

Agenda – Standards of Conduct Committee

Meeting Venue:

Committee Room 5 – Tŷ Hywel

Meeting date: 21 May 2019

Meeting time: 09.30

For further information contact:

Meriel Singleton

Committee Clerk

0300 200 6565

SeneddStandards@assembly.wales

1 Introductions, apologies, substitutions and declarations of interest

(09.30)

2 Paper(s) to note

(09.30)

2.1 Committee Correspondence: Letter from the Chair of the Constitutional and Legislative Affairs Committee (15 March 2019)

(Pages 1 – 2)

3 Lobbying: Correspondence from the Petitions Committee (22 March 2019)

(09.35 – 09.45)

(Pages 3 – 6)

SoC(5)-07-19 Paper 1 – Letter from the Chair of the Petitions Committee (15 March 2019)

SoC(5)-07-19 Paper 2 – Draft Committee Response

4 Code of Conduct – Review: Correspondence from the Llywydd (7 May 2019)

(09.45 – 10.00)

(Pages 7 – 23)

SoC(5)-07-19 Paper 3 – Letter from the Llywydd (7 May 2019)

5 Code of Conduct – Review

(10.00 – 10.40)

(Pages 24 – 30)

SoC(5)-07-19 Paper 4 – Draft revisions to Code of Conduct

SoC(5)-07-19 Paper 5 – Lay Members on Standards Committees



6 Remuneration Board: Review of the Determination for the Sixth Assembly

(10.40 – 11.00)

(Pages 31 – 54)

SoC(5)-07-19 Paper 6 – Consultation Document

Committee Chairs

15 March 2019

Dear Chairs

Inter-Institutional relations agreement between the National Assembly for Wales and the Welsh Government

In February 2018 we issued our report *UK governance post-Brexit*. Its purpose was to examine existing inter-governmental relationships to determine whether they are fit for purpose and to assess whether they need to change.

The final recommendation of our report was that the Welsh Government enters into an agreement with the Constitutional and Legislative Affairs Committee to support its scrutiny of Welsh Government activity in this area.

The Committee reached an agreement with the Welsh Government and in January this year, laid a **report** before the Assembly, which incorporated the agreement.

Following the debate held on the report and agreement last week, I thought it would be appropriate to write to all Chairs, drawing attention to the agreement, so that committees can assess how they may wish to use it in scrutinising the Welsh Government.

The agreement is available on our website and I will ensure it is made available to committee clerks.

Yours sincerely





Mick Antoniw

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.
We welcome correspondence in Welsh or English.



Agenda Item 3

Jayne Bryant AM
Chair, Standards of Conduct Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

22 March 2019

Dear Jayne

Petition P-05-818 Introducing a Register of Lobbyists in Wales

The Petitions Committee has been considering the above petition since July 2018.

We discussed the petition most recently at our meeting on 5 March and agreed that I should write to you to ask:

- for an outline of any consideration the Committee has previously given to the merits of introducing a statutory register of lobbyists in Wales;
- whether the Committee looked at models for registering lobbyists in use in other places, including the European Parliament;
- if consideration was given to the possibility of charging individuals or organisations to register in order to manage the cost of introducing this measure; and
- for information about any further work the Standards of Conduct Committee intends to do on this issue.

Further information on the petition, including the full text and the correspondence received to date, is available on the website at:

<http://www.senedd.assembly.wales/mgIssueHistoryHome.aspx?IId=21900&Opt=0>

I would be grateful if you could send your response by e-mail to the clerking team at SeneddPetitions@assembly.wales.

If you have any queries, please contact the Committee clerking team at the e-mail address above, or on 0300 200 6379.

Yours sincerely



Janet Finch-Saunders AC/AM
Chair/Cadeirydd



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

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Cynulliad Cenedlaethol Cymru

Elin Jones AM, Presiding Officer

National Assembly for Wales

Agenda Item 4

Jayne Bryant AM
Chair, Standards of Conduct Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

Our ref: EJ/CS

07 May 2019

Dear Jayne

Update on Dignity and Respect

On 1 April, the Assembly Commission considered a range of updates on the Assembly's Dignity and Respect work. In previous correspondence, we said that we would update the Committee on progress.

I am pleased to attach two reports for the Committee to note:

- The report on the mystery shopper exercise conducted at the end of 2018 in response to recommendation 8 of your report, Creating the Right Culture.
- An update table on the recommendations accepted by the Assembly Commission in response to your report.

I hope you will find that both reports provide assurance that a great deal of work to embed a culture of dignity and respect within the Assembly has been undertaken. You will note that further work is planned in the coming months – in particular the annual survey which will measure specifically whether individuals have experienced or observed inappropriate behaviour since we last surveyed them. Following that, we are planning a campaign which will update and re-circulate information posters and raise further awareness as recommended by the Committee.

The Commission has noted the report of the mystery shopper exercise which again gave us assurance that the revised website pages introduced in May 2018

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Elin Jones AM, Presiding Officer

National Assembly for Wales

are user friendly and accessible – something we appreciate the Committee wanted us to test.

As you are aware, since November we now have gender parity in the support provided to the independent Standards Commissioner. In addition to this we are pleased that we have been able to provide external expertise in relation to support and complaints about sexual harassment or sexually inappropriate behaviour. The Dignity and Respect guidance is being updated to reflect this provision and to guide potential complainants to the specialist support available. This additional support is being provided by the Survivor's Trust following a competitive tendering exercise.

In my letter of 30 October, I stated that we would consider the recommendation of the Committee on the potential for an anonymous reporting tool. We have explored this in further detail at the Commission meeting on 1 April following a visit to Cardiff University undertaken by officials in December 2018. Clearly there have been benefits to the University's cohort of some 31,000 students and they have devised a system that works for that institution.

