

# Fifth Senedd Legacy Report

March 2021



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# About the Chairs' Forum

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

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## Chair:



**Elin Jones MS (Llywydd)**  
Plaid Cymru

## Current membership:



**Mick Antoniw MS**  
Welsh Labour



**Jayne Bryant MS**  
Welsh Labour



**Janet Finch-Saunders MS**  
Welsh Conservatives



**Russell George MS**  
Welsh Conservatives



**John Griffiths MS**  
Welsh Labour



**Llyr Gruffydd MS**  
Plaid Cymru



**Mike Hedges MS**  
Welsh Labour



**Ann Jones MS**  
Welsh Labour



**Dai Lloyd MS**  
Plaid Cymru



**Lynne Neagle MS**  
Welsh Labour



**David Rees MS**  
Welsh Labour



**Bethan Sayed MS**  
Plaid Cymru



**Helen Mary Jones MS**  
Plaid Cymru

# The Chairs' Forum

## Introduction

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

# 1. The role of Chairs

## 1.1. Election of Chairs

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

## 1.2. Commitment to the role

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

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

## 1.3. Setting the right direction

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

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

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

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

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

## Engagement

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

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

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

**17.** For example, a committee might decide to:

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

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

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

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

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

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

## Committee support

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

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

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

## 1.4. Understanding the impact of committee work

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

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

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

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

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

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

## 2. Committee structures

### 2.1. Size of committees

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

#### Policy and Legislation Committees

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

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

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

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

**32.** This data provides an indication that attendance improved with the reduction in committee size.<sup>1</sup>

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

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

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

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

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

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

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

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

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

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

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

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

### Specialist Committees

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

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

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

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

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

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

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

## 2. 2. Dual function policy and legislation committees

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

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

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

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

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

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

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

### 2.3. Remits

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

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

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

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

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

### Number of Bills considered by responsible committee

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

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

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

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

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

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

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

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

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

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

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

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

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

**60.** We endorse Senedd committees working together.

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

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

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

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

## 2. 4. Virtual meetings

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

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

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

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

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

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

## 2. 5. Chairs' Forum

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

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

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

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

## Annex A – Summary of our view

### Election of Chairs

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

### Commitment to the role

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

### Setting the right direction

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

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

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

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

## Understanding the impact of committee work

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

## Size of committees

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

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

## Dual function policy and legislation committees

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

## Remits

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

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

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

### Virtual meetings

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### Chairs' Forum

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