

Agenda – Standards of Conduct Committee

Meeting Venue:

Committee Room 5 – Tŷ Hywel

Meeting date: 9 July 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 Code of Conduct – Review: Assembly Commission Dignity and Respect Survey: Results report (June 2019)

(09.30)

(Pages 1 – 16)

SoC(5)–11–19 Paper 1 – Assembly Commission Dignity and Respect Survey: Results report (June 2019)

SoC(5)–11–19 Paper 2 – Statement on Dignity and Respect Survey Results 2019 (3 July 2019)

3 Consider reports from the Commissioner for Standards in accordance with Standing Order 22.2(i)

(09.35 – 10.15)

4 Dual Reporting

(10.15 – 10.45)

(Pages 17 – 27)

SoC(5)–11–19 Paper 3 – The Electoral Commission Wales



Dignity and Respect Survey: Results report

June 2019



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National Assembly for Wales
Cardiff Bay
CF99 1NA

Tel: **0300 200 6565**

Email: **Contact@assembly.wales**

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Dignity and Respect Survey: Results report

June 2019



Introduction

In Spring 2018, the Assembly approved its Dignity and Respect policy and put a number of measures in place to ensure that it provides a safe workplace that is free from intimidation and harassment, and that those who work with, or come in to contact with, Assembly Members, the staff they employ or Assembly Commission employees, are treated with dignity and respect.

In May 2018 we conducted an anonymous survey, giving Assembly Members, Assembly Member Support Staff and Assembly Commission staff the opportunity to tell us about their experiences of inappropriate behaviour in the workplace. A year on, the Assembly Commission again anonymously surveyed Assembly Members, Assembly Member Support Staff and Assembly Commission staff. The online survey opened on 13 May and closed on 24 May 2019 providing around two weeks for individuals to provide their views.

We asked participants whether they worked for the Assembly Commission, for an Assembly Member or political group or whether they were an Assembly Member. No other identifiers were used.

This report was prepared by Craig Stephenson, Director of Engagement, National Assembly for Wales and reviewed by the Assembly's Research Service.

1. Participation

The survey was available to all 60 Assembly Members, around 250 Assembly Member Support Staff and around 450 Assembly Commission staff.

177 responses to the survey were received representing a participation rate of 23.3% of those invited to participate – an increase of 6.5 % points on our 2018 survey.

- 128 respondents said that they worked for the Assembly Commission (28.4% of Assembly Commission staff) representing almost a 10 % point increase on participation in the 2018 survey.
- 36 respondents said that they worked for an Assembly Member or political group (14.4% of staff who worked for an Assembly Member or political group) representing a slightly lower participation rate compared to 2018.
- 8 respondents were Assembly Members (13.3% of Assembly Members), a participation increase of 5 % points
- 5 respondents did not disclose their employment status.

Throughout the survey, we asked participants to ensure that they did not enter any sensitive information which might identify themselves or someone else.

We noted the small number of Assembly Members who participated in the survey. Where information is broken down into groups of participants, we have not included AMs therefore to ensure that we maintain the anonymity we promised at the outset.

2. Accessibility:

We asked:

One of the aims of our work on Dignity and Respect was to bring greater clarity and accessibility to anyone wishing to use a complaints procedure or to discuss their concerns. These are set out on our website, on posters or through our confidential helpline. We have tested these issues through a mystery shopper exercise in November 2018. However at this stage, 12 months since we strengthened our arrangements, we would like to know whether you know how to access information in order to report inappropriate behaviour?

Respondents said:

139 of the 171 respondents to this question answered positively with 81.3% of those participating stating that they knew how to access advice or knew how to report inappropriate behaviour. This compares favourably with the same question asked in 2018 where 55.8% of participants knew.

	Number	Percentage
Yes	139	81.3
Not sure	24	14.0
No	8	4.7
TOTAL	171	100.0

We asked:

Whether you know where you can access advice or speak with someone if you're not ready to make a complaint or unsure of the correct route?

