

Agenda – Standards of Conduct Committee

Meeting Venue:

For further information contact:

Video Conference via Zoom

Meriel Singleton

Meeting date: 13 July 2021

Committee Clerk

Meeting time: 09.30

0300 200 6565

SeneddStandards@senedd.wales

- 1 Introductions, apologies, substitutions and declarations of interest**
- 2 Committee remit**
(Pages 1 – 2)
- 3 Papers to note**
(Pages 3 – 41)
- 4 Motion under SO17.42(ix) to exclude the public from the remainder of the meeting**
- 5 Committee procedures and ways of working**
(Pages 42 – 57)
- 6 Early Committee activity**
(Pages 58 – 62)
- 7 Consider a report from the Commissioner for Standards in accordance with Standing Order 22.2(i)**
- 8 Correspondence from Standards Commissioner to Chair of Committee**



Standards of Conduct Committee remit

July 2021

Purpose

1. The paper sets out the remit and responsibilities of the Standards of Conduct Committee.

Recommendation

2. The Committee is invited to note its remit.

Background

3. The rules and procedures of the Senedd are laid out in **Standing Orders**. Standing Order 16.1 requires the Senedd to establish committees with power within their remit to:

“(i) examine the expenditure, administration and policy of the government and associated public bodies;

(ii) examine legislation;

(iii) undertake other functions specified in Standing Orders; and

(iv) consider any matter affecting Wales.”

4. In doing this, the Business Committee has to ensure that every area of responsibility of the Welsh Government and associated public bodies, and all matters relating to the legislative competence of the Senedd and functions of the Welsh Ministers and of the Counsel General, are subject to committee scrutiny.

Committee remit

5. The remit of this Committee, as agreed by the Senedd on 23 June 2021, is:

“To carry out the functions set out in Standing Order 22”

6. Standing Order 22.2 states:

22.2 The responsible committee must:

(i) investigate, report on and, if appropriate, recommend action in respect of any complaint referred to it by the Commissioner for Standards that a Member has not complied with:



- (a) Standing Order 2;
- (b) any Senedd resolution relating to the financial or other interests of Members;
- (c) Standing Order 5;
- (d) any Senedd resolution relating to Members' standards of conduct;
- (e) any code or protocol made under Standing Order 1.10 and in accordance with section 36(6) of the Act;
- (f) Standing Order 3; or
- (g) Standing Order 4;
- (ii) consider any matters of principle relating to the conduct of Members generally;
- (iii) supervise the arrangements for the compilation, maintenance and accessibility of the Register of Members' Interests, the Record of the Employment of Family Members with the Support of Commission Funds, the Record of Members' Time Involved in Registrable Activities and the Record of Membership of Societies and the form and content of the Register and the Records; and
- (iv) establish and lay before the Senedd procedures for the investigation of complaints under Standing Order 22.2(i).

7. Further details on the wider roles and responsibilities of Senedd committees are set out in the [Business Committee's report](#) laid before the Senedd on 23 June 2021.

Fifth Senedd Legacy Report

March 2021



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Fifth Senedd Legacy Report

March 2021



About the Chairs' Forum

The Chairs' Forum brings together the Chairs of Senedd committees to coordinate work, address practical matters affecting the operation of committees, and consider cross-cutting strategic issues. The Forum is chaired by the Llywydd and meets approximately six times a year.

Chair:



Elin Jones MS (Llywydd)
Plaid Cymru

Current membership:



Mick Antoniw MS
Welsh Labour



Jayne Bryant MS
Welsh Labour



Janet Finch-Saunders MS
Welsh Conservatives



Russell George MS
Welsh Conservatives



John Griffiths MS
Welsh Labour



Llyr Gruffydd MS
Plaid Cymru



Mike Hedges MS
Welsh Labour



Ann Jones MS
Welsh Labour



Dai Lloyd MS
Plaid Cymru



Lynne Neagle MS
Welsh Labour



David Rees MS
Welsh Labour



Bethan Sayed MS
Plaid Cymru



Helen Mary Jones MS
Plaid Cymru

The Chairs' Forum

Introduction

- 1.** As we approach the end of the Fifth Senedd, we have reflected on our time as Chairs of Senedd committees and have, in this report, identified certain aspects of our experience that we believe will be useful to the Sixth Senedd's Business Committee when it comes to considering its role in the process of establishing committees.
- 2.** This is not an account of our committees' work or an analysis of their effectiveness. Rather we offer our collective view based on our experience of chairing Senedd committees over the past five years.
- 3.** We begin the report with our view on the role of Chairs before moving to consider some of the more practical aspects of committee operation.
- 4.** The table at Annex A provides a summary of our conclusions and recommendations.

1. The role of Chairs

1.1. Election of Chairs

5. We are the first cohort of Senedd committee Chairs to have been elected by the Senedd. We unanimously endorse this approach.
6. Being elected by the Senedd has enabled us to operate with greater independence and authority.
7. In a Senedd that has seen significant changes to political groups and committee memberships, and faced great uncertainty as a consequence of EU exit and the COVID-19 pandemic, Chairs of committees have provided an important consistency to Senedd Business.

