

To: Members of the Senedd
Cc: All support staff

09 December 2021

Dear Members,

SUMMARY OF BOARD MEETING HELD ON 25 NOVEMBER 2021

The Independent Remuneration Board of the Senedd met on Thursday 25 November. The focus of the meeting was physical and cyber security, the Board's Strategy for 2021-26, Board mandated requirements for employment policies, and the Annual Review of the Determination on Members' Pay and Allowances.

This letter provides a summary of the Board's discussions and decisions. It will be published on the Board's website along with [summaries of previous meetings](#).

1. Physical and cyber security

In May 2021 we considered the funding we provide in relation to Members' security, and agreed to receive an update in six months' time. The importance of this update was thrown into sharp relief by the tragic death of Sir David Amess MP and recent security risks related to business before the Senedd.

We welcome the **security reviews** being undertaken for Members by Senedd Security and the steps being taken to recommend improvements. We agreed that sufficient funds must be set aside from the **Determination's central funds** to deliver recommendations deemed essential by Senedd Security for Members' offices, residential accommodation in Cardiff Bay and main homes.

We clarified that, in relation to the administration of claims for work in **Members' main homes**, section 2.4.1A of the Determination should be interpreted as the Board's "pre-authorisation" for recommendations deemed essential by Senedd Security to be implemented and funded from Determination central funds, subject to the Determination's overarching tests of value for money and reasonableness. We agreed to consult as part of our Annual Review of the Determination for 2022-23 on amending provisions so that it is

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clear that these claims are no longer dealt with under the exceptional expenses provisions, but handled in the same way as claims for offices/outer area Members' residential accommodation.

In light of recent developments, we have also agreed to fund one **personal security device** per office (in addition to the one per Member already allocated) and to consider any future advice about/evidence of increasing needs. This does not prevent further devices being issued on an ad hoc basis when the security team recommend it as a necessary enhanced security measure.

We reiterated our willingness to cover from Determination central funds **tax liabilities** arising for Members from security enhancements to their own homes. We also requested that further work be undertaken to establish what agreement exists in this context between Westminster and HMRC, and to pursue appropriate arrangements for the Senedd and HMRC.

We agreed to schedule **annual reviews of the security provisions/support funded by the Determination** to ensure that they remain sufficient.

We noted an update from Senedd ICT on ongoing work to ensure Members' **cyber security**, and considered matters relating to our own cyber security as a Board.

2. Strategy

In our last update we reported that we planned to agree and publish our final strategy following our November meeting. We are pleased to inform you that our strategy has been **published today**, and we would welcome any feedback you have on it. A copy of our "Board on a page" summary is attached at Annex A to this letter for your ease of reference.

3. Board mandated requirements – employment policies

Chapters 7 and 8 of the Determination specify that, in relation to each Member's and Party Leader's responsibilities as employers, our role as a Board is to:

- provide an **allowance** that can be used for staffing, and
- set the **employment framework** by providing pay scales, standardised contracts and mandated policies for all employees relating to areas for which funding can be provided through the Determination.

In addition to the requirements set out within the Determination and the standard contract of employment, a separate **Members' Employment Handbook** is being developed by MBS. This Handbook will set out both the Board mandated requirements (on which funding is conditional) and good practice/guidance from the Commission (to be used at

the discretion of the Member as the employer). MBS expect the handbook to be available in the new year.

During our meeting we gave consideration to the steps we need to take to improve clarity in relation to Board mandated requirements as part of our Annual Review of the Determination. In particular, our aim is to be clear that the Board will make decisions in relation to particular policies where the relevant matter has a direct financial consequence – any further detail is usually a matter for the Senedd Commission to provide as additional guidance and/or templates of good practice for Members as employers. We also agreed to:

- consult on the details of mandated requirements for time off for public duties as part of the Annual Review of the Determination for 2022-23;
- give further consideration to key points relating to volunteers at a future date;
- return to the Board's Disciplinary and Grievance procedures once the current Dignity and Respect Review being undertaken by the Senedd Commission had concluded, given its relevance.

4. Annual Review of the Determination

The Board reviews the Determination on an annual basis to ensure that it meets the objectives set out in the National Assembly for Wales (Remuneration) Measure 2010.¹ As part of this review, we consider whether proposals for change need to be made and we consult on those proposals before publishing the new Determination for the next financial year.

We are grateful to all Members and political parties who submitted information to us for consideration as part of our review. We have sought to ensure that our proposals take account of this information, along with the feedback we have received as part of our programme of engagement with Members and staff, including representative group meetings, drop-in sessions and one-to-one meetings.