Respondents said:

170 of the 177 respondents answered this question. 81.8% stated that they know how to access advice or speak with someone. It is not possible to make a comparison with the 2018 survey as Contact Officers were not in place at that time.

	Number	Percentage
Yes	139	81.8
Not sure	21	12.4
No	10	5.9
TOTAL	170	100.0

We asked:

If you know how to seek emotional support whether you decide to make a formal complaint or not?

Respondents said:

170 of the 177 respondents answered this question. Almost two-thirds (63.5%) stated that they know how to seek emotional support whether you decide to make a formal complaint or not. It is not possible to make a comparison with the 2018 survey as Contact Officers were not in place at that time.

	Number	Percentage
Yes	108	63.5
Not sure	41	24.1
No	21	12.4
TOTAL	170	100.0

Analysis:

While these statistics show an overall improvement in terms of awareness, policies, procedures and support available when compared to 2018, comments provided and the statistics indicating that people are unsure or do not know how to access them indicate that more work is required. We need to maintain our plans and communications around these issues. They will continue to be part of our work plans, our communication and embedded into induction and refresher training.

We asked:

All of the suggestions made in 2018 during our consultation on the new Dignity and Respect policy were built into the current arrangements which were approved in May 2018. In addition a number of recommendations proposed by the Standards of Conduct Committee in its report "Creating the Right Culture" have been included.

We have very recently appointed the Survivors Trust to provide specialist confidential advice to those who require support if they feel that they have been subjected to sexually inappropriate behaviour. Our guidance is being updated to include their contact details as we familiarise the Trust with our complaint procedures.

We asked participants for their views on any other improvements we could make. A free text box was provided.

Respondents said:

23 comments were made. We have grouped responses into themes.

Improvements: A number of participants welcomed the improvements made since the last survey and felt supported.

Information: Ongoing communications required to build on the cultural changes; keep issues prominent; ensure that individuals know where to get help; periodic messages throughout the year; retain good visibility of posters and information; build consistently into induction to cater for new staff;

Investigation: Reluctance to raise complaints for fear of impact on careers; the independence of investigations, particularly if it involved a spouse/family member of an Assembly Member; instability of contracts for AMSS as a result of changes (including group sizes). Conversely, there was some concern about Assembly Members who might have been falsely accused and the support available to them.

Confidentiality: AMSS would find it difficult to speak to Commission staff about issues and there is a perception that Members would be supported regardless of whether they were in the right or not. Building trust was also raised as was the need to ensure trainers outline the importance of confidentiality and that they create a safe space for discussion.

Privacy: Invasive questions posed by the BBC in its 2018 survey was raised and that personal data had been accessed for the mailout.

3. Incidents of Inappropriate Behaviour:

We asked about individuals' experiences and whether they had personally experienced inappropriate behaviour.

We asked:

*In the last 12 months have you **experienced** inappropriate behaviour in the workplace (or while you were on duty) by anyone covered under our policy – AMs, AMSS, Commission staff or contractors.*

Respondents said:

171 of the 177 respondents answered this question. Over four fifths (83.0%) stated that they had never **experienced** inappropriate behaviour in the last 12 months while working for the National Assembly for Wales Commission or for an Assembly Member/ Group as an Assembly Member Support Staff. This presents a positive improvement on the 2018 survey where 61.6% of participants said that they had never experienced inappropriate behaviour.

	Number	Percentage
No, never.	142	83.0
Yes, on multiple occasions.	16	9.4
Yes. Once.	7	4.1
Prefer not to say.	6	3.5
TOTAL	171	100.0

Analysis:

These statistics show a reduction in the number of those who have experienced some form of inappropriate behaviour in the last 12 months (23 people in 2019 compared with 37 people in 2018). However this figure remains high and indicates that further work is required to embed a culture of dignity and respect in our everyday behaviours towards each other.

