committee remains concerned about the ability of the Commission to live within its proposed budget without a fall in the standards of service or making unreasonable demands on staff.<sup>2</sup>*

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<sup>2</sup> Finance Committee Report on The National Assembly for Wales draft budget for 2009-10



6. Some of the specific pressures that will affect our ability to maintain our current level of service are described below:
- i. the continuing growth in the **legislative programme**. Permanent legislation committees have been established to cope with the increasing volume of legislation passing through the Assembly. This means additional work for staff supporting the legislative process – for example, individual clerks are now having to manage more than one piece of legislation at a time as they proceed through all legislative stages. The balance between LCOs and Measures is altering, with the latter, which require more staff support than LCOs, likely to dominate the programme of the second half of this Assembly. Members' growing familiarity with the scrutiny and amendment process is feeding into the number of amendments tabled (18 at Stage 2 for the first Measure considered, 40 for the second and 69 for the third) and this, in turn, is reflected in more amendments and longer sitting times in plenary at Stage 3;
  - ii. the demands of **individual AM and committee legislative proposals**, which are proving to place a particularly heavy burden on legal, research and clerking staff supporting the Members in charge. Eight ballots have been held for individual AM LCOs and six more for Measures. In addition, the Standards Committee is about to introduce the first committee-proposed Measure. Government Measures are generally more complex and its proposals are the only ones, so far, to have successfully completed all stages, but the scale of the support being delivered by Assembly staff to Members and committees is put into perspective by the fact that the government's own programme has so far consisted of eight LCOs and five Measures introduced;
  - iii. increasing demand for support from the **Members' Research Service**. This year, the Service will produce well in excess of 4,000 pieces of research work for committees and individual AMs. This will be more than 20% higher than in the previous year. A specific area of work that was almost non-existent in the last Assembly is requests from Members to survey local authorities or NHS bodies across Wales. Since October 2008 alone, it has undertaken 32 such surveys. Within all of these figures, the complexity of the work demanded, for committees and for Members developing legislative proposals in particular, is rising also;
  - iv. the Subordinate Legislation Committee is extending its **scrutiny of statutory instruments** by, for example, considering their policy merits and the subordinate legislation provisions of Measures and UK Bills. Until now, the Committee has met for 15-30 minutes each week to undertake purely technical scrutiny of SIs. To develop its legislative scrutiny work as it intends requires time to be found in the committee timetable and the allocation of significant additional resource in terms of clerking, research and legal support;
  - v. the **Audit Committee** recently agreed that it will operate more independently of the Wales Audit Office, in the line with the practice of its Scottish Parliament



equivalent. The Committee now shapes its work programme and approach far more actively and drafts its own reports, rather than this being done by the WAO. This is increasing the workload of the Assembly staff supporting the Committee and the complexity of the work required;

- vi. the high level of **scrutiny committee activity**. In the first Assembly 41 scrutiny committee reports were produced and in the second Assembly, 50 reports. In the third so far, 57 reports have been published with around 20 further inquiries currently underway;
- vii. the enhancement of our **public engagement** work. In line with the Commission's goal to promote and widen engagement in devolution, we are reshaping how we communicate about our processes and procedures so as to make them more accessible to the public and civic society. Committees are working more flexibly so as to allow the public to engage in their work more easily, something that is generating very positive feedback from Members and participants alike. Much could, and still needs to be done and this change of focus places new demands on staff;
- viii. the **conversion of a conference room in Ty Hywel** to a functioning committee room. The main driver for this development is to provide business continuity back up in the event of rooms in the Senedd being unavailable. It is likely, though, that the room's existence will generate pressure for more regular committee usage. This will increase the workload of Members and all Assembly staff involved in supporting committee work;
- ix. the need to develop our procedural readiness for the development of the constitutional settlement as it stands at present or a change to Part IV of the Act.

### ***Options for future delivery***

- 7. The Assembly now has in place all of the key services that one would expect to see in an advanced parliamentary institution and those services are delivered by high quality staff with an appetite to improve still further. But the continuing growth in demand generated by the formal business of the Assembly will mean that the breadth and quality of service cannot be maintained from within our existing or planned resources.
- 8. We estimate that to strengthen the research, committee and legislation services sufficiently to cope with the pressures outlined in this paper would require additional staff resource in the region of £250,000 (on a total budget of around £6 million). In the current economic climate, this is unrealistic unless accommodated within existing budgets overall. So the Commission will need to take difficult decisions about prioritisation when it considers its budget priorities for 2010-11.



