

To: All Members

Cc: All support staff

5 February 2021

Dear Member,

The Independent Remuneration Board of the Senedd met on 28 January 2021. The following is a summary of its discussions and decisions.

Covid-19

The Board reviewed the continuing impact of Covid-19 on Members and their offices. It has been just over a year since the first reported positive tests for Covid-19 in the UK and its impact will be felt more than ever before. During this period of lockdown, the Board wishes to reiterate its commitment to providing the necessary support to you and your support staff. This commitment includes being as flexible as is required with allowances that are provided to you during this time.

As you will be aware, the Board has already put in place a series of measures to help with the impact of continued home working, and should it be required, the Board stands ready to introduce further support measures. Should you have any matters that require consideration, please either [contact the Board](#) through the secretariat or raise it directly with Members' Business Support.

Welsh Elections (Coronavirus) Bill

Following the introduction of the [Welsh Elections \(Coronavirus\) Bill](#) by the Welsh Government, the Board considered the potential implications for the Determination arising from shortening the dissolution period and postponing the Senedd Elections. The Board is aware that while there remains a commitment to holding the elections on 6 May 2021, the Bill provides for a scenario where there may be a need to postpone the elections as a result of the Covid-19 pandemic, and that this therefore gives rise to uncertainty for Members and their staff as to the length of the term of the Fifth Senedd.

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While some decisions will need to await the outcome of the passage of the Bill, in order to provide early assurance on some matters, the Board agreed some provisional decisions at its meeting.

The first decision relates to winding up offices. The Determination provides that the maximum length of time for winding up is three months (section 9.1 of the Determination). Typically, those Members who are standing down are expected to wind up their affairs no later than six weeks from the start of dissolution (currently 7 April 2021). This is predicated on those Members being able to give early notice of redundancy to their staff and to landlords for rental agreements etc well in advance of dissolution. Given the Bill's provision to shorten the length of dissolution from four weeks to one week (the Senedd would be dissolved on 29 April), and the potential for a Members' term in office to be extended if there is a need to postpone the election at short notice, the Board recognises the difficulties this may cause for those Members in terms of when to commence the winding up of their offices and giving notice on liabilities that exceed six weeks.

Pending the uncertainty on the election date, and subject to the passing of the Bill, the Board has agreed that those Members standing down may need greater flexibility than usual regarding the length of their winding up period. Therefore, should it be required, those Members who are standing down may begin their six week winding up period at the start of shortened dissolution rather than the current date for dissolution (29 April rather than 7 April). For clarity, those Members who wish to continue winding up from 7 April are also welcome to do so.

As always, the Board encourages those Members to plan ahead with the aim of winding up as soon as possible after dissolution, to minimise the impact on the public purse. If Members standing down require more time than the anticipated six weeks for certain commitments because of the proposals in the Bill, they should discuss this with Members' Business Support and agree it as part of the written winding up plan. Should the election be postponed beyond May, the Board will review the impact of this provision at that point in time.

The second decision relates to the fixed-term staffing provision. At the moment, the Recruitment Policy allows Members to appoint support staff on a fixed term contract up to 18 months in length. Following this, the contract is either terminated or, where the requirement for the post continues, the Member would need to create a permanent post that is recruited through open and fair competition. Given the possibility that some fixed-term contracts may end at dissolution, if the election is postponed, Members may not be

able to extend the contract to cover the extended term of the Fifth Senedd. The Board is of the view that it would be reasonable for Members to be able to decide to extend the contracts of any fixed-term staff during the postponement period. As such, in the event of the election being postponed, the Board has agreed to temporarily extend the limit on the duration of fixed-term staffing contracts in the Fifth Senedd from 18 up to a maximum of 22 months, where required.

The Board will return to the implications of the Bill in March if it is passed by the Senedd. In the meantime, it will consider any decisions taken by the Senedd Commission and Business Committee that could impact on support provisions available to Members.

McCloud judgment and Members' Pension Scheme

The Board considered the impact of the McCloud and Sargeant cases on the Members of the Senedd Pension Scheme. These cases concerned a challenge to the transitional provisions contained in two pension schemes on the basis that younger members were treated less favourably on the grounds of age.

The Board agreed to revisit this matter once the Members' Pension Scheme Trustees have considered what changes could be required as a result of the two cases.

Should any changes be required, the Board will consult with Scheme members in due course.

Members' security in Sixth Senedd

As you will be aware, the Board provides funding for Members' security when they are away from the Senedd estate, for instance at their homes and constituency offices. Such provisions are outlined in the Determination. To this end, the Board considered the general framework for the security of Members as well as an overview of the issues the Board is responsible for resourcing now and in the Sixth Senedd. The Board agreed to continue with current provisions and that they should be subject to value for money considerations, as per the Board's guiding principles.

Forward work programme and strategy

As part of the Board's strategic planning, it undertook a scenario planning session to identify the implications for its work should legislation be introduced to increase the capacity of the Senedd. At the next meeting, the Board will undertake a similar exercise to consider the potential implications of the Senedd remaining the same size in future. The

outcomes of these two sessions will inform the development of the Board's strategy for its term in office later this year.

Consultation on the Determination for the Sixth Senedd

Finally, the Board would also like to remind you that the [consultation](#) on the Determination for the Sixth Senedd is still open. If you would like to submit a response, please ensure that you send your views by no later than 11 February 2021. The Board will consider responses to this, and the consultation on the support staff contract, at its March meeting.

As ever, if you would like to discuss anything with me, please contact the Board's secretariat on remuneration@senedd.wales to make arrangements.

Best wishes and stay safe,



Dr Elizabeth Haywood

Chair, Independent Remuneration Board of the Senedd

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.