Shortly after the Dignity and Respect survey in 2018, we formally approved our Dignity and Respect policy which states that:

“Inappropriate behaviour means any behaviour that adversely affects the dignity of another person. It includes harassment, sexual harassment, bullying, intimidation and unlawful discrimination. Instances of inappropriate behaviour may constitute criminal offences, such as criminal harassment, common assault or sexual assault. But it is wider than that. It covers all unwanted behaviour – that is, behaviour which is not encouraged or reciprocated by the recipient, regardless of whether it was meant to cause offence, and whether it is repeated or an isolated incident.”

A number of respondents stated that the experiences encountered were fairly low-level, were dealt with at the time or not felt to be bad enough to report to the formal complaint procedures. However, some were more significant and have impacted on individuals' dignity. Some of these issues are explored in more detail in Section 4 (Types of Inappropriate Behaviour) of this report.

We asked:

In the last 12 months have you observed inappropriate behaviour in the workplace (or while you were on duty) by anyone covered under our policy – AMs, AMSS, Commission staff or contractors?

Respondents said:

172 of the 177 respondents answered this question. Over three quarters (75.6%) stated that they had never observed inappropriate behaviour in the last 12 months while working for the National Assembly for Wales Commission or for an Assembly Member/ Group as an Assembly Member Support Staff. This presents a positive improvement on the 2018 survey where 54.1% respondents said that they had never observed inappropriate behaviour.

	Number	Percentage
No, never.	130	75.6
Yes, on multiple occasions	19	11.0
Yes. Once.	15	8.7
Prefer not to say.	8	4.7
TOTAL	172	100.0

Analysis:

34 respondents have stated that they have observed some form of inappropriate behaviour in the last 12 months. This shows an improvement on the 2018 survey results where 42 respondents said that they had observed inappropriate behaviour. It is apparent from the confidential comments provided that a number of these reports, but not all, relate to single incidents of inappropriate behaviour observed by a number of different people. The statistical information therefore needs to be treated with caution.

We asked:

*In the last 12 months have you been **accused** of inappropriate behaviour and referred to a formal complaint process?*

Respondents said:

170 of the 177 respondents answered this question. All stated that they had not been **accused** of inappropriate behaviour in the last 12 months while working for the National Assembly for Wales Commission or for an Assembly Member/Group as an Assembly Member Support Staff.

We asked:

So that we can assess whether more people have been 'calling out' any form of inappropriate behaviour, can you tell us whether, in the last 12 months, anyone has informally approached you to call you to account over something they might deem to have been inappropriate?

Can you tell us whether, in the last 12 months, you have approached someone to call them to account over something you deem to have been inappropriate behaviour?

Respondents said:

Six respondents of the 165 who answered this question stated that they had been called to account or 'called out' over something deemed to have been inappropriate.

15 respondents of the 153 who answered this question stated that they had called someone to account over something deemed to have been inappropriate.

Analysis:

During all staff sessions on Dignity and Respect, team discussions and in specific training during the last 12 months, Assembly Commission staff have been encouraged to start calling out inappropriate language, behaviour, jokes or comments that could be thought to be offensive by themselves or others. This is so that behaviours can be challenged informally and effectively without the issues being escalated to complaints. The statistics provided above seem to indicate that effective challenge is taking place.

Our intention is to continue to encourage this approach and to consider whether training or other professional development opportunities could address the issue so that individuals feel equipped with the skills to provide polite, informal challenge when a risk of offending others becomes apparent.

4. Types of inappropriate behaviour:

We asked participants to provide us with details of the type of inappropriate behaviour experienced or observed in order to establish whether there were specific issues that we needed to tackle. The responses are summarised into three areas.

We asked about experiences or observations of a sexist nature including looks, leers, jokes, comments, texts, Email or other gestures of a sexual nature; unwanted physical contact, unwanted persistent attention.

