
Annual Review of the Determination:

Consultation proposals for 2022-23

January 2022

The Independent Remuneration Board of the Senedd

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 jobs effectively, ensuring value for money for the Welsh public purse. The Board was established by the National Assembly for Wales (Remuneration) Measure 2010.

Members of the Board

- Dr Elizabeth Haywood
(Chair)
- Sir David Hanson
- Mike Redhouse
- Dame Jane Roberts
- Hugh Widdis

Secretariat to the Board

- Llinos Madeley, Clerk
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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:

E-mail: **remuneration@senedd.wales**

Post: Clerk to the Remuneration Board,
Welsh Parliament,
Cardiff Bay,
Cardiff CF99 1SN.

The deadline for submitting responses is **17:00** on **Thursday 17 February 2022**. Any responses received after this time will not be considered.

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

Summary of our privacy policy

The statement below provides a general overview of how we will use the information you provide. Our full privacy policy is available from our website at: [Privacy Policy \(remunerationboard.wales\)](https://www.remunerationboard.wales/privacy-policy)

The Board is the data controller and will ensure information is protected and used in line with data protection legislation. We rely on the legal basis that the processing is necessary for the performance of a task carried out in the public interest. The task is to facilitate our work and undertake our functions. We may process special category personal data because it is necessary for reasons of substantial public interest.

Why we are collecting information, and what we do with it

Your submission will be used to inform our decisions on proposed changes to the Determination. Submissions will be seen in full by the Board's members and its secretariat. Some information may be shared with the Senedd Commission in considering any changes and how any changes should be administered.

We may publish your submission on our website. We may also publish extracts within documents produced following the consultation. Any submissions published on our website will remain in the public domain. Please let us know if you would prefer that your submission is not published.

Responses will be retained on the Senedd Commission's secure ICT systems (which includes third party cloud services provided by Microsoft) until we have completed the consultation and for no longer than six months after the consultation. Any information published into the public domain will remain there. After the six month period, we will retain anonymised responses.

In the event of a request for information being made under access to information legislation, it may be necessary to disclose the information that you provide.

Your rights

You have a number of rights, including the right to request access to your information. You also have the right to request from us that:

- any inaccurate information we hold about you is corrected;
- information about you is deleted (in certain circumstances);
- we stop using your information for certain purposes or circumstances; and
- your information is provided to you or a third party (in certain circumstances).

Contact details

If you would like to engage any of the rights, ask a question or make a complaint, please contact the Secretariat at: remuneration@senedd.wales.

If, following a complaint, you remain dissatisfied with our response, you can also complain to the Information Commissioner's Office. The Information Commissioner's Office's address is:

Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF.

Introduction

The Board reviews the Determination on an annual basis to ensure that the direct support for Members of the Senedd remains appropriate for the upcoming financial year. This consultation provides the detail of the Board's consideration and proposals for 2022-23.

In December we published our **Strategy for 2021-2026**. The proposals in this consultation document reflect our Strategy's guiding principles – namely, that our decisions should:

- be appropriate within the context of Welsh earnings and the wider financial circumstances of Wales;
- support the strategic purpose of the Senedd and facilitate the work of its Members; and
- be robust, clear, transparent, sustainable, inclusive, and represent value for money for the taxpayer.

In preparing our proposals this year we have also been guided by our strategic objectives. These set out our intention to work towards delivering a Determination that is responsive, simpler, and sustainable. We also want to promote trust in—and engagement with—the work that we do.

Talking to—and working with—Members and their staff is an invaluable part of how we evaluate the extent to which the provisions in the Determination are fit for purpose. We have been fortunate to receive detailed and timely input from Party Groups ahead of this consultation process. We have reflected carefully on the points they have raised and have taken them into account in preparing the proposals set out in this document. We would like to record our thanks to Members and their staff for taking the time to share their experiences with us, and we look forward to maintaining an open and positive dialogue over the course of this five-year Senedd term.

The aim of this consultation is to review the Determination for the next financial year. We welcome comments you have on our proposals and we look forward to considering them over the weeks ahead.



Dr Elizabeth Haywood
Chair, Independent Remuneration Board of the Senedd

Summary of proposals

The Board would welcome your views on the following changes it is proposing to the Determination for 2022-23.

Proposal 1: The Board is proposing to increase the Residential Accommodation Expenditure allowance for “outer area” Members by 3.1 per cent, in line with the September 2021 CPI rate. This will mean increasing the allowance from £810 per month (or £9,720 per annum) in 2021-22 to £835 per month (or £10,020 per annum) in 2022-23.

Proposal 2: The Board is proposing to increase the “Carer’s Allowance” by 3.1 per cent, in line with the September 2021 CPI rate. This will mean increasing the allowance from £120 per month (or £1,440 per annum) in 2021-22 to £125 per month (or £1,500 per annum) in 2022-23.