Much of the service provided in that setting is provided at the Assembly by our Contact Officers. Conversations are confidential in nature and the report-back procedure to the Head of Human Resources who has a specific role to spot emerging patterns, is done anonymously. Formal complaints cannot be undertaken anonymously in either institution so that it is fair to all parties concerned.

The Commission has considered the most recent statistics relating to approaches to our Contact Officers since they were appointed in May 2018. We are pleased that this enhanced service is bedding down well and is clearly becoming a trusted service which imparts user-focused advice, guidance and emotional support.

However, we do not feel in a position to make a formal decision on the Committee's recommendation on anonymous reporting at this stage. The Commission has agreed to look again at this issue once the outcomes of the annual dignity and respect survey are known. We would also like to take account of any further work on party complaint procedures being undertaken by the



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National Assembly for Wales

Standards Commissioner and any impact from the Committee's ongoing work on the code of conduct in coming to decisions about future reporting processes.

Once these areas of work are concluded, we aim to review all our policies and enhanced services to ensure that they remain fit for purpose and help us build the institutional culture that we have a shared interest in achieving.

Yours sincerely,

Elin Jones AM

Llywydd

Croesewir gohebiaeth yn Gymraeg neu Saesneg / We welcome correspondence in Welsh or English



Mystery Shopper Survey

In its report, *Creating the Right Culture*, the Committee on Standards of Conduct recommended to the Assembly Commission that it should undertake a mystery shopper exercise:

Recommendation 8. The Committee recommends that the Assembly Commission undertake a “mystery shopping” exercise on the existing material on how to make a complaint to ensure the available information is accessible and user friendly by end of 2018.

The Commission accepted that recommendation and a mystery shopping exercise was conducted between the 14 and 30 November. Based on the Committee’s concerns we asked participants to navigate from the Assembly’s home page to our Dignity and Respect pages, answer a number of scenarios to test the clarity of the information and asked for an assessment on terminology, accessibility and any other improvements we should think about for the future.

12 individuals were approached to take part and a total of 7 responses were received broken down as follows:

- 3 x external to the Assembly and based elsewhere in the UK
- 1 x Assembly Commission staff (Tŷ Hywel)
- 3 x Staff employed by Assembly Members (Tŷ Hywel and constituency offices)

Each of the questions are provided below together with a summary of the responses received and any action identified.

1. We wanted to test whether individuals could navigate from the Assembly’s home page to our complaints pages.

On the Assembly’s website www.assembly.wales we would like you to test whether, if you wished to make a complaint about inappropriate behaviour, you are able to navigate with relative ease to information on how to make such a complaint. Please provide any comments here:



Summary of responses

Three people said that it was easy to navigate from the Assembly's home page to our Dignity and Respect pages by using the 'complaints' tab at the bottom of the front page.

Four participants said that it took time, it was difficult to spot the 'complaints' tab or that our own 'search' function did not provide a clear route to the correct page.

Analysis: Searches inside our website for 'Dignity and Respect' provide accurate results but a search results for 'complaint' and 'Member complaint' are poor. Google searches for 'Assembly complaints', 'Assembly Member complaint' and 'complaints about Assembly Members' are reasonably accurate.

Action: We have made technical improvements to point searches on our website to the correct pages. Improvements to the architecture and search functions are already requirements for the website project and we will take the findings of the mystery shopper exercise into account.

2. As there are different complaints processes for the different groups of people who work here, and we heard feedback in 2017 stating that people wouldn't know how to complain or who to complain to, we wanted to test whether we had achieved our ambition to guide potential complainants to the relevant procedure in a relatively straightforward way. We also set a number of scenarios to test whether complainants understood the information provided.

Have we succeeded in making a fairly complex set of arrangements easy to access and follow? Please provide any comments you may have on whether these arrangements are easy to access.

Summary: Six participants said Yes and one said No. The majority stated that they were clear, easy to understand and presented in a straightforward way through using our drop-down guides. Suggestions for improvements included

- (i) provision of links to connect an individual to whoever they are going to make a complaint to



- (ii) a concern that the guidance in Welsh was text heavy and could be provided in bullet form.

Action: We have already committed to providing hyperlinks to political party complaint procedures once the Standards Commissioner has reviewed complaint procedures. In doing that, we will provide contact points. We plan to review our guidance later in the year and we will note the comment about the Welsh language version.

We set a number of scenarios to test whether we were providing clear, understandable information to guide individuals to the correct procedure:

If you were a media reporter and you had a complaint against an Assembly Member, describe the complaint route options available to you.

Answer: Report to the Assembly's Standards Commissioner, or to the political party's own complaint procedures.

All participants answered correctly.

If you are working at the Assembly fixing electric circuit boards under contract to the Assembly Commission and you decide to make a complaint about a member of staff who manages your contract for using racist language, who can you complain to?

Answer: Report to the Assembly's Human Resources Department or the Chief Executive and Clerk.

All participants answered correctly.

If you are employed by an Assembly Member and you wish to make a complaint against someone who works for another political group at the Assembly, what are the options available to you?

Answer: Report to the Members' Business Support Team who will raise this with the employing Member, or report to the political party's own procedures if that is your preference.

All participants answered correctly.



You do not work here, but in passing our estate a builder carrying out work on the Senedd building, makes sexist remarks at you, is it clear how you can make a formal complaint against them?

Answer: Report to the Head of Procurement or the Chief Executive and Clerk.

All participants answered correctly.

You are employed by an Assembly Member who you believe is subjecting you to bullying, and you wish to make a complaint. What are the options available to you and what support can you access?

Answer: Report directly to the Assembly's Standards Commissioner or report to the political party's own procedures.