Respondents told us that there were incidents across all of these areas. Comments of a sexist nature were more apparent than others and though not significant, none of the comments made complement the inclusive culture, free from harassment that we are trying to achieve as set out by party leaders, the Assembly Commission and Standards of Conduct Committee in their statements and reports over the last 18 months. While it is evident that some of the incidents were 'called out' and dealt with at the time, not all were. We encourage anyone affected to speak confidentially with our Contact Officers or the Survivors Trust. Details are provided at the end of this report.

We asked about experiences or observations of bullying, covert or hidden bullying and intimidation. Comments received cover the three areas and largely seem to relate to the way people are spoken to or undermined. While the comments do not indicate a widespread problem for those experiencing this kind of inappropriate behaviour, it is apparent across Commission staff and Members' support staff. It is also the area for which there was a larger cluster of those experiencing or observing these types of behaviours. Respondents indicate that a number of incidents have been called out but there is more reticence to do so when it is a member of senior management or an Assembly Member.

We asked whether people had experienced harassment, discrimination, inappropriate comments, jokes or other forms of inappropriate behaviour across the protected characteristics (age; disability; gender; gender transitioning/gender identity; mental health; pregnancy and maternity; race; religion or belief; sexual orientation – being lesbian, gay or bi; or other areas not covered by the Equality Act where participants felt the subject of some form of inappropriate behaviour.

No comments were made regarding experiences of inappropriate behaviour relating to gender transitioning or gender identity, mental health or sexual orientation – being lesbian, bi or gay. However participants did experience or observe incidents of inappropriate behaviour against the other protected characteristics. One comment related to inappropriate behaviour or attitude because of their choice of language under our Official Languages Scheme. Comments or observations reflecting gender issues were more apparent which reflect the comments made above regarding sexism.

Analysis:

The information provided by participants indicates that a number of the behaviours repeated in this section have been called out or challenged informally. However, others have not. Though only a small amount of comments were received, the indicators are that the areas for future focus of our work to tackle inappropriate behaviour should be:

- How we speak to each other, tone of delivery and how this is perceived by others who experience these behaviours.
- Dealing with sexism in the workplace. How adverse comments about gender, maternity and unwanted attention is managed in a more robust way.

As mentioned in this report, the Commission's senior management team, the Assembly Commission, Party Leaders and the Standards of Conduct Committee have all committed to creating an inclusive workplace environment free from harassment. While a large majority of participants have stated that they have not experienced or observed inappropriate behaviour of any kind, it is apparent from the comments made in this section of the survey that there remains work to be done at an individual level to develop the culture we strive to create. We each have personal responsibility to tackle the issues, empower people to access advice and support and to show leadership to create a more inclusive culture. Each of us has a shared interest in doing that.

We asked:

If you have experienced or observed inappropriate behaviour but not reported it, please tell us why.

Respondents said:

24 comments were received. These have been grouped into the following themes:

Trust in process: As in last year's survey, and even though it is much more apparent that individuals have challenged inappropriate behaviour themselves informally, where individuals did not complain, there was a perception that a complaint against a more senior official or Assembly Member would not lead to an improved outcome. Issues of trust in the system and whether the organisation would side with Members or senior officers was raised as were concerns about reporting inappropriate behaviour having career repercussions. Comments were also received about whether complaints would be treated fairly, taken seriously and that it was easier not to report because of the stress involved.

Knowledge: Did not know how to complain.

Informal resolution: Issues sorted out informally; not felt to be bad enough to report.

We asked:

Whether there were any additional points that participants would like to make.

Respondents said:

Seven comments were made. Though these are largely covered elsewhere in this report, we repeat a summary of the additional comments received here for completeness.

Confidence was expressed in the new processes and a feeling that this was a safe environment and that the Assembly cared about people who work here. However, there is a perception that some politicians or senior staff display unreasonable behaviours and this is excused rather than tackled. Difficult to report if person is in line management chain.