1.2. Commitment to the role

8. Chairing a committee is a significant commitment. A Chair must invest considerable time outside committee meetings to perform effectively. The role is one of providing strategic leadership and direction, and of building relationships with committee members that in turn facilitates trust and consensus. The role also requires engagement with stakeholders, representing the committee at external events, media work, developing policy expertise and undertaking professional development.
9. Ideally, Chairs of committees would be freed of other parliamentary duties to enable them to focus full-time on being a committee Chair e.g. not sitting on another committee and/or not being a party spokesperson.

Recommendation 1. Whilst recognising that this might be difficult to achieve, we recommend that the leaders of political party groups in the Sixth Senedd consider minimising the parliamentary duties placed on members of their group who are committee Chairs and to avoid potential conflicts of interest when allocating spokesperson responsibilities.

1.3. Setting the right direction

10. It is important that committee Chairs do all they can to ensure that the right culture is embedded within their committees at the start of a Senedd, so that committee members, particularly new Members of the Senedd, understand the value of committee work and are committed to it.

11. Our experience of the Fifth Senedd has shown that taking time at the start of a committee's life to develop a strategy that engages committee members, sets objectives, and maps out how a committee wishes to operate is essential to achieving this.

Recommendation 2. We recommend that the Sixth Senedd committees spend time establishing long-term objectives for their work, a strategy for the delivery of their objectives, and establishing a vision of how they wish to operate, before determining the details of their work programmes.

12. It follows that Chairs, through their Clerks, should ensure that any Member joining a committee during the course of a Senedd receives an appropriate induction to ensure that they are aware of how the committee they are joining operates. Additionally, a new committee member should be afforded the opportunity to contribute to the future development of a committee's strategic approach.

13. Effective scrutiny requires prioritisation. Our experience has shown the importance of prioritising a limited number of issues and maintaining a focus on them over time. This often has a greater impact on Government policy and delivery.

Engagement

14. Committees in the Fifth Senedd have engaged with citizens, stakeholders and expertise in a range of ways.

15. Considering who a committee needs to engage with, and how best to engage with them, to achieve a committee's objectives is a routine part of work planning.

16. There is a broader opportunity for committees, when establishing themselves at the start of the next Senedd, to set a more general approach to engagement as part of their individual strategy to achieve the objectives they set.

17. For example, a committee might decide to:

- prioritise having a regular in-person presence across different locations in Wales;
- operate in a predominantly virtual mode;
- spend less time in formal meetings and more time working in other ways;

- prioritise citizen engagement (perhaps through the use of citizens assemblies); and/or
- prioritise expert engagement.

18. Of course, many more approaches are possible, the examples above are provided as an illustration only.

Recommendation 3. We recommend that committees consider their broader approach to engagement when establishing their objectives and strategy at the start of the Sixth Senedd.

19. There is more that can be done to understand the people committees engage with. Consideration should be given to how data can be collected so that committees can better understand who they are engaging with through their work and, perhaps crucially, who they are not yet reaching.

Recommendation 4. We recommend that information about the people committees engage with is collected and reported throughout the Sixth Senedd to enable committees and the Chairs' Forum to monitor who committees are engaging with and whether that engagement is achieving committee objectives.

Committee support

20. The support we, and our committees, receive from Senedd Commission staff is highly valued and appreciated.

21. Whilst a high level of support might be needed for a committee on its establishment and in its early years of operation, the approach to supporting committees should mature with their development and be proportionate to the needs of each committee at a given time.

Recommendation 5. We recommend that Chairs, with the support of their Clerks, periodically consider the support committee members require. There may be a case for adjusting that support as committee members develop in their roles through the course of a Senedd, and as a committee faces different tasks.

1.4. Understanding the impact of committee work

22. We believe that there is more that needs to be done to understand the impact of committee work.

23. Professor Diana Stirbu has been commissioned to develop a framework for evaluating the effectiveness of Senedd committees in the Sixth Senedd.

24. This will include a proposal for how committees can better monitor the diversity of their engagement and how the Chairs' Forum can play a role in considering the overall picture in terms of the diversity of committee engagement.

25. At our meeting on 22 October 2020, we endorsed the approach to be taken by Professor Stirbu to this work and a number of Chairs contributed to her work.

26. A final report of Professor Stirbu's work is expected in April 2021.

Recommendation 6. We recommend that the Sixth Senedd's Chairs' Forum considers Professor Stirbu's report at as early an opportunity as possible in the Sixth Senedd.

2. Committee structures

2.1. Size of committees

27. The size of committees varies according to function and political balance requirements.

Policy and Legislation Committees

28. The Policy and Legislation Committees started the Fifth Senedd with eight members. This was a reduction in size compared to the Policy and Legislation Committees that operated in the Fourth Assembly [Senedd], which operated with a membership of 10.

29. On 18 June 2019, the membership of Policy and Legislation Committees was reduced to six members.

30. Whilst some Chairs had misgivings at first about a reduction in the size of committees from eight to six members, due to the heightened risk of inquorate meetings, most believe that attendance and member engagement has improved since the reduction in size.

31. To verify our view on attendance, Senedd Commission officials have provided us with aggregated attendance data for those committees affected by the change in membership numbers.

32. This data provides an indication that attendance improved with the reduction in committee size.¹

33. For ease of illustration, this can be presented as the average number of seats left empty across the affected committees. An empty seat means that a member has not attended a meeting and no substitute has attended in their place i.e. a seat has been left empty for the duration of a meeting.