All but one of the participants answered this correctly. One member of staff employed by an Assembly Member said that they would approach MBS or their trade union representative. However, even if initially the incorrect route was followed, we know that MBS or trade union colleagues would be able to signpost an individual to the correct route.

If you are unsure how to make a complaint, who should you get in touch with?

Answer: A Contact Officer or the helpline number 0800 020 9550.

All participants answered correctly.

3. We wanted to test whether we were using the correct language to ensure the use-friendliness of our information.

Terminology is important. However, it can get in the way when we describe subjects we are familiar with. Though we have endeavoured to present our web-pages and information in an accessible and user-friendly way, did you have any observations on whether we have achieved our objective?

Summary: Participants found the information and language clear and easy to understand. One commented that it may be over-simplistic for employees.



4. We invited additional comments so that when we review our Dignity and Respect policy and guidance (most probably after the Committee on Standards of Conduct next reports), we could include further improvements.

At present, our Dignity and Respect policy and guidance are bedding down. The Standards of Conduct Committee is also continuing its work and will report again in the future. We will therefore need to review both the policy, guidance and any changes in practice later in 2019. We would therefore appreciate any other general observations you have that may not be caught by the specific questions above which we could take into account during that review.

Summary: Most of our participants did not comment further. However, a couple of useful suggestions were made for our further consideration:

- With so many options [to complain] it may be useful to have one document that captures all the information so that a person can print and read.
- There is no guidance on how to make a complaint about a Minister on the website or how that process is different to making a complaint against an AM
- Specific information for constituency offices would be useful – especially when the employing Member is independent.

Action: We will consider these in the Dignity and Respect Working Group. These are all useful comments which could provide greater clarity for individuals before a formal review of the policy and guidance takes place later in 2019.

End



Elin Jones AC, Llywydd

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Elin Jones AM, Presiding Officer

National Assembly for Wales

Update on Standards of Conduct Committee’s recommendations to the Assembly Commission

Standards Commissioner’s office

Recommendation	Progress
13. The Committee recommends that the Assembly Commission work with the Standards Commissioner to develop a proposal for an advice and support function to sit alongside the Commissioner’s office by spring 2019.	<p>Contract awarded in February 2019 to the Survivor’s Trust following a competitive tendering exercise. Contact details are being provided in our dignity and respect guidance document (with our Contact Officer details).</p> <p>Two secondees appointed to the Commissioner’s office (November 2018). Staff will assist Commissioner with fact-finding, investigative work and drafting, potentially shortening timeline for investigations. Gender balance achieved.</p>

Survey

Recommendation	Progress
1. The Committee recommends that the Assembly Commission issue an annual dignity and respect survey of AMs, AMSS and Commission staff and present the findings and an accompanying action plan to the Standards of Conduct Committee.	Annual Dignity and Respect Survey is being prepared and will commence in May 2019. It is taking into account all three of the Committee’s recommendations which have been accepted.

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Recommendation	Progress
2. The Committee recommends that the Assembly Commission evaluates the dignity and respect survey of AMs, AMSS and Commission staff and develops it to identify types of inappropriate behaviour.	
10 . The Committee recommends that the annual dignity and respect survey and/or staff surveys include a series of questions around awareness of the Complaints procedure and processes.	

Strengthening arrangements for contracts, leases and events

Recommendation	Progress
3. The Committee recommends that the Assembly Commission include in leases and contracts for the use of the Assembly estate the condition that organisations must have a/or abide by the Assembly's dignity and respect policy.	We have met with all of our on-site contractors, provided a copy of the policy and confirmed that they and their staff will need to comply and abide with the policy. They all confirmed agreement and said they would be briefing staff as part of their regular team meetings. GVA, as our Estates Advisers for sub-tenants have written to BBC and ITV to advise that we will include the requirement to comply with the Dignity



Recommendation	Progress
	<p>and Respect policy in any future subleases. In the meantime, we have provided copies of the policy and confirmed our expectation that their employees based and working on our estate should comply with the policy and we highlighted the following extract for cascade and communication together with the policy:</p> <p><i>The policy states that the Assembly Commission expects anyone who uses our premises to respect those who work here and to uphold the high standards of conduct set out in this policy. If there are complaints about the conduct of anyone undertaking work at, or visiting, the National Assembly, constituency offices or wherever we are conducting business, the National Assembly will investigate and where appropriate, take these issues up with their employer. Where appropriate the Commission will report the matter to the police.</i></p>
4. The Committee recommends that an agreement to abide by the	Action completed. This is now built in to terms and conditions documentation.



Recommendation	Progress
dignity and respect policy is included in any event booking.	

Professional Development

Recommendation	Progress
5. The Committee recommends that training on Dignity and Respect in the workplace is included as part of the induction process, and offered periodically throughout the course of an Assembly.	Completed. This is now built into our programmes. The ACAS training is being offered to AMSS at different locations across Wales. E-learning is also available.
6. The Committee recommends that the Assembly Commission offers specific training around sexual harassment and responding to disclosures of sexual violence/harassment, and that this is required training for identified individuals.	Contract awarded to The Survivor's Trust in February 2019 after a competitive tendering exercise. Initial training for identified individuals arranged for spring/summer 2019.
7. The Committee recommends that the Assembly Commission provides specific training for AMs on managing a small office.	Completed. A package of training is available and is being taken up. We are developing this as a bilingual e-learning package over the coming months.