Our proposals will be set out in detail in our consultation document, which will be published at the start of the January term, with a six week consultation period. During the consultation period, we will be offering to attend a meeting of each party group, and Jane Dodds MS, to discuss our proposals further with you.

¹ Details of these objectives are as set out in [section 3 of the Measure](#).

5. Other matters

Ad hoc meeting of the Board (11 November 2021)

The Board held an ad hoc meeting on 11 November 2021. The purpose of the meeting was to consider a request to the Board from the Chief Executive and Clerk of the Senedd to clarify its expectations in relation to the interpretation of paragraph 6.8.1 of the Determination.² The Chief Executive and Clerk had also outlined to the Board her inclination to take a broad interpretation of the provisions made through the Return to Offices COVID-19 Fund and the Health and Safety provision within the Office and Constituent Liaison Fund.

For Members' reference, copies of the Chief Executive's letter and the Board's response are attached at Annex B and Annex C respectively. In summary, the Board confirmed its intention that the requirements in paragraph 6.8.1 of the Determination apply to all new rental agreements and all renewals of rental agreements (but not routine rent reviews undertaken in accordance with an existing agreement). The aim of the Board is that, over time, all lease/rental agreements in place will have been subject to valuation and Members will have received legal advice on the suitability of their agreement. We also confirmed that, subject to considerations and requirements outlined in our letter, we are content with the Chief Executive's intention to take a broad interpretation of the provisions made through the Covid Fund to support return to offices (Determination section 2.5) and the Health and Safety provision within the OCLF (Determination section 6.7), and to allow them to meet:

"...the costs associated with measures to provide appropriate office spaces in response to risk assessments. These might include the costs for valuations and legal advice where an office move or extension is the appropriate measure. They might also include facilities needed in these additional/new spaces or work to make them suitable to meet paragraph 6A.1.3, including that offices are safe, secure, and staffed".

[Source: Letter from the Chief Executive and Clerk, 22 October – see Annex B for the full text]

The Co-operation Agreement

As the body responsible for decisions on the system of financial support and remuneration for Members, we are considering the impact of the Co-operation Agreement, and the mechanisms put in place by the Welsh Government and Plaid Cymru to implement it, on areas within our remit. We met yesterday (8 December 2021) to give initial consideration to these matters and noted that the Llywydd will be making a statement on the implications

² This paragraph sets out the conditions for Members to be able to claim reimbursement in respect of the rent of an office.

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for Senedd Business next week. We will provide an update on our considerations to Members then.

6. Our next meeting

Our next meeting will take place on 27 January 2022. The focus of our meeting will be our review of flexible/home working and related health and safety requirements (the background to which was detailed in our [last update letter](#)).

These updates will be provided to you on a regular basis so that you remain informed about our work. In the meantime, should you have any matters you wish to raise with me or the Board, please do not hesitate to get in touch via the Clerk to the Board, Llinos Madeley, by emailing remuneration@senedd.wales.

Yours sincerely,



Dr Elizabeth Haywood

Chair, Independent Remuneration Board of the Senedd

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We welcome correspondence in Welsh or English.

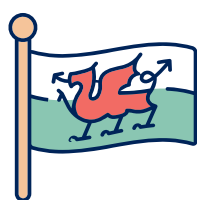
INDEPENDENT REMUNERATION BOARD OF THE SENEDD

OUR PURPOSE

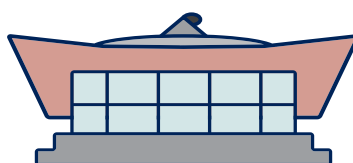
The Independent Remuneration Board of the Senedd makes independent decisions on the pay and direct support for Members of the Senedd to attract a wide range of capable and diverse candidates and to enable those elected as Members to do their job effectively, ensuring value for money for the Welsh public purse.

OUR GUIDING PRINCIPLES

We make decisions on the system of financial support and remuneration for Members.



Our decisions should be appropriate within the context of Welsh earnings and the wider financial circumstances of Wales.



Our decisions should support the strategic purpose of the Senedd and facilitate the work of its Members.



Our decisions should be robust, clear, transparent, sustainable, inclusive, and represent value for money for the taxpayer.

OUR GOALS FOR THE TERM

To enable Members of the Sixth Senedd to do their parliamentary job effectively, in their locality and in the Senedd.

To prepare a package of pay and support for the Seventh Senedd.

All within a changing constitutional, social, and global context.