9. Though the services that support the formal parts of Assembly Business are sure to be high on the Commission's list of priorities, it has many other high profile projects and areas of work that all contribute to the achievement of its goals. Given that our financial position is already prudent, any shift in resource within the overall budget towards the support of formal Assembly business will have a negative effect elsewhere.
10. Within the Assembly Business Directorate itself, the Commission has scope to reduce service levels and so re-prioritise resources in a number of areas. For example, re-prioritising the resource put into external translation services; reducing the level of support provided to individual AMs developing legislative proposals; or prioritising one strand of work undertaken by the Members' Research Service over another (e.g. to give greater priority to committee briefing over work for individual AMs), would all free up significant cash or staff resource. Alternatively, responding to higher demand could be traded off against the speed of service delivery that we know is highly valued by Members and, in a political and legislative environment, is often one of the most crucial elements of service quality.
11. None of these options will be easy to take. They all result in a reduction in the extent or quality of our service and the degree of associated political sensitivity and potential unpopularity with Members mean that none could be undertaken without an explicit decision of the Commission.

### **Conclusion**

12. In June, the Commission will be asked to consider its budget priorities for 2010-11. This is a positioning paper intended to inform that process, and resource allocation in the interim. The Commission is, therefore, asked to give a steer as to the relative importance it attaches to the increasing demands of formal Assembly business.



Annex A

## **The development of Assembly staff services to support legislative and scrutiny functions**

This Annex describes the development, since the start of the Third Assembly, of the services provided by Assembly staff to support the Assembly's legislative and scrutiny functions. The constitutional independence and legislative functions conferred by the Government of Wales Act 2006 has driven significant additional demands on all of these services. The Commission anticipated this growth in demand and put in place resources to address them. As a result, the staff of the Assembly now deliver a range of new services, the most significant of which are described below:

The **Legislation Office** was established to deal with the procedural and administrative work associated with LCOs, Measures and subordinate legislation. Working with researchers and lawyers, it supports the legislative process from introduction to Royal Approval, providing procedural advice and assistance to Members and the Presiding Officers throughout and liaising with counterparts in WAG, the Welsh Affairs Committee, Wales Office and Privy Council. Whilst the Standing Orders set out the framework for consideration of legislation, the detailed procedures have had to be developed from scratch. In conjunction with colleagues in the Table Office, researchers and lawyers, the team also assists Members in developing their own proposals for legislation, which has proved to be an extremely resource intensive area of work.

The **Table Office** is now responsible for determining the admissibility of Measures upon introduction and ensuring that legislation and accompanying documentation complies with Standing Orders and the Presiding Officer's determinations. The Office is also responsible for preparing and running the ballots for individual Members LCOs and Measures.

**Chamber Service** staff provide procedural and administrative support to the Presiding Officers and other Members in plenary. One of the most significant changes for the team has been the increase in plenary sitting time from 7 to 9 hours per week. This has had a direct impact on the support provided in the Chamber and on the time taken to prepare associated documents (i.e. Agendas, Votes and Proceedings, Presiding Officers' Scripts, Speakers' Lists). The team also supports the Business Committee and so is now responsible for managing the allocation of Assembly and Non-Government business.

The **Committee Service** supports all other non-legislative committees, including those, such as the Finance Committee and Petitions Committee, which had no equivalent in earlier Assemblies. Across the board, committees are more active than



ever<sup>3</sup> and are increasingly exploring some of their new roles, such as their ability to introduce legislation. The Finance Committee has established itself as an influential actor in the legislative and budgetary process and the Petitions Committee and its e-petitions system are now well established as facilitators for engagement.

The **Members' Research Service** is used more than ever<sup>4</sup> but of more significance has been the increased complexity and intensity of much of its work. As well as continuing to provide the confidential individual Member enquiry service, MRS directly supports all of the committees of the Assembly by contributing research advice and inquiry management, written and oral briefing, lines of questions, analysis of evidence and contributing to reports. One of the most significant changes has been in providing support to Members in developing and taking through Private Members' legislation – in particular, by providing policy advice, advice on consultations, and in drawing up the necessary explanatory and financial memoranda.