Accessibility and user-friendliness of info

Recommendation	Progress
8. The Committee recommends that the Assembly Commission undertake a “mystery shopping” exercise on the existing material on how to make a complaint to ensure the available information is accessible and user friendly by end of 2018.	Mystery shopper survey issued 14 November 2018. Positive results as shown in summary report.
11. The Committee recommends that each Party’s policy is made available on the Complaints page of the Assembly website, once the processes have been finalised.	We committed to do this as part of the consultation process on the Dignity and Respect policy. Once the Standards Commissioner has completed his review on political party complaint procedures we will add them.
14. The Committee recommends that the Assembly Commission develops an online reporting tool which allows people to report incidents of inappropriate behaviour either anonymously or through a named disclosure by summer 2019.	Commission will consider position after the annual Dignity and Respect survey.



Promotion

Recommendation	Notes
9. The Committee recommends that the Assembly Commission produce a suite of information by spring 2019 relating to dignity and respect including leaflets, posters and online content. This information must be readily available for people to access and should be informed by the findings of the mystery shopping exercise.	Ongoing promotion has been taking place throughout the year. Information is provided during induction and specific dignity and respect awareness training including packs of information provided to delegates. In addition to posters in Tŷ Hywel, they have been sent to constituency offices. A new intranet video has been posted and further publicity will rolled out for our bystanders campaign in May and June.
20. The Committee recommends that an active bystander campaign relating to inappropriate behaviour is run on the Assembly estate, and that all Assembly Members are encouraged to sign up to.	The campaign is planned for May and June 2019 with AM and staff involvement in the weeks following the annual dignity and respect survey.



AMSS

Recommendation	Notes
15. The Committee recommends that the Assembly Commission put in place a method for notifying AMSS staff representatives about new starters in the Political group by October 2018.	Completed by deadline. As a matter of course members of the AMSS representative group are notified of new starters in their political groups.
16. The Committee recommends that the Assembly Commission work with the Remuneration Board to bring forward a proposal by December 2018, on the support that can be offered to AMSS working for independent AMs.	Completed. The Remuneration Board has agreed that a staff member, to represent staff employed by independent AMs, should join the AMSS Reference Group and a nomination has been sought. The AMSS Operational Group membership now includes staff from independent offices. In line with the principle behind this recommendation, Members' Business Support has formalised the support network to assist AM offices with the transition to becoming independent from a political group.

Agenda Item 5

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

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Y Pwyllgor Safonau Ymddygiad/ Standards of Conduct
Committee

SoC(5)-07-19 P6

Review of the Determination for the Sixth Assembly:

Consultation on part
one of the review

April 2019

The Remuneration Board

The Remuneration Board of the National Assembly for Wales is the independent body responsible for setting the pay, pensions and allowances of Assembly Members and their staff. The Board was established by the National Assembly for Wales (Remuneration) Measure 2010, which received Royal Approval on 22 July 2010.

Members of the Board

- Dame Dawn Primarolo DBE PC (Chair)
- Ronnie Alexander
- Trevor Reaney
- Mike Redhouse
- Dame Jane Roberts

Secretariat to the Board

- Llew Williams, Clerk
- Sian Giddins, Deputy Clerk

An electronic copy of this report can be found on the National Assembly's website: www.assembly.wales. Copies of this report can also be obtained in accessible formats including Braille, large print, audio or hard copy from:

Clerk to the Remuneration Board
National Assembly for Wales
Cardiff Bay
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Tel: **0300 200 6565**

Email: **Remuneration@assembly.wales**

Review of the Determination for the Sixth Assembly:

Consultation on part
one of the review

April 2019

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How to submit a response

If you would like to submit a response to the Remuneration Board's consultation you can do so by sending your responses to the following:

Post:

Clerk to the Remuneration Board,
National Assembly for Wales,
Cardiff Bay,
Cardiff
CF99 1NA

E-mail: [**remuneration@assembly.wales**](mailto:remuneration@assembly.wales)

The closing date for submitting responses is Friday 7 June 2019. Any responses received after this date will not be considered.

If you need assistance in preparing your response please contact the secretariat on the details above.

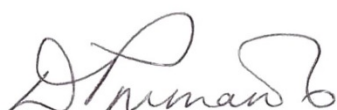
Introduction

In its strategy for 2016-21 the Remuneration Board set out its guiding principles and objectives for its term in office. This included engaging with stakeholders to ensure we understand their needs to produce a Determination for the Sixth Assembly one year before the expected date of the next Welsh general election in 2021.

During the course of our deliberations over the past three years, we have engaged with Members and support staff on numerous occasions to understand which provisions of the Determination work well and which need further consideration, and if required, changing. The feedback collected over this period has influenced our discussions and considerations as we seek to build a Determination for the Sixth Assembly that provides a robust level of support for Members as well as ensuring that there are no financial barriers to those who wish to seek election to the Assembly.

This consultation document is the first document that the Board will be publishing over the course of the coming months, as we seek to gather views on the proposals we put forward for changes to the Determination. In this consultation, we outline our proposed changes in relation to the residential accommodation expenditure and office costs allowances, as well as the support available to Members for travel on Assembly business.

Some of the changes we have proposed in this document are being put forward in order to clarify some provisions or reflect the activity that actually takes place. Other proposals would introduce further safeguards. Together, this approach allows the Board to deliver a Determination which ensures that public money is spent with 'probity, accountability, value for money and transparency', as well as providing Members with an adequate level of support to do their jobs. It is with these objectives in mind that we share our proposals with you.



Dame Dawn Primarolo

Chair, Independent Remuneration Board

Summary of proposals

The Board is proposing to make the following changes to its Determination for the Sixth Assembly:

Proposal 1. The Board would welcome your views on its proposal to remove, from the next dissolution which is likely to be in April 2021, the transitional arrangements in place for Members to claim mortgage interest payments and funding for essential repairs on a property they own.

Proposal 2. The Board would welcome your views on its proposal to introduce a provision requiring Members to return any refunds from rental agreements to the Members' Business Support.

Proposal 3. The Board would welcome your views on its proposal to introduce the mandatory principles for offices funded through the Determination as outlined.

