

Agenda – Standards of Conduct Committee

Meeting Venue:

Video-conference via Zoom

Meeting date: 10 March 2025

Meeting time: 09.30

For further information contact:

Meriel Singleton

Committee Clerk

0300 200 6565

SeneddStandards@senedd.wales

1 Introductions, apologies and substitutions

2 Individual Member Accountability: Recall – Welsh Government response

(9.30 – 10.00)

(Pages 1 – 6)

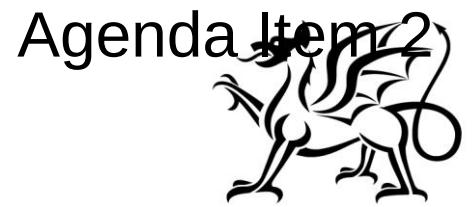
3 Forward work programme

(10.00 – 11.00)

(Pages 7 – 12)



Julie James AS/MS
Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni
Counsel General and Minister for Delivery



Eich cyf/Your ref
Ein cyf/Our ref

Llywodraeth Cymru
Welsh Government

Hannah Blythyn MS/AS
Chair
Standards of Conduct Committee
Welsh Parliament
Cardiff Bay
Cardiff

5 March 2025

Dear Hannah,

I would like to thank the Standards of Conduct Committee for undertaking its inquiry into Individual Member Accountability and for the report on recall which was published on 23 January 2025.

The First Minister has asked me to lead on the work in relation to individual Member accountability, and I have set out the Welsh Government's responses to the Committee's recommendations in the accompanying document.

I am pleased to have accepted or accepted in principle all of the Committee's recommendations in this crucial area and look forward to working with Members to legislate in this space.

The issue of standards for Members of the Senedd is of fundamental importance in maintaining an effective and trusted democracy here in Wales, and the Committee's report is an important contribution to that.

Yours sincerely,

Julie James AS/MS
Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni
Counsel General and Minister for Delivery

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Cwnsler.Cyffredinol@llyw.cymru
correspondence.Counsel.General@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



Individual Member Accountability – Recall

Response to the Standards of Conduct Committee’s report

March 2025

The Standards of Conduct Committee published its report into Recall on 23 January 2025 containing nine recommendations for the Welsh Government. The report was produced as part of its inquiry into Individual Member Accountability. The inquiry also considered the issue of deliberate deception, which is the subject of a separate report from the Committee.

Welsh Government’s responses to the recommendations from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs are the included below.

The financial implications of the recommendations and the wider policy choices will be considered as part of the development of the Bill and will be covered in full in the Regulatory Impact Assessment.

Responses to the recommendations

Recommendation 1

The Committee recommends the Welsh Government bring forward legislation to introduce a system of recall by 2026 in time for the Seventh Senedd.

Response: Accept

I will bring forward a Bill during the current Senedd which establishes a system of recall. To develop, draft, scrutinise, and pass primary legislation before dissolution in little over a year represents a significant challenge, but one which, if the Senedd is so minded, the Government will look to undertake.

It is, however, important to note that whereas this time frame should allow for primary legislation to be put in place, albeit at pace, it would not allow for the subsequent development and passage of either secondary legislation or any Committee guidelines that would be needed before the system was fully implemented.

While passing primary legislation during this Senedd will be an important achievement, full implementation will need to be taken forward at pace during the Seventh Senedd.

Recommendation 2

The Committee recommends that the system of recall introduced for the Senedd has one stage which puts to electorate a question based around the principle of retain the Member or remove and replace them with the next candidate on their party list at the last Senedd election.

Response: Accept

The proposal for a one-stage process which gives the option for the electorate to remove (or not) the Member in question is fully supported by this government.

As with the equivalent system in Westminster (in which the standard process for filling any vacancy, including those created through successful recall, is a by-election) the recall system here in Wales should provide for the removal of a Member, and then make use of existing processes for filling that vacancy.

Under the new electoral system that would be the next eligible person on the constituency party list, or for the seat to remain vacant if no such person exists. Use of the 'default' system for vacancies means it will not be necessary to develop a bespoke system to fill vacancies created by a recall system.

Recommendation 3

The Committee recommends the Welsh Government works with the Electoral Commission to develop a voting paper which presents the information in a clear and easy to understand manner.

Response: Accept

The Electoral Commission holds an important position in our electoral landscape and its input into the development of these proposals will be vital.

We will, in particular, look to work closely with them in developing the rules relating to the ballot paper. These are likely to be set out in secondary legislation, as they are for Senedd general elections, rather than in the Bill.