34. Because of the significant change to how committees have operated since public health restrictions were introduced in response to the COVID-19 pandemic, we have restricted the period for comparison up until the point when committees moved to operating virtually.

¹ A committee member is recorded as having attended a committee meeting if they attend any part of a committee meeting.

Number of members	Mean number of seats left empty per week across affected committees (to the nearest whole seat)
Eight members (before 18 June 2019)	7
Six members (19 June 2019 to 26 April 2020)	4

35. Whilst an observation that is more pertinent for another section of this report, the data we received has also shown a further improvement in attendance for this cohort of committees since they moved to virtual meetings.²

Number of members	Mean number of seats left empty per week across affected committees (to the nearest whole seat)
Six members (when working with virtual meetings i.e. after 27 April 2020)	2

36. We believe that the smaller policy and legislation committees seen in the Fifth Senedd have operated well. An increase in the size of committees, without a reduction in the overall number of committees, would dilute the focus individual Members can bring to committee work (as more Members would be required to sit on multiple committees).

37. The decision on the size of committees is interdependent with considering the number of committees, their functions, and the political make-up of a Senedd.

Recommendation 7. Whilst acknowledging that the factors in paragraph 37 must also be considered, we recommend that a membership of six (and certainly no more than eight), would be a good place for the Sixth Senedd's Business Committee to start when considering the establishment of Policy and Legislation Committees.

38. In making this recommendation, we also note that frequent changes of committee membership are problematic and continuity of committee

² Other factors, beyond the move to meeting virtually, may have contributed to the improvement in attendance. For example, a reduction in competing commitments as a consequence of the public health restrictions.

membership is key to the development of subject expertise and committee cohesion.

Specialist Committees

39. The Legislation, Justice, and Constitution Committee, has operated well with a membership of four, in light of its specific function.

40. Conversely, the Petitions Committee experienced problems with quoracy when it had a membership of four. These have largely abated since it was expanded to five members. The Petitions quoracy problems were also affected by the fact that it had independent members, who are unable to send a substitute in circumstances where they are unable to attend a meeting.

41. The Committee for the Scrutiny of the First Minister has noted that its membership, consisting of all Chairs of other committees, has been too large and considers that a membership of eight would be more appropriate for a committee with its functions.

Recommendation 8. We recommend that the size of the Committee for Scrutiny of the First Minister in the Sixth Senedd be reviewed, in light of experience in the Fifth Senedd.

42. The reduction in the size of the Public Accounts Committee during this Senedd put the political balance on the committee in favour of the opposition. This had a significant impact on PAC's dynamics.

43. The Finance Committee's size did not have a particular bearing on its operation. The Finance Committee also had a political balance in favour of the opposition.

44. The Standards of Conduct Committee has had an increased workload in the Fifth Senedd, necessitating additional meetings and time commitment from its members, as well as additional support.

2. 2. Dual function policy and legislation committees

45. We believe that combined Policy and Legislation Committees i.e. committees that combine both policy and legislative scrutiny roles work well.

46. Non-legislative and legislative actions are interdependent within an area of policy. An understanding of these actions in the round is essential to the effective scrutiny of government.

47. Whilst specific procedures apply to the scrutiny of Bills, there is a wider policy context within which each piece of legislation sits. Subject knowledge is at least as important to the scrutiny of a Bill as procedural familiarity.

48. Members, and Chairs in particular, develop policy knowledge and stakeholder relationships that are invaluable when applied to both functions.

49. The pressure of Bill scrutiny can affect the ability of a committee to pursue other aspects of its remit, particularly when the spread of government Bills is unevenly distributed across policy areas. This can reduce the ability of a committee to scrutinise the Welsh Government in other areas of a committee's remit.

50. There is more that can be done to address some of this pressure without moving away from an operating model for committees that is centred on the dual function approach. We address this

Recommendation 9. We recommend that the dual function policy and legislation committees should continue in the Sixth Senedd.

2.3. Remits

51. In most cases committee remits have been unproblematic. The Policy and Legislation Committees were established without strict boundaries to their remits to allow the pursuit of issues beyond policy silos. This has proved an advantage at times when managing scrutiny workloads and pursuing issues that cut across different Ministerial responsibilities.

52. The External Affairs and Additional Legislation Committee was established with a specific remit related to the UK's departure from the EU. Whilst it appears unlikely that a committee with the same remit will be established in the Sixth Senedd, it performed a range of scrutiny functions that the Sixth Senedd's Business Committee will need to consider when proposing a committee structure.³

53. Some committees have faced near to unsustainable workloads at times during the course of the Fifth Senedd. In particular, we note the breadth of the Equality, Local Government, and Communities Committee's remit and its Bill

³. Aspects of the EAAL Committee's remit no-longer function due to how the process of EU Exit has progressed since the EAAL Committee's establishment. It is for this reason it appears unlikely that a committee with the same remit will be established in the Sixth Senedd.

scrutiny workload, and the volume of legislation that the Legislation, Justice, and Constitution Committee has had to consider at times alongside its other scrutiny remit.