Proposal 4. The Board would welcome your views on its proposals to formalise the guidance for acquiring offices.

Proposal 5. The Board would welcome your views on its proposals to introduce a provision requiring Members to undertake a cost valuation on their office and deposit a copy of the lease with Members' Business Support as outlined.

Proposal 6. The Board would welcome your views on its proposal to amend the supply of office furniture allowance as outlined.

Proposal 7. The Board would welcome your views on its proposal to make it a requirement that all additional ICT equipment is purchased through the Assembly Commission to ensure its compatibility with the Assembly's ICT systems.

Proposal 8. The Board would welcome your views on its proposal to amend the list of permissible items as outlined.

Proposal 9. The Board would welcome your views on its proposal to amend the clauses for travel on committee business as outlined.

Privacy Policy

The below provides a general overview of how we will use the information you provide.

Who we are

The Remuneration Board is the data controller of the information you provide and will ensure it is protected and used in line with data protection legislation.

Why we are collecting this information

Your submission will be used to inform the Remuneration Board's review of the staffing support for Members.

What we will do with your information

Submissions will be seen in full by the Remuneration Board members and the secretariat to the Board (employees of the Assembly Commission) who are involved in the consultation. Your information will be stored on the Assembly Commission's ICT network (which includes third party cloud services provided by Microsoft). Any transfer of data by Microsoft outside of the EEA is covered by contractual clauses under which Microsoft ensures that personal data is treated in line with European legislation.

Publication of submissions

The Remuneration Board may publish some or all of your submission to this consultation on the Board's website. It may also publish extracts from your submission within documents produced following the consultation and published on the Board's website. Any submissions that are published on the Board's website will remain in the public domain.

Please let us know if you would prefer that your submission or extracts from it are not published.

If the Board publishes a submission you have provided on behalf of an organisation, it will include your name, job title and the name of your organisation with your submission. If it publishes a submission you have provided on your own behalf, it will only publish your name if you have asked us to do so.

How long your information will be retained

Responses will be retained until the Remuneration Board has completed the consultation and any subsequent work in the areas outlined in this document. This is anticipated to be in May 2020 as the Board has committed to publishing its Determination for the Sixth Assembly, one year before the Welsh general election in 2021.

Contacting you

The Board may use the contact details you provide to contact you in relation to this consultation and your submission, and any additional work undertaken as part of this review. Please inform us as you respond to the consultation if you would like us retain your contact details and contact you for these purposes. If you decide to opt into further contact, you may opt out of further contact at any point by letting us know.

Requests for information made to the Assembly Commission

In the event of a request for information being made under access to information legislation, it may be necessary to disclose all or part of the information that you provide. This may include information which has previously been removed by the Remuneration Board for publication purposes. The Board will only do this if it is required to do so by law.

Your rights

Your personal data will be processed for the performance of a task carried out in the public interest by the Remuneration Board.

If you would like to:

- engage any of the rights that you have under the legislation (such as the right to request access to your own data);
- ask a question; or
- make a complaint about how your information has been used;

please **contact the secretariat**.

You can also make a complaint to the Information Commissioner's Office (ICO) if you believe we have not used your data in line with the law. The ICO's contact details can be found on its website – www.ico.org.uk

1. Review of the Determination for the Sixth Assembly

The section below provides an overview of the Board's review of the Determination for the Sixth Assembly.

Background

- 1.1. The Remuneration Board (the Board) is an independent body responsible for ensuring that Assembly Members (Members) have the right remuneration and resources available to them to undertake their role whilst demonstrating value for money for the public purse. Full details of the Board's functions and responsibilities are set out in the **National Assembly for Wales (Remuneration) Measure 2010**.
- 1.2. The Board, as outlined in its **strategy report**, is committed to publishing its Determination for the Sixth Assembly one year before the Welsh general election in 2021 to inform all potential candidates. In **December 2018** the Board agreed to the following terms of reference for its review of the Determination for the Sixth Assembly:
 - the suitability of the level of support provided within the Determination;
 - the flexibility, prescriptiveness and accessibility of the provisions;
 - the probity, accountability, reasonableness and transparency of the expenditure made available.
- 1.3. The Board has agreed to undertake its review in three parts which will consider the issues outlined below:
 - Part one: Residential Accommodation Expenditure, Members' Travel and Office Cost Allowance;
 - Part two: Support for Members and Support for Political Parties;
 - Part three: Members' Remuneration and Members leaving office.
- 1.4. After considering the issues arising under each part, the Board will issue a consultation to seek views on its proposals to amend any provisions within that part. Once the Board has concluded its review of the three parts, a final consultation on the Determination as a whole will be issued, to ensure the package of financial support for Members continues to be fit for purpose. Provisional dates for each of the consultation periods are available on the **Board's website**.

1.5. The Board is aware that, should the Assembly Commission decide to introduce legislation as part of its Assembly Reform programme, it will need to consider whether to propose any further changes to the Determination to reflect the legislative proposals. The Board will monitor this programme of work to ensure its review takes account of any constitutional changes.

Methodology

- 1.6. During the course of this Assembly, the Board has undertaken several engagement exercises with stakeholders in order to elicit feedback on the operation of the Determination in practice. These opportunities have included engagement events and meetings with Members and support staff, visits to offices across north and south Wales, surveys and regular meetings with Member and staff representatives.
- 1.7. The evidence that has been gathered through these different methods has also been supplemented by external research commissioned by the Board. Through open tender the Board commissioned the **Wales Governance Centre at Cardiff University** to identify the **barriers and incentives to standing for election in National Assembly for Wales elections**. Following a subsequent tendering exercise, the Board commissioned Capital People to undertake an evaluation of the Senior Advisor role, which is yet to be concluded.
- 1.8. To ensure that all decisions are transparent, accountable and reflect market conditions, the Board has also considered the current provisions against other sources of information including:
- Members' usage of the various allowances to date during the Fifth Assembly;
 - comparisons with the support made available to elected representatives in the other UK legislatures;
 - comparisons with various other measures within the public sector in Wales.
- 1.9. The remainder of this document outlines the Board's consultation proposals.