End

Statement on Dignity and Respect Survey Results 2019

As Chair of the Assembly Commission, Party Leaders and Chair of the Standards of Conduct Committee, we have received a copy of the report, prepared by the Assembly's Director of Engagement, on this year's dignity and respect survey.

Assembly Members, their staff and Assembly Commission staff were invited to participate and we are grateful to everyone who provided their views which has enabled us to focus on areas for further improvement. This year, we have seen greater participation in the survey with 177 people taking part. Although the sample remains small, we value the views expressed and they will contribute to our ongoing work on dignity and respect.

Since October 2018, work has taken place to strengthen and improve our policies, guidance, support and to test the accessibility of our procedures. We were pleased to note the report findings that over 80% of participants knew how to access information on how to report inappropriate behaviour and where to access advice if they were unsure. This is an improvement on last year and work is continuing, especially through the induction and refresher training.

Following an in-depth consultation, our Dignity and Respect policy was approved by the Assembly in May 2018. As Wales' principal democratic institution, we now have a responsibility to act in accordance with the high standards set out and to lead by example.

While the report tells us that there is a decrease in the number of people who have experienced some form of inappropriate behaviour over the last 12 months the figures remain of concern and are not compatible with the inclusive, harassment-free environment we set out in previous statements.

Time and effort have been invested into improving our processes and implementing the recommendations of the Committee on Standards of Conduct's report "Creating the Right Culture". A programme of awareness training was rolled out across all political parties, and Commission staff, with the aim of embedding a more inclusive culture and to address the issues that were brought to light. Systems have been improved and awareness raising will continue into the future. However, feedback from the survey suggests that personal behaviours and how we conduct ourselves on a day to day basis constitute an issue that still needs to be addressed.

The majority of participants, over 80%, stated that they had not experienced any form of inappropriate behaviour. It is therefore a small cohort of individuals who are responsible for the issues reported in the survey. However, the actions of a few tarnish us all and the reputation of the Assembly. Individually, we each have responsibility to bring about the cultural changes we seek to achieve – either

through appropriately challenging individuals or by managing our own personal conduct more effectively.

Positively, the report indicates that there is evidence of people challenging or calling out forms of inappropriate behaviour and we are pleased to see that individuals are doing that. We know that calling out inappropriate language, tone of voice or other issues affecting an individual's dignity can often be an effective way of putting a stop to it or drawing attention to the impact caused by careless comments or inappropriate behaviour.

A new campaign will take place across the summer and into the autumn to pledge that we will not be bystanders when we witness any form of inappropriate behaviour. It must be challenged. All of us, throughout the organisation must take personal responsibility for our behaviour so that it is consistent with the Dignity and Respect policy. We must also support individuals, empowering them to come forward so that their complaints or concerns can be resolved.

As politicians, we often talk about developing a kinder type of politics. This does not limit itself to how we speak to each other in the Chamber or on social media channels. It means at all times, in and around the Senedd, Tŷ Hywel, in constituency offices or wherever our work takes us. And it does not mean politicians alone. All managers of staff need to consider how disempowering it is to be on the receiving end of behaviour that affects an individual's dignity.

As leaders of the organisation we are united in our view we need to take affirmative action to address this issue. To this end, and in view of the feedback from the survey, the Call It Out campaign will include a pledge committing us not to be a bystander when we see behaviour or hear language that affects the dignity of another. Part of the campaign will also provide practical solutions and tools to help individuals challenge the impact on them when they are on the receiving end of such behaviour. We are giving this campaign our full support and expect everyone with any form of leadership or management responsibility to take this issue seriously.

Elin Jones, Llywydd

Mark Drakeford, Leader of the Welsh Labour group

Paul Davies, Leader of the Welsh Conservative group

Adam Price, Leader of the Plaid Cymru group

Mark Reckless, Leader of the Brexit group

Jayne Bryant, Chair of the Standards of Conduct Committee

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