Number of Bills considered by responsible committee

Responsible committee	Bills
Climate Change, Environment and Rural Affairs Committee	1
Committee of the Whole Senedd	3
Children, Young People and Education Committee	4
External Affairs and Additional Legislation Committee	1
Economy Infrastructure and Skills Committee	1 ⁴
Equality, Local Government and Communities Committee	6
Finance Committee ⁵	1
Health, Social Care and Sport Committee	5
Legislation, Justice and Constitution Committee	2

54. The Petitions Committee has experienced a significant increase in the number of petitions it is required to consider. Consideration will need to be given to how this increased workload is managed, should the receipt of petitions continue to grow in the Sixth Senedd.

Recommendation 10. We recommend that the Welsh Government shares as much information as possible in relation to its legislative programme for the Sixth Senedd at as early a point in the Six Senedd as possible, so that the Business Committee can consider the implications for committees and their workload.

Recommendation 11. The Bill scrutiny process itself can create pinch points for a committee and its staff. We recommend that the Sixth Senedd's Business Committee (or another committee with responsibility for Senedd procedures)

⁴ The Bill remitted to the EIS Committee was withdrawn shortly after introduction (the Bus Services (Wales) Bill).

⁵The Finance Committee also introduced its own Bill, now the Public Services Ombudsman (Wales) Act 2019.

undertakes a review of the Bill scrutiny process to assess whether it is as efficient and effective as it might be.

55. We believe that a degree of additional capacity should be built into the committee system.

56. We acknowledge that the Fifth Senedd's Business Committee originally established a reserve policy and legislation committee that was to be used as a means of alleviating pressures in the committee system and that there was sufficient capacity to create a time-limited committee to consider Senedd Electoral Reform during the course of the Fifth Senedd.

57. Understandably, the reserve committee was swiftly re-tasked to consider the implications for Wales arising from the Brexit process (as the EAAL Committee) leaving that committee with little capacity to consider Bills unrelated to its core remit.⁶

Recommendation 12. We recommend that the Sixth Senedd's Business Committee, when considering the establishment of committees, should consider how best to build-in additional capacity and flexibility to handle peaks in committee workload.

58. We have seen a number of instances where Senedd committees have worked together during the course of the Fifth Senedd.

59. We have also seen an increase in interparliamentary working, for example through the Interparliamentary Forum on Brexit and in relation to the UK-wide Common Policy Frameworks.

60. We endorse Senedd committees working together.

61. We recognise the value that interparliamentary working can bring to our work.

Recommendation 13. We recommend that the Sixth Senedd's Business Committee considers whether there are any steps it can take to help enable

⁶ The EAAL Committee considered one Senedd Bill, the Regulation of Registered Social Landlords (Wales) Bill. It managed this by creating a sub-committee. It consider a wide range of other legislative matters, including UK Bills, the process of retaining EU Law, and legislation associated with the common frameworks programme.

joint working between Senedd committees and interparliamentary working, for example when timetabling committee business.

2. 4. Virtual meetings

62. In our view, virtual and hybrid means of conducting committee business are here to stay in one form or another, alongside the holding of in-person meetings at the Senedd and elsewhere.

63. Our experience of operating remotely during the COVID-19 pandemic has shown that committees can operate effectively through the use of virtual meeting technology.

64. Moreover, this use of technology has the potential to make committee business more accessible and flexible in a number of ways. This is of benefit to both committee members and those invited to contribute to committee work.

65. Without the restrictions of physical space and the need to account for travel time, virtual meetings can be convened more quickly and at times during the week that might not have been suitable for Senedd business previously.

66. This flexibility also has the potential to enable committee business to take better account of the family responsibilities of committee members, staff, and those invited to contribute to committee business.

Recommendation 14. We recommend that, within the parameters set for committee business by the Senedd Commission and the Business Committee in the Sixth Senedd, it should be a matter for individual committees to decide their mode of operation on a meeting by meeting basis i.e. whether in person, hybrid, and/or remote meetings will best enable them to achieve their objectives.

2. 5. Chairs' Forum

67. The Chairs' Forum has added value to our work by providing a space within which we can address cross-cutting scrutiny issues, share good practice, and look more strategically at the work of committees.

68. Additionally, as a consultative forum, it has helped inform Senedd Commission and Business Committee decisions affecting the operation of committees. For example, in relation to timetabling and changes to business necessitated by the Coronavirus pandemic.

69. We believe the Chairs' Forum works well as an informal group and welcome the Business Committee's decision to provide the Forum with a timetabled meeting slot at the end of each half term.

Recommendation 15. We recommend that the Llywydd establishes a Chairs' Forum in the Sixth Senedd and that the Sixth Senedd's Business Committee timetables a regular slot for it to meet.

Annex A – Summary of our view

Election of Chairs

We are the first cohort of Senedd committee Chairs to have been elected by the Senedd. We unanimously endorse this approach.

Commitment to the role

Recommendation 1. Whilst recognising that this might be difficult to achieve, we recommend that the leaders of political party groups in the Sixth Senedd consider minimising the parliamentary duties placed on members of their group who are committee Chairs and to avoid potential conflicts of interest when allocating spokesperson responsibilities.

Setting the right direction

Recommendation 2. We recommend that the Sixth Senedd committees spend time establishing long-term objectives for their work, a strategy for the delivery of their objectives, and establishing a vision of how they wish to operate, before determining the details of their work programmes.