2. Residential Accommodation Expenditure

- 2.1. Chapter four of the Determination outlines the support available to Members which they necessarily incur as a result of staying away from their main homes in connection with their role as Members.
- 2.2. A Member's main home is placed into one of three categories (based on location); these are the inner, intermediate and outer areas (as outlined in sections 4.2-4.4 of the Determination). For each area there is a corresponding level of support for overnight accommodation in Cardiff. The Board reviews the value of the allowances available for each area on an annual basis to ensure they remain fit for purpose.
- 2.3. The chapter also outlines the level of support available to Members in the case of other overnight stays outside of Cardiff, should it be required, in the performance of their duties as an elected Member.

Consideration of evidence

- 2.4. During consideration of the accommodation support provided in the other legislatures, the Board noted that the provisions do vary somewhat in practice but that there are some consistencies in the arrangements made available to elected representatives.
- 2.5. In the Northern Ireland Assembly, Members are only eligible to claim for an annual travel allowance, the value of which is based on which constituency the Member represents. The Independent Parliamentary Standards Authority (IPSA) provides two levels of support for Members of Parliament (MPs), one for those who represent London constituencies and one for those who do not. The Scottish Parliament operates a similar system to the Assembly in which support is broken up into three different categories based on distance from the legislature. However, the level of prescription each legislature has for their allowance systems does vary.
- 2.6. The Board is aware that, since 2012, "transitional arrangements" were put in place for those Members who had purchased their second home before the Third Assembly to continue to receive reimbursement for the mortgage interest of the property. These Members are also able to claim a sum not exceeding £882 to cover the cost of essential repairs that are required to the property.
- 2.7. The Board also considered the feedback it had received from Members on this allowance as well as the usage made by Members to date over the course of this Assembly term.

Conclusions

2.8. The Board carefully considered the advantages and disadvantages of the current system of support as well as the options available to it for reforming the boundaries for each of the three areas. On reflection the Board is content that the three categories of accommodation support provided for Members remain fit for purpose and is best suited for the Assembly as its currently constituted. The Board believes that its decision to increase the intermediate area allowance will also help address concerns raised that the allowance no longer corresponds with the increased demands on Members' to stay overnight in Cardiff Bay. However, the Board believes changes are required elsewhere within the allowance. These are outlined below by area. The Board is not proposing any changes to the provisions for those Members who reside in the inner area.

Outer area

2.9. Some Members are still eligible to claim for mortgage interest payments for their second home and a sum not exceeding £882 to cover essential repairs to the property under "transitional arrangements" that were put in place at the end of the Third Assembly (paragraphs 4.4.9-4.4.10). While the number of Members claiming these provisions has declined over the years, no end date for the provisions were put in place by the previous Board. For the purposes of accountability and probity for the use of public money, the Board believes that it must now introduce an end date for these provisions. As such, the Board is proposing to remove these provisions at the dissolution of the current Assembly.

2.10. Should the Board decide to implement its proposal following this consultation, it is expected that those Members who will be affected will have a little under two years to make other arrangements for their accommodation in Cardiff. This is significantly longer than the three months provided when a Member loses his or her seat.

Intermediate and outer areas

2.11. As outlined in the Determination, Members are expected to ensure that any claims made do not give rise to an improper direct or indirect personal financial benefit. It should be noted that the Board is not aware of any misuse of funds in relation to refunds from rental agreement deposits. Nonetheless, as these deposits are funded by the public purse, the Board is of the view that the rules on this issue should outline the expectations of Members for the use of these funds. To this end, the Board is proposing to insert the following provision into the Determination after paragraphs 4.3.1 and 4.4.5 respectively, which will require that all refunds from rental agreements be returned to the Assembly Commission. The Board is of the view that introducing these provisions

will help ensure further accountability for the use of public funds. The proposed paragraph is as follows:

All refunds from rental agreements, including returned rental deposit bonds, must be returned to the Members' Business Support team.

Proposal 1. The Board would welcome your views on its proposal to remove, from the next dissolution which is likely to be in April 2021, the transitional arrangements in place for Members to claim mortgage interest payments and funding for essential repairs on a property they own.

Proposal 2. The Board would welcome your views on its proposal to introduce a provision requiring Members to return any refunds from rental agreements to the Members' Business Support.

3. Office Costs Allowance

- 3.1. To assist Members in their duties as elected representatives, chapter five of the Determination states that Members can be reimbursed for reasonable costs related to the running of an office and engaging with constituents.
- 3.2. Members are entitled to claim one of two allowance rates for the running of an office, subject to where they decide to undertake their duties. For those who exclusively work out of the Assembly offices in Cardiff Bay, they may claim up to £4,912 per annum. For those Members who choose to maintain an office in their constituency or region they may claim up to £18,260 per annum.
- 3.3. The chapter also outlines types of permissible costs Members may claim, which includes office rent and associated costs (electricity, water etc.), security costs, the costs of hiring rooms and advertising for surgeries and stationery and office supplies not provided by the Assembly Commission.