OUR STRATEGIC OBJECTIVES

A RESPONSIVE DETERMINATION: deliver a Determination which responds to Members' changing business needs, citizens' expectations and the evolving constitutional context.

A SIMPLER DETERMINATION: simplify the Determination to provide flexibility for Members to determine their own priorities with proportionate safeguards, in co-operation with the Senedd Commission.

A SUSTAINABLE DETERMINATION: deliver a sustainable model of support, which takes account of diversity needs, the climate change emergency and long-term finances in Wales.

PROMOTING TRUST AND ENGAGEMENT: engage effectively with Members and a wider range of stakeholders to enable effective reviews and promote public trust.

WHAT SUCCESS WILL LOOK LIKE

Members trust and respect the decisions we make and view them as fair, evidence-based, and clear.

Members have confidence that our decisions enable them to do their work as elected representatives effectively.

The public has confidence that the system to provide financial support to Members delivers value for money, is transparent, and operates independently.

Manon Antoniazzi

Prif Weithredwr a Chlerc y Senedd
Chief Executive and Clerk of the Senedd

Dr Elizabeth Haywood
Chair of the Independent Remuneration Board of the Senedd
[by e-mail]

22 October 2021

Dear Elizabeth

I am writing to the Board to seek assistance in clarifying the intention of the Board in relation to changes that were made to the Determination for the Sixth Senedd, and specifically about the assistance available to Members for adjustments to their office spaces. In writing to you, I acknowledge that some of this work was undertaken by your predecessor Board, and so the view of the current Board would be helpful.

The current Determination sets out requirements for leasing, sub-letting and sharing offices in section 6.8.

Following the election, we have Members with a range of circumstances. New Members are making new office arrangements and it is clear that all the requirements apply to them. Amongst the returned Members, some have no desire to change their existing arrangements and would only be subject to routine rent increases (and the like). Other returning Members have identified a desire to either move or expand existing offices, particularly to accommodate needs or mitigate risks that have become apparent during the covid pandemic. This is particularly pertinent at the moment as a number of them have specific review points in their contractual arrangements.

When the Board consulted on the new wording for section 6.8, adding the requirement for a Member to receive legal advice on the suitability of their office lease prior to agreement and adjusting wording in relation to the requirement for a valuation, the Board's consultation referenced that the requirements would "only apply to any new offices funded from the start of the Sixth Assembly onwards"¹.

¹ [Consultation document.pdf \(senedd.wales\)](#) Paragraph 3,15



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This was different to the approach taken in the consultation on the introduction of the mandatory principles for office hire, which were distinctly set out as to apply to **all** offices funded from the Determination.

It would be helpful to have a view from the Board about whether the expectation is that the new requirements regarding legal advice and valuations would only apply to any new offices funded from the start of the Sixth Senedd. In particular, I seek clarification from the Board as to whether the provisions under paragraphs 6.8.1 (b)&(c) are intended to apply to returned Members who are:

- Subject to changes in the rent being paid for their existing offices (greater than a routine rent uplift),
- Seeking changes to their existing office by increasing the size of office being rented (which might not be regarded as a new office),
- Changing offices entirely.

On the matter of returned Members needing to make changes to their office provision, costs arise in undertaking these changes. Subject to the view from the Board, these specifically include the costs for obtaining legal advice and valuations, which can be significant, and additionally the costs of making offices suitable for use. I am mindful that, unlike new Members, Returning Members do not have an office start up fund.

I am aware that the Board wrote to Members to explain that some changes identified by Members might not be permissible, and that alternative solutions may be needed, and asked Members to provide information to enable consideration of the issues.

I am inclined to take a broad interpretation of the provisions made through the Covid fund to support Return to Offices (Determination section 2.5) and the Health and Safety provision within the Office and Constituent Liaison Fund (under section 6.7). In my view, these provisions could meet the costs associated with measures to provide appropriate office spaces in response to risk assessments. These might include the costs for valuations and legal advice where an office move or extension is the appropriate measure. They might also include facilities needed in these additional/new spaces or work to make them suitable to meet paragraph 6A.1.3, including that offices are safe, secure, and staffed.

I appreciate that this interpretation may be broader than the illustrations set out to Members in your correspondence with them. However, I feel it meets the principles you have introduced for Members' Offices including the need to take professional advice where appropriate. Of course, claims being made would continue to be subject to all the usual requirements for quotations in



order to ensure value for money. As this is a pressing matter for a number of Members, it would be helpful to hear from you as soon as possible.

Yours sincerely

Manon Antoniazzi

Manon Antoniazzi

Prif Weithredwr a Chlerc y Senedd / Chief Executive and Clerk of the Senedd

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Manon Antoniazzi,
Chief Executive and Clerk of the Senedd.