Recommendation 3. We recommend that committees consider their broader approach to engagement when establishing their objectives and strategy at the start of the Sixth Senedd.

Recommendation 4. We recommend that information about the people committees engage with is collected and reported throughout the Sixth Senedd to enable committees, and the Chairs' Forum, to monitor who committees are engaging with and whether that engagement is achieving committee objectives.

Recommendation 5. We recommend that Chairs, with the support of their Clerks, periodically consider the support committee members require. There may be a case for adjusting that support as committee members develop in their roles through the course of a Senedd, and as a committee faces different tasks.

Understanding the impact of committee work

Recommendation 6. We recommend that the Sixth Senedd's Chairs' Forum considers Professor Stirbu's report at as early an opportunity as possible in the Sixth Senedd.

Size of committees

Recommendation 7. Whilst acknowledging that the factors in paragraph 36 must also be considered, we recommend that a membership of six (and certainly no more than eight), would be a good place for the Sixth Senedd's Business Committee to start when considering the establishment of policy and legislation committees.

Recommendation 8. We recommend that the size of the Committee for Scrutiny of the First Minister in the Sixth Senedd be reviewed, in light of experience in the Fifth Senedd.

Dual function policy and legislation committees

Recommendation 9. We recommend that the dual function policy and legislation committees should continue in the Sixth Senedd.

Remits

Recommendation 10. We recommend that the Welsh Government shares as much information as possible in relation to its legislative programme for the Sixth Senedd at as early a point in the Six Senedd as possible, so that the Business Committee can consider the implications for committees and their workload.

Recommendation 11. The Bill scrutiny process itself can create pinch points for a committee and its staff. We recommend that the Sixth Senedd's Business Committee (or another committee with responsibility for Senedd procedures) undertakes a review of the Bill scrutiny process to assess whether it is as efficient and effective as it might be.

Recommendation 12. We recommend that the Sixth Senedd's Business Committee, when considering the establishment of committees, should consider how best to build-in additional capacity and flexibility to handle peaks in committee workload.

Recommendation 13. We recommend that the Sixth Senedd's Business Committee considers whether there are any steps it can take to help enable joint working between Senedd committees and interparliamentary working, for example when timetabling committee business.

Virtual meetings

Recommendation 14. We recommend that, within the parameters set for committee business by the Senedd Commission and the Business Committee in the Sixth Senedd, it should be a matter for individual committees to decide their mode of operation on a meeting by meeting basis i.e. whether in person, hybrid, and/or remote meetings will best enable them to achieve their objectives.

Chairs' Forum

Recommendation 15. We recommend that the Llywydd establishes a Chairs' Forum in the Sixth Senedd and that the Sixth Senedd's Business Committee timetables a regular slot for it to meet.

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Fifth Senedd Legacy Report

March 2021



About the Committee

The Committee was established on 22 June 2016. Its remit can be found at:
www.senedd.wales/SeneddStandards

Committee Chair:



Jayne Bryant MS
Welsh Labour

Current Committee membership:



Rhun ap Iorwerth MS
Plaid Cymru



Andrew RT Davies MS
Welsh Conservatives



David J Rowlands MS
Independent Alliance for Reform
Group

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Recommendations

- Recommendation 1.** The Committee recommends that consideration should be given to whether the requirement of Standing Order 17.12 (Members ceasing to be a committee member upon joining or leaving a political group) should apply to the Standards Committee.7
- Recommendation 2.** The Committee recommends the Code of Conduct is reviewed at the midpoint of the sixth Senedd to ensure it remains relevant to the political, constitutional and cultural context in which Members of our evolving Parliament operate.....11
- Recommendation 3.** The Committee recommends that a future Committee with the responsibility for Standards review the sanctions that can be recommended by the Committee under Standing Order 22.10, in light of the experiences of the fifth Senedd.13
- Recommendation 4.** The Committee recommends that Senedd Commission officials work with the new Commissioner to review the procedure for dealing with complaints against Members of the Senedd and present recommendations for the next Committee with responsibility for Standards to consider.....14
- Recommendation 5.** The Committee recommends a future Committee with responsibility for Standards undertakes a review of registration and declaration of interests.....15
- Recommendation 6.** The Committee recommends a future Committee with a remit for Standards undertakes post-legislative scrutiny of the National Assembly for Wales Commissioner for Standards Measure 2009..... 16
- Recommendation 7.** The Committee recommends that the suite of training offered to Members include additional modules focused on dignity and respect. 16

1. Role of the Standards of Conduct Committee

1. The Standards of Conduct Committee (“the Committee”) was established on 28 June 2016.
2. The Committee’s role is to carry out the functions set out in Standing Order 22.1. These include:
 - the investigation of complaints referred to it by the Standards Commissioner;
 - consideration of any matters of principle relating to the conduct of Members; and
 - establishing procedures for the investigation of complaints, and arrangements for the Register of Members’ interests and other relevant public records determined by Standing Orders.