Consideration of evidence

- 3.4. The Board considered the different provisions available within the allowance as well as Members' total annual spend against the allowance. The Board looked at whether there was evidence of higher office rental costs in different parts of Wales and whether to reform the supply of office furniture allowance to reflect actual practice.
- 3.5. During its consideration of the provisions available in other UK legislatures, the Board noted that there was both consistency and variation in the provisions to support elected Members.
- 3.6. The Board also considered the **Standards of Conduct Committee report**, which endorsed a number of suggestions made by the Standards Commissioner. This included a suggestion that Members undertake surveys and appropriate checks before taking on an office. The Board considered whether such practices existed elsewhere and discovered:
 - Some of the other UK legislatures require elected Members to obtain legal advice before signing a lease and to deposit a copy of the lease with the relevant parliamentary authority;
 - None of the other legislatures has a checklist for Members with regards to selecting an office;

- Members' Business Support has guidance for Members with suggestions on the steps to take when finding a constituency or regional office, however this is not compulsory.

- 3.7. In order to strengthen the provisions referred to above, the Board discussed what further options should be considered to ensure probity and accountability for the spending of taxpayers' money. These options included introducing a set of principles that each office must adhere to, as well as whether to cap the number of offices that can be funded from the Determination.
- 3.8. The Board also considered the 'Supply of office furniture' allowance which is outlined in section 6.3 of the Determination. Once again, the Board noted that the actual use of allowance varied from the wording of the provision which may be deterring Members from using the allowance appropriately.
- 3.9. Finally, the Board discussed issues that have been raised in relation to the list of permissible items that Members are eligible to claim under the allowance, items such as newspapers and ICT equipment. The Board considered whether the list of permissible items was still relevant and whether it required updating.

Conclusion

- 3.10. While the significant majority of Members ensure that their expenditure falls within the rules outlined in the Determination, the Board takes seriously its objective to ensure the system of financial support is transparent and protects the public purse. The Board has agreed to consult on the suggestions made by the Standards Commissioner on changes to this allowance. However, the Board is of the view that further provisions should be introduced to protect the Welsh taxpayer from the misuse of funds.
- 3.11. With the Assembly now a fully-fledged legislative institution, the Board is of the view that with greater power comes greater responsibility, and as result, a greater expectation from the public. As constituency and regional offices are often the first, and sometimes the only form, of contact that the electorate may have with the Assembly and its Members, the Board believes these locations should also be subject to a set of mandatory principles. As such the Board is proposing that by the end of the first summer term of the Sixth Assembly (which is expected to be the end of July 2021), all offices funded from the Determination must conform to the following set of principles:

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- Esteem of the Assembly: All offices should reflect status and importance of the Assembly as a national institution and be mindful that the office is the local face of the Assembly;

- Safe and secure: All offices should be safe, secure, visible and reachable via public transport and accessible spaces for all those who use them;
 - Open and welcoming: All offices should be staffed by paid employees.
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3.12. The Board is proposing to insert the principles outlined above into the Determination so that these expectations are upfront and clear. Should the proposal be accepted, Members can make applications for financial support under both the Equality and Access Fund as outlined in section 1.6 and the Office Security fund as outlined in section 6.5 of the Determination.

3.13. In addition to these mandatory principles the Board is proposing to formalise the guidance on acquiring a constituency or regional office that is currently available to Members, so that it becomes a procedure, by introducing the following provision to the Determination:

A Member must show regard to the procedure on how to acquire a constituency or regional office if it is to be funded from the Determination.

3.14. This procedure will also be amended to include the suggestions made by the Standards Commissioner in the report referred to in paragraph 3.6.

3.15. The Board is also proposing, that from the beginning of the Sixth Assembly, all Members will be required to undertake rental cost valuations on offices they wish to fund. This would only apply to any new offices funded from the start of the Sixth Assembly onwards. It's also proposed that Members should be required to seek legal advice on their office leases and deposit a copy of their lease with Members' Business Support. The Board believes that these proposals, combined with those outlined above, will ensure that there is more transparency and probity in the system as a whole. To this end, the Board is proposing to insert a new paragraph into section 6.7 of the Determination as follows:

A Member who rents an office within their constituency or region may not claim Office Cost Allowance in respect of the rent of that office unless:

- a) the Member has, before entering into the agreement to rent the office, notified the Members' Business Support team of the proposal;
- b) a valuer nominated by the Members' Business Support team has advised the Members' Business Support team that the proposed rent is reasonable;
- c) legal advice on their office lease has been received prior to agreement;

d) a copy of the executed agreement has been deposited with the Members' Business Support team.

3.16. However, it would be the responsibility of the Member, and not the Assembly Commission, to ensure that this activity is undertaken, and that the proper assurances are in place. As such, the Board intends to provide clarity on this point by inserting an additional provision in section 6.1 as follows:

Members are responsible for ensuring that all leases, contracts and other relevant documents related to this allowance are legally compliant and conform with the principles of financial support. Members' Business Support is only responsible for retaining this documentation for the purposes of recording information.

3.17. The Board also considered whether a change was required to the supply of office furniture allowance. The Board recognises that it may take a while for newly elected Members to determine how their offices should function, and as such the Board believes that there is scope to extend the length of time that this allowance is made available. The Board is proposing to allow Members to continue to access this allowance for the remainder of the financial year following an election as at present, but also for the entirety of the following financial year as well. The Board believes that this will give newly elected Members sufficient time to decide how they wish to operate their offices before undertaking any changes. The Board is also proposing to amend the wording of this allowance to extend its usage to include any changes Members may wish to make to their office space such as decorating or updating any fixtures and fittings. As such the Board is proposing to rename and amend the wording of this provision as follows:

The office start up allowance

Members who wish to establish a constituency or regional office for the first time are entitled to make a one-off requisition of office furniture in order to equip that office. Members may also use the allowance to help set the office up for business, it may include minor changes to layout or redecoration providing costs are reasonable and in line with the financial principles. Alternative allowances are available for the purpose of improving the accessibility and security of the office.