Recommendation 4

The Committee recommends, given the process set out by the Committee, that it is referred to as a 'remove and replace ballot' rather than recall.

Response: Accept in principle

The Committee highlights an important concern around voter confusion, and the use of "recall petition" would be both confusing and inaccurate, given the nature of the process proposed.

However, "remove and replace ballot" may not provide sufficient clarity, since the process will not itself involve replacement – which will be through the normal processes – and which would not happen in every circumstance, for example if the party list was exhausted, or an individual candidate was recalled.

While there is a popular understanding amongst the electorate of "recall" as a way to remove a representative, we note the committee's conclusion that this is not particularly helpful in explaining the proposed process.

We will consider this matter further as part of the development of the Bill.

Recommendation 5

The Committee recommends that legislation is drafted to give the Senedd the ability to recall a Member as a standalone sanction.

Response: Accept in principle

The views of the Committee on the best approach to allow the Senedd to sanction Members found to have fallen far short of expected behaviours are of significant value, whilst also sitting alongside the range of views that have been expressed by stakeholders and the precedent that exists in the UK.

The additional flexibility this approach would give when compared to a strict trigger based on a suspension of a given length may help to mitigate some of the concerns raised during the Committee's evidence sessions.

However, a standalone recall sanction is a significant departure from the system in place for the UK Parliament and from the proposed system being considered in respect of the Scottish Parliament. Careful thought will need to be given to ensure that the potential implications of such a system are properly considered.

That is why I have accepted the recommendation for a standalone sanction coupled with guidelines (in recommendation 6) in principle, and have instructed my officials to continue to explore how that can be brought about.

Recommendation 6

The Committee recommends that the legislation should require, in Standing Orders, the responsible committee to produce guidelines on the application of recall, including matters which may result in automatic recall (if not included on the face of the bill). This guidance should be subject to a vote by the Senedd.

Response: Accept in principle

The proposal to pair a stand-alone sanction of recall with a set of guidelines is one of which I am supportive. It is important for Members to understand the likely consequences of their actions and, as with any such process, that sanctions are applied fairly and consistently across the inquiries into Member behaviour which are undertaken.

It is also important that such guidelines are agreed, and therefore owned by the Senedd itself, and the Committee's recommendation on a vote is welcome.

The exact status of such guidance, and the mechanisms for its development and agreement will continue to be considered further as part of the development of the Bill.

As automatic triggers will, necessarily, represent the most clear-cut and egregious misdeeds there is an additional need for certainty, including legal certainty, and clarity. I am therefore minded to explore whether a prison sentence short of disqualification justifies the inclusion of an automatic trigger on the face of the Bill, which is an option the recommendation anticipates.

The approach outlined above is intended to provide the flexibility and futureproofing the Committee has identified as being important, but it is premature to commit to the exact form that will need to take in order to be effective.

Recommendation 7

The Committee recommends the recall process is held on one day in a process akin to a by-election, with sufficient coverage of polling stations and no threshold with regards to turnout. Postal and proxy voting should be available as part of this process.

Response: Accept

A one-day process as similar to a Senedd general election as is practical, where ease of participation is prioritised, will enhance the democratic underpinnings of recall.

Though engagement with stakeholders – particularly those administrators who are essential to the effective running of such polls – will need to be undertaken, a familiar process which maximises turnout is a priority for this government. That includes the usual alternative options for participation of postal and proxy voting.

Though it will be important to encourage high turnout at any recall polls, having no threshold for turnout for a valid vote would help ensure that the outcome is in line with voter expectations at Welsh elections.

Recommendation 8

The Committee recommends that the Welsh Government should consult with electoral administrators and other interested stakeholders on the practical implications of holding a recall vote on a single day across multiple polling places in a consistency.

Response: Accept

As set out in my response to the previous recommendation, engagement with those who will be responsible for running much of the recall poll process will be vital for the development of an effective recall system.

We will ensure that such engagement takes place while being mindful of the time available to pass primary legislation during the current Senedd. This may require innovative approaches to that engagement, and we will work closely with stakeholders to achieve that.

Recommendation 9

The Committee recommends that the Welsh Government works with electoral community to make sure that the information sent out relating to recall clearly informs voters of the reason for the recall and the options available to them.

Response: Accept

It will be important that those voting in a recall poll have access to the relevant information in order to vote in an informed manner.

The specifics of what information should be shared with voters and how that should be done requires careful consideration and close working with stakeholders, as the Committee recommends.

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