Membership

3. At the end of the Fifth Senedd the Committee membership stood as:
 - Jayne Bryant MS (Chair)
 - Andrew RT Davies MS
 - Rhun ap Iorwerth MS
 - David Rowlands MS
4. Previous members of the Committee were:
 - Paul Davies MS
 - Llyr Gruffydd MS
 - Helen Mary Jones MS
 - Gareth Bennett MS
5. We would like to thank these members for their contribution to the work of the Committee during the Fifth Senedd.

The make-up and structure of the Committee

6. As illustrated throughout this report, the fifth Senedd has seen a significant increase in the workload of the Standards of Conduct Committee. This has been in part due to the increase in number and complexity of complaints, but also due to the work around revising the Code of Conduct and the dignity and respect regime policies in relation to Members.

7. In previous Assemblies, the workload of the Committee has been variable depending on the number of complaints received and made admissible. During this Senedd, there has been a definitive advantage of an increased workload as it allowed the Committee to have built a strong working relationship, which was advantageous when dealing with complaint reports from the Commissioner.

8. The increase in work and responsibility has shown the importance of having a consistent Committee membership throughout the course of the Senedd. The Committee considers this helps promote and facilitate understanding of the Standards regime among Members. It also helps the Committee in making what can be difficult decisions around the conduct of, and potential sanctions to be applied to, Members.

9. At some points during this Senedd, the work of the Committee has been hindered by having a vacancy on the Committee due to changes in group make-up. When combined with another Members being unable to take part in complaints, this has led to some delays in considering time sensitive matters.

Recommendation 1. The Committee recommends that consideration should be given to whether the requirement of Standing Order 17.12 (Members ceasing to be a committee member upon joining or leaving a political group) should apply to the Standards Committee.

10. The Business Committee of the sixth Senedd may wish to consider broadening the remit of the Standards Committee of the next Senedd. For example, in Scotland the remit of the Standards Committee includes Procedures and Public Appointments.

Senedd Commissioner for Standards

11. Towards the end of the fifth Senedd, Douglas Bain was appointed as the third Commissioner for Standards. His appointment commenced on 1 April 2021.

12. The Commissioner is appointed by the Senedd, but is an independent officeholder. The officeholder is required to produce an annual report which is laid

before the Senedd. During the course of fifth Senedd it has become common practice for the Committee to hold a session with the Commissioner on the report. The Finance Committee has raised matters relevant to the funding of the Commissioner's Office during its scrutiny of the Senedd Commission budget. As such, we suggest that consideration be given to how scrutiny of the Commissioner is undertaken in a cross-cutting manner.

13. During the fifth Senedd some concerns were raised about the conduct of the former Commissioner. The Commissioner is not subject to direction, however the Senedd has the power to remove the Commissioner from office (Standing Orders 10.7-10.8). Any concerns about the standards regime should therefore be raised with appropriate authorities, including the Chief Executive and Clerk of the Senedd or the Llywydd.

Acting Commissioner

14. During this Senedd, the provision for Acting Commissioner, provided for under section 4 of the National Assembly for Wales Commissioner for Standards Measure 2009 (the Measure) was used on two occasions. First, when the former Commissioner considered himself conflicted, and so unable to act. Second, when the office became vacant, following the resignation of the former Commissioner.

2. Work of the Committee

15. The work of the Committee does not naturally lend itself to undertaking policy inquiries. Instead much of the Committee's work focuses on ensuring the procedures and policies relating to conduct of Members remain effective and current, and in dealing with complaints referred to it by the Commissioner for Standards and points of general principle raised by the Commissioner.

Lobbying

16. The Committee undertook an inquiry into lobbying in 2017. This was a recommendation from the Standards of Conduct Committee of the fourth Assembly. The Committee took evidence from a broad range of witnesses and conducted a public consultation.

17. The Committee was particularly interested in developments in Scotland where a statutory register was in the process of being introduced. This register went live in 2018. The Lobbying (Scotland) Act 2016, which introduced the register, required the Scottish Parliament to undertake a review of the legislation after two years from enactment.

18. The Committee agreed that it was minded that there may be a need for a statutory register, but that it wanted to wait for the outcome of the Scottish review.

19. The Public Accounts and Post Legislative Scrutiny Committee in the Scottish Parliament issued its review of the legislation in January 2021.

20. The Committee also recommended that a trial of publishing Members diaries be introduced. However, having further considered safety and the practicality of doing so, this trial was not progressed.

'Creating the Right Culture'

21. The Committee devoted a significant amount of time in this Senedd to its dignity and respect agenda and issues associated with the #metoo movement.

22. The Chair of the Committee met with the Llywydd and party leaders to set the agenda for the Senedd dignity and respect policy. She was a co-signatory of the statement which was issued.¹

23. The Committee also produced the ‘Creating the Right Culture’ report which set out steps which could be taken within the Senedd to improve and enhance the culture.

24. Many of the recommendations made by the Committee have already been implemented including an active bystander campaign, and training for all Members and staff on the importance of dignity and respect within the workplace.

25. The Committee has subsequently embedded the values of dignity and respect into the culture of the Senedd by including a new ‘respect’ principle in the revised Members’ Code of Conduct.

Review of the Code of Conduct

26. A key part of the Committee’s work this Senedd has been the production of a revised Code of Conduct and accompanying guidance.

27. In re-drafting the Code and associated procedures, the Committee sought to:

- provide greater clarity on the standards that are expected of Members; and
- better align with the Dignity and Respect Policy adopted by the Senedd in May 2018.