The Members' Business Support team is available to provide advice on the selection of furniture and other matters relating to the establishment of a first office. Eligible Members must submit a written request for the items they wish to requisition for approval by the Members' Business Support team. The cost of the approved items and refurbishment work will be met from central funds (and not from the Office Costs Allowance), subject to a maximum allowance of £5,000.

Subject to paragraph 6.3.5. below, a claim against this provision must be made by the end of the financial year following the financial year the Member was returned, either at an election or by election. And no further claims will be permitted.

- 3.18. All Members offices are provided with ICT equipment by the Assembly Commission's ICT service. Members are also able to purchase additional equipment with agreement (funded from the Office Costs Allowance), however, there is currently no requirement for Members to ensure this equipment is compatible with Assembly ICT systems and software. The Board is of the view that if additional equipment is purchased from the Offices Costs Allowance it should be compatible with all relevant systems and will ensure all equipment can be installed and utilised with ease. As such the Board is proposing to insert the clause outlined below into the Determination, after paragraph 6.4.4. which states:

Members who wish to purchase additional Information and Communications Technology equipment to support the work of their office must submit a written request for the items prior to purchase for approval by the Members' Business Support team. The equipment must be purchased through the Assembly Commission to ensure compatibility with the Assembly's Information and communications technology systems.

- 3.19. The Board also reviewed the list of permissible items that may be claimed for under this allowance (as outlined in section 6.2 of the Determination) as the list has remained largely unchanged since its introduction and no longer reflects the varied and wider use of the allowance. The Board considered whether to amend this list to reflect changes in use, such as incorporating costs associated with using social media for engagement. However, the Board agreed that this list would need to be reviewed regularly to reflect changes in the use of the allowance, some of which cannot be foreseen at the present. As such the Board is proposing to remove the current list of items in this section in its entirety and replace it with broad areas of expense to which Members may claim under which is outlined as follows:

Office costs

Members can make a claim against the allowance for reasonable costs associated with maintaining an office and engaging with their constituents. In case of doubt reference should be made to the Members' Business Support team.

- 3.20. Should this proposal be accepted following consultation, the Board will work with Members' Business Support to identify which items it deems reasonable to be claimed. Should Members not agree with any decision in relation to what they wish to claim, they

will be able to appeal those decisions in the process outlined in section 1.4 of the Determination.

Proposal 3. The Board would welcome your views on its proposal to introduce the mandatory principles for offices funded through the Determination as outlined.

Proposal 4. The Board would welcome your views on its proposals to formalise the guidance for acquiring offices.

Proposal 5. The Board would welcome your views on its proposals to introduce a provision requiring Members to undertake a cost valuation on their office and deposit a copy of the lease with Members' Business Support as outlined.

Proposal 6. The Board would welcome your views on its proposal to amend the supply of office furniture allowance as outlined.

Proposal 7. The Board would welcome your views on its proposal to make it a requirement that all additional ICT equipment is purchased through the Assembly Commission to ensure its compatibility with the Assembly's ICT systems.

Proposal 8. The Board would welcome your views on its proposal to amend the list of permissible items as outlined.

4. Members travel

- 4.1. The Determination provides support for different types of travel for Members on Assembly business. It also details what support is available for support staff and family members who may need to travel between their constituency or region and Cardiff.

Consideration of evidence

- 4.2. The Board examined the different provisions available to Members, support staff and family members within this chapter of the Determination. While previous survey data gathered by the Board has indicated that Members and staff favour some changes; the general usage by both Members and support staff suggest that most of the provisions available, remain suitable as they are.
- 4.3. The Board considered whether it is appropriate for the Determination to contain provisions surrounding Members travelling on committee business. This is because these arrangements are usually made or reimbursed by the relevant Commission service and as such are paid from a different budget to the Determination.
- 4.4. With the UK due to leave the European Union (EU) in the near future, the Board also considered the future of the provisions available to Members for travel to Brussels and the EU.

Conclusion

- 4.5. As outlined in paragraph 4.3., the Board believes that the provisions outlining support for committee travel need to be reformed in order to reflect current practice. As committee travel is not funded from the Remuneration Board's Determination, the Board is proposing to remove the provision in its entirety and replace with the following wording:

Travel on committee business

Arrangements and reimbursements for travel on committee business is a matter for the Assembly Commission and the committee secretariat and is not covered by the Determination.

- 4.6. The Board is of the view that the proposal as outlined will introduce clarity into the Determination by ensuring Members and support staff are aware of who funds each type of business travel. The Board will write to the Assembly Commission outlining its proposal as it will be a decision for the Commission if it wishes to produce its own principles for such travel should the Board agree to implement its proposal.

4.7. As a significant amount of devolved policy areas require regular engagement with the EU, the Board feels current support available to Members is sufficient and as such sees no case for any change. However, a level of uncertainty over the future relationship between Wales and the EU does currently exist and the Board feels it will need to reconsider these provisions again once more clarity is available on the future relationship.

Proposal 9. The Board would welcome your views on its proposal to amend the clauses for travel on committee business as outlined.

5. Equality

- 5.1. As outlined in its strategy for 2016-2021, one of the Board's priorities is to gain a better understanding of the incentives for and barriers to standing for election to the Assembly. As such the Board wants to ensure that the Determination for the Sixth Assembly enables and supports as diverse range of candidates as possible to become Assembly Members.
- 5.2. The Board would welcome any views you may have on:
- whether there could be an implication for people who identify with any protected characteristics from the proposals outlined in this document;
 - whether the issues you have raised in this consultation have an impact, or could they have a potential impact, on people who identify with protected characteristics as defined under the Equality Act 2010?
- 5.3. Please note the protected characteristics as defined under the Equality Act 2010 are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.