[Sent by email]

19 November 2021

Annwyl Manon,

Thank you for your letter of 22 October 2021. In it, you sought clarification from the Board about its expectations in relation to the interpretation of paragraph 6.8.1 of the Determination. You also outlined your inclination to take a broad interpretation of the provisions made through the Return to Offices COVID-19 Fund (“the Covid Fund”) and the Health and Safety provision within the Office and Constituent Liaison Fund (“OCLF”).

You stated that this is a pressing matter for a number of Members, and that it would be helpful to hear from us as soon as possible. On that basis, we arranged an ad hoc meeting of the Board on Thursday 11 November to discuss the matters you raised. The outcome of that meeting is detailed below.

The Board confirmed its intention that the **requirements in paragraph 6.8.1 of the Determination** apply to **all new rental agreements** and **all renewals of rental agreements (but not routine rent reviews undertaken in accordance with an existing agreement)**. The aim of the Board is that, over time, all lease/rental agreements in place will have been subject to valuation and Members will have received legal advice on the suitability of their agreement.

In relation to the scenarios for returning Members listed in your letter, the Board would expect the requirements in 6.8.1. (a) – (d) to apply. Furthermore, the Board considered that where renewals are straightforward, legal costs should not be significant. The Board felt that it would be helpful if Commission officials could provide Members with appropriate guidance or signposting of how to obtain the required legal and valuation advice.

ANNEX C – THE BOARD’S RESPONSE TO CORRESPONDENCE FROM THE CHIEF EXECUTIVE AND CLERK

In relation to **your interpretation of the provisions made through the Covid Fund and the Health and Safety provision within the OCLF**, you state that you are inclined to allow them to meet:

“...the costs associated with measures to provide appropriate office spaces in response to risk assessments. These might include the costs for valuations and legal advice where an office move or extension is the appropriate measure. They might also include facilities needed in these additional/new spaces or work to make them suitable to meet paragraph 6A.1.3, including that offices are safe, secure, and staffed”.

The Board was content with your interpretation, subject to the considerations below:

- The Board agreed that, where a Covid risk assessment concludes that **additional office space** needs to be taken:
 - the associated legal and valuation costs under 6.8.1 would be met from the Covid Fund (i.e. central funds under section 2.5 of the Determination);
 - this risk assessment would need to be undertaken by a suitably qualified Health and Safety professional (the cost of which would also be met from the Covid Fund) and a copy of the risk assessment provided to MBS;
 - any resulting additional rental costs would also be met from the Covid Fund for a maximum of 2 years from the date on which the rental agreement is made (costs thereafter would need to be claimed from the Office and Constituency Liaison Fund).
- The Board agreed that, where a Covid risk assessment concludes that **adaptations to the office space** are necessary, costs will be met from the Covid Fund subject to the following conditions being met:
 - the risk assessment would need to be undertaken by a suitably qualified Health and Safety professional (the cost of which would also be met from the Covid Fund);
 - a copy of the risk assessment would need to be provided to MBS;
 - statements of the following would need to be provided by the Member to MBS:
 - that the changes they are proposing to make to the office are allowed within the terms of the lease and that there are

ANNEX C – THE BOARD’S RESPONSE TO CORRESPONDENCE FROM THE CHIEF EXECUTIVE AND CLERK

no reparation costs (or a statement as to what those costs may be in future);

- that the changes are necessary and are the best reasonable option to address the risk and provide value for money, based on the risk assessment.
- The Board agreed that, in the event that:
 - a landlord does not consent for the Member to make the adaptations required by a Covid risk assessment undertaken by a suitably qualified Health and Safety professional, or
 - a Covid risk assessment undertaken by a suitably qualified Health and Safety professional suggests that an existing premises is not fit for purpose,

the Member can submit to the Board an **exceptional expenses claim** under section 2.4 of the Determination for costs associated with forgoing the lease and/or any other costs associated with an office move.

- The Board also agreed that, in the event that a landlord places additional requirements on the Member in association with the adaptations required by a Covid risk assessment undertaken by a suitably qualified Health and Safety professional, the Member can submit an **exceptional expenses claim** to the Board under section 2.4 of the Determination for associated costs.
- The Board agreed to consider a **quarterly report of costs** met by the Covid Fund.

I hope the information provided in this letter is of assistance to you – please let me know if you require anything further.

Yours sincerely,



Dr Elizabeth Haywood
Chair, Independent Remuneration Board of the Senedd

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