28. In order to do this, the Committee:

- reflected upon its own experiences, and the recommendations of the Standards Commissioner’s reports, over the course of this Senedd;
- spoke with a number of stakeholders (list at Annex x);
- consulted with all Senedd Members; and
- conducted research into the use of codes of conduct, in both local and national government, within the UK and internationally.

¹ Link to statements

29. The redrafted Code has two main elements:

- A number of overarching principles of conduct which Members must observe and which are derived from the well-established “Nolan principles” plus an additional “Respect” principle; and
- A series of 24 Rules which specify in clear and succinct terms the conduct which Members must observe.

30. The revised code was agreed by Plenary on 24 March 2021 to come into force at the commencement of the Sixth Senedd.

31. The revised Code reflects contemporary standards in public life. We recommend that the Code to be reviewed, in light of experience, to ensure it remains relevant to the political, constitutional and cultural context in which Members of our evolving Parliament operate.

Recommendation 2. The Committee recommends the Code of Conduct is reviewed at the midpoint of the sixth Senedd to ensure it remains relevant to the political, constitutional and cultural context in which Members of our evolving Parliament operate.

Cross Party Groups

32. The Committee was responsible for reviewing monitoring reports on the activities of Cross-Party Groups during the fifth Senedd. This has worked well, ensuring broad compliance with the rules, and adding assurance around the activity of cross party groups.

33. The Committee recommends that the Committee with responsibilities for Standards in the sixth Senedd reviews Cross Party Group activity annually, including deciding whether to recommend any action against non-compliant groups. Reviews of monitoring reports should take place at the beginning of each autumn term, with the first review in autumn 2022.

34. A copy of the monitoring report should be circulated to Members thereafter, initially in draft and then as a final version, along with a note reminding Members of the rules on the operation of Cross Party Groups and the responsibilities of the Chairs of the groups.

Complaints from the Commissioner for Standards

35. The Committee considered 16 reports from the Commissioner and Acting Commissioner during this Senedd. This was three times as many complaints than

the number considered in the fourth Assembly. The Committee published 12 reports in relation to these reports. Four reports had not completed all the stages of the procedure by the end of the Senedd and it will be a matter for the next Committee to consider these reports.

36. The nature of the complaints were more complex than those in the fourth Assembly. A full list of the matters considered can be found at annex A.

37. The Committee was required to utilise the alternate Member provision on a number of occasions. On two occasions, complaints directly related to activities of an entire party group (although the complaints did not concern the conduct of all members of the group) which meant the Committee Chair was unable to participate, and a temporary Chair was utilised.

Sanctions

38. The Committee recommended the use of the sanctions introduced by the previous Standards of Conduct Committee² in 2013 for the first time during this Senedd. The Senedd suspended Members from proceedings of the Senedd on four occasions, for periods ranging between 7 and 21 days. The Senedd also removed the right of access to Ty Hywel and the Senedd during one period of suspension.

39. The Committee invited Members to repay funds and apologise to the Senedd. Of two requests of Members for repayment of sums, one which was repaid, another was not. The take up of the request to apologise was also variable. Where action was taken by the Member concerned, the Committee considered this as mitigation in reaching a decision on the level of sanction.

40. The Committee also recommended that Business Committee remove from the Committee a Member who had been the subject of two complaints. Further, the Committee recommended that the Member not be re-appointed to the

² Standards of Conduct Committee 04-13 report to the Assembly on Sanctions. The previous Committee recommended that the Senedd should have powers to:

Exclude Members from Senedd proceedings² either generally or specifically, for example, proceedings at particular meetings of the Senedd or its committees, for a time to be specified time in the motion for exclusion, and in accordance with Standing Orders²; or

Remove certain rights and privileges of membership of the Senedd should be withdrawn from the Member concerned (this includes accessing the estate, from other activities which a member might normally have a right to attend and removal of representational, ceremonial and related privileges which a member might normally enjoy as a member or any combination of the above sanctions .

Committee. The Senedd resolved to replace the Member on a motion from the Business Committee.

41. There has been some discussion during this Senedd about the need for different sanctions, such as mandatory training and an explicit power to recover overpaid sums (although the latter may require legislative change). Although the Committee has been able, on the whole, to achieve the required outcomes by requesting certain actions, there would be a clear benefit to this being formalised through expanding the available sanctions.

Recommendation 3. The Committee recommends that a future Committee with the responsibility for Standards review the sanctions that can be recommended by the Committee under Standing Order 22.10, in light of the experiences of the fifth Senedd.

3. Priorities for the Sixth Senedd

Procedure for dealing with complaints against Members of the Senedd

42. The current Procedure for dealing with complaints against Members of the Senedd (the procedure) has been in place since the Measure was passed; some features reflect the non-statutory standards regime which preceded the Measure.

43. The variety of complaints received during the fifth Senedd led to some parts of the procedure being utilised for the first time. These included:

- The Appeals process;
- Reporting a breach of the Code, but recommending no further action be taken; and
- An admissible complaint, but no breach of the Code found.

44. Furthermore, during this Senedd, the Committee has also had the opportunity to reflect on the practical application of many elements of the procedure, some of which need reform. Examples include: the effectiveness of confidentiality provisions, a need to consider the timeframe for complaints, and options for reporting on the outcome of the Commissioner's investigations.