The **Members' Library** has developed a sophisticated current awareness service focused on the progress of legislation through the Assembly and Westminster and parliamentary business of relevance to Wales. The Assembly Powers Tracking Notes service provides the Assembly and the public with the most comprehensive assessment available of the Assembly's evolving legislative competence and the legislation from which it derives.

The increase in the volume of plenary and committee business has an obvious direct consequence for the **Parliamentary Translation and Reporting Service** as more hours of business need to be transcribed and interpreted. In addition, the legislative process has introduced specific and specialist new demands on our written translation service in terms of translating amendments and AM and committee legislative proposals.

Commissioners will be familiar with the development of the **Legal Service**. It now consists of nine lawyers<sup>5</sup>. It provides a legislative drafting service for Committees and individual Members. In addition, lawyers advise individual AMs on the drafting of amendments at Stages 2 and 3 of the consideration of proposed Measures in order to ensure that amendments are technically sound.

### ***Resources and efficiency***

To help deliver these new services, the complement of Assembly staff has increased from 337 to 373, since May 2007, with 14 new posts being in the Assembly Business

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<sup>3</sup> excluding reports by the Audit Committee and Finance Committee reports on Measures, committees have published 39 reports so far in this Assembly

<sup>4</sup> this year, the Service will produce well in excess of 4,000 pieces of research work for committees and individual AMs. This will be more than 20% higher than in the previous year.

<sup>5</sup> including the Chief Legal Adviser and Director of Legal Services



Directorate and 4 in the Legal Service. The table below provides a breakdown of these totals:

	May-2007	Feb 2009
<b>Assembly Business Directorate</b>	<b>116</b>	<b>130</b>
<i>of which:</i>		
MRS	40	40
Committee Service	24	25
Legislation & Chamber Service	17	25
PTRS	35	40
Facilities	26	30
Security	55	58
Finance	23	19
HR	21	25
Communications	57	56
ICT	15	17
Legal	6	10
Other	18	28
<b>All APS</b>	<b>337</b>	<b>373</b>

Notwithstanding this growth, we have sought to ensure that we operate as efficiently as possible and manage our resources to maximum effect. Whenever a vacancy arises, it is reviewed before a decision is taken on whether to fill it, restructure as and when resources allow, or to do away with the post altogether. Consequently, within the overall increase in staffing, managers have restructured their Services so as to match the demands of the Assembly with staffing profiles. Generally speaking, all areas in the Assembly Business Directorate have focused available resource on more senior graded posts to meet the demand for the complex and specialised services described earlier. They have delivered efficiency improvements as a result – maximising the delivery of service from the resources available to them. For example, the Research Service has had no increase in the resource but, by restructuring and altering the balance of grades and specialisms within it, now delivers a higher quality and greater volume of output.

Other efficiencies have been derived by cross-team working – for example, committee clerks and researchers often share writing lines of questions or the management of committee inquiries - and by exploiting ICT - the Research Service produces work at a faster rate thanks to a specialist desk top search facility and through adjusting its existing database of all work undertaken.

Looking forward, further efficiencies will be gained as a result of two ICT projects in particular: we hope to procure, jointly with the WAG, a system to handle all stages of



legislative drafting and amendment, which will free up staff resource in the Legislation Office; and a business management system, which will automate a number of processes which are currently both time consuming and prone to potential error.

For some time, we have had difficulty in recruiting reporters for the Record of Proceedings of sufficient quality to undertake the work required. As a result, we have carried almost perpetual staff vacancies with consequent knock on effects on the workload and morale of existing staff. We are now attempting to recruit at a lower grade and then to 'grow our own' through a programme of training and development to bring those staff up to the required standard.

A new post created last year in the Chamber Service is responsible to increasing the quality and consistency of procedural record keeping across the Business Directorate. The postholder will lead a number of initiatives to develop the professional expertise of all procedural staff in the Assembly as well as ensuring that Members and the public have access to information and guidance which enhances their understanding of formal Assembly procedure. As well as enhancing the quality of service available to Members, this will also give us far greater resilience against loss of staff and expertise by making it more straightforward for people to move between different procedural roles.