45. Following the adoption of the new Code of Conduct, the appointment of a new Commissioner and in view of the other factors referred to above, we recommend a comprehensive review of the procedure. This would have been the Committee's next substantial piece of work had time allowed.

Recommendation 4. The Committee recommends that Senedd Commission officials work with the new Commissioner to review the procedure for dealing with complaints against Members of the Senedd and present recommendations for the next Committee with responsibility for Standards to consider.

Registering and declaring interests

46. The Committee agreed at the outset of the review of the Code of Conduct that it would not consider registerable interests as part of that work. Given that the code revision is complete, it may be timely to review registration and declaration of interests. There are a number of items which have been identified

for such a review, including considering whether visits paid wholly by institutions of the European Union should be registerable.

47. The Acting Commissioner has also queried whether the requirements for declaring interests should apply to written questions and statements.

48. Furthermore, the Committee also undertook a significant amount of preparatory work on ending the dual reporting requirement under Political Parties, Elections, and Referendums Act 2000 (PPERA). This would end the requirement for Members to register certain interests, for example overseas visits, with both the Senedd and Electoral Commission, and allow Members to only record the information once with the Senedd. This would require changes to the register of interests to ensure the Senedd requirements are compatible with those of PPERA. The Committee concluded that it would not be possible to complete this work in the fifth Senedd, but recommends that this work be progressed by its successor as part of a review of registration and declaration of interests.

Recommendation 5. The Committee recommends a future Committee with responsibility for Standards undertakes a review of registration and declaration of interests.

The National Assembly for Wales Commissioner for Standards Measure 2009

49. The National Assembly for Wales Commissioner for Standards Measure 2009, which establishes the office of Commissioner, has been in force for over 10 years. During that time, three Commissioners have been appointed, a Dignity and Respect Policy has been adopted, the Code of Conduct has been revised, and the nature of complaints has evolved. It would be timely to review the Measure to ensure it reflects contemporary requirements.

50. The Commissioner has also identified several desirable reforms which would require legislative action to amend the present Measure, as follows:

- Creating an offence of obstructing an investigation. This would complement the existing offences under the Measure which covers the failure to appear before the Commissioner when summoned or to produce documents and the deliberate suppression or destruction of documents.³

³ See section 15 of the Measure

- A basis for the Commissioner to initiate investigations without a complaint; and
- Reviewing confidentiality provisions for those involved in complaints.

51. Some Members have expressed concerns around the accountability of the Commissioner and means for reviewing concerns about the Commissioner other than tabling a motion to remove from office. Any such provision would require legislative change.

Recommendation 6. The Committee recommends a future Committee with a remit for Standards undertakes post-legislative scrutiny of the National Assembly for Wales Commissioner for Standards Measure 2009.

Training for Members

52. On becoming an elected Member, we are entrusted with a great deal of responsibility. All Members need to be aware of the standards of behaviour and conduct expected, as set out in the Code and associated policies. We note that such training is offered as part of the induction programme at the start of a new Senedd.

53. It is also important for Members to have the necessary skills to face the varied challenges of their role. During the course of its work, the Committee has identified the following areas where Members may benefit from training at the start of, and throughout, a Senedd:

- Social media;
- Safeguarding;
- NSPCC ‘stop it now’;
- Unconscious bias; and
- Dignity and respect (previously delivered by ACAS).

Recommendation 7. The Committee recommends that the suite of training offered to Members include additional modules focused on dignity and respect.

Annex A: Committee Reports to the Senedd under Standing Order 22.9

Committee Reports to the Senedd under Standing Order 22.9	Publication Date
Standing Order 22.9 states that the Committee must investigate any complaints referred to it by the Commissioner for Standards and report to the Senedd as soon as possible on completion of the investigation.	
Report 06-21 to the Senedd under Standing Order 22.9	March 2021
Report 05-21 to the Senedd under Standing Order 22.9	March 2021
Report 03-20 to the Senedd under Standing Order 22.9	December 2020
Report 02-20 to the Senedd under Standing Order 22.9	November 2020
Report 01-20 to the Senedd under Standing Order 22.9	September 2020
Report 03-19 to the Assembly under Standing Order 22.9	September 2019
Report 02-19 to the Assembly under Standing Order 22.9	September 2019
Report 01-19 to the Assembly under Standing Order 22.9	April 2019
Report 03-18 to the Assembly under Standing Order 22.9	November 2018
<ul style="list-style-type: none"> ▪ Response from Dame Dawn Primarolo, Chair, Remuneration Board ▪ Response from the Llywydd, Assembly Commission 	January 2019
Report 02-18 to the Assembly under Standing Order 22.9	July 2018
Report 01-18 to the Assembly under Standing Order 22.9 <ul style="list-style-type: none"> ▪ Report from Sir John Griffith Williams QC under paragraph 8.6 of the procedure for dealing with complaints against Assembly Members 	April 2018
Report 01-17 to the Assembly under Standing Order 22.9	August 2017

Agenda Item 5

By virtue of paragraph(s) ix of Standing Order 17.42

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Agenda Item 6

By virtue of paragraph(s) ix of Standing Order 17.42

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