Proposal 3: The Board is proposing to maintain the “Essential repairs” allowance at its 2021-22 level of £882 per annum.

Proposal 4: The Board is proposing to increase the Residential Accommodation Expenditure allowance for “intermediate area” Members by 3.1 per cent, in line with the September 2021 CPI rate. This will mean increasing the allowance from £6,840 per annum in 2021-22 to £7,050 per annum in 2022-23.

Proposal 5: The Board is proposing to increase the maximum nightly amount that may be claimed for hotel accommodation by 3.1 per cent, in line with the September 2021 CPI rate. This will mean increasing the maximum nightly amount from £95 (or £150 in London) in 2021-22 to £98 (or £155 in London) in 2022-23.

Proposal 6: The Board is proposing to increase the Office and Constituent Liaison Fund by 3.1 per cent, in line with the September 2021 CPI rate. This will mean increasing the allowance from £20,060 per annum (or £6,712 if the Member’s office is based in Tŷ Hywel) to £20,680 per annum (or £6,920 if the Member’s office is based in Tŷ Hywel). The Board commits to re-visiting this rate before the Determination for 2022-23 is finalised and published, in order to take account of the external research it intends to commission about market conditions for office premises in Wales, and to consider whether further adjustments are required in response to utility and energy costs.

Proposal 7: The Board is proposing to increase the staffing expenditure allowance in 2022-23 by 0.4 per cent to reflect the annual increase to support staff salaries in line with ASHE (see sections 7.3 and 8.4 of the Determination). This will mean increasing the allowance from £107,350 per annum in 2021-22 to £107,779 in 2022-23.

Proposal 8: The Board is inviting views on the Policy, Research and Communication Fund (PRCF), including whether it would be preferable to remove the PRCF and replace it by transferring an additional £2,500 into the Office and Constituency Liaison Fund (OCLF), to provide greater flexibility for Members on how it may be used. The Board would also welcome views on the benefits of the current viring, pooling and supplementing provisions in place for the PRCF, and what elements (if any) of those features of the PRCF they would wish to retain if the funding were to be transferred into the OCLF.

Proposal 9 The Board is proposing the following provisions to allow Members to claim from their staffing expenditure allowance to allow their support staff time off during their agreed working hours as follows:

- i. Paid time off for undertaking unpaid public duties such as school governorship.
- ii. Unpaid time off for undertaking paid public duties, such as local authority councillor duties, with the exception of jury service and mandatory armed forces reserve training (see point iii).
- iii. Paid time off for undertaking jury service and mandatory armed forces reserve training.
- iv. Paid time off for support staff undertaking public duties is to be capped:
 - a. for the duration of the case(s) in relation to jury service;
 - b. to a maximum of 15 days per 12 month rolling period in relation to armed forces reserve training; and
 - c. a maximum of 10 days per 12 month rolling period in any other case.
- v. Backfill for support staff during these periods of paid leave can be reimbursed from the Temporary Staffing Allowance which is paid out of central Determination funds.
- vi. Employees who are granted paid time off may not receive double payment.

Proposal 10: The Board is proposing to increase the Support for Political Parties Allowance in 2022-23 by 0.77 per cent. This will mean increasing the total allowance from £1,018,450 in 2021-22 to £1,026,290 in 2022-23.

Proposal 11: The Board is proposing to amend the Determination so that security enhancements to a Member's main home, recommended as required by Senedd Security, are no longer dealt with under exceptional expenses (paragraph 2.4.1A). Instead, the Board is proposing that they are handled in the same way as security enhancements to constituency/regional offices or residential accommodation in Cardiff for "outer area" Members, recommended as required by Senedd Security.

Equality: To inform the equality impact assessment for this consultation, the Board would welcome any views you have on:

- whether the proposals outlined in this document could have any implications for people who identify with any protected characteristics;
- whether the issues you have raised in response to this consultation could have an impact or potential impact on people who identify with protected characteristics as defined under the Equality Act 2010.

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.

1. Annual Review of the Determination for 2022-23

1.1. Background

1.1.1. The Independent Remuneration Board of the Senedd (“the Board”) is an independent body responsible for ensuring Members of the Senedd (“Members”) have the appropriate remuneration and resources available to them to undertake their role whilst demonstrating value for money for the Welsh public purse. Full details of the Board’s functions and responsibilities are set out in the **Government of Wales Act 2006** and the **National Assembly for Wales (Remuneration) Measure 2010**.

1.1.2. The Board’s work is underpinned by a set of guiding principles:

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.

1.1.3. As part of its **Strategy for 2021-2026**, the Board has also set out its strategic objectives as follows:

- **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.

1.1.4. The Board reviews the Determination on an annual basis to ensure that the provisions outlined continue to be relevant in changing circumstances. It also uses the experience gained from the operation of its decisions to reflect on the suitability of the Determination's provisions. This consultation reflects the annual review process undertaken by the Board as well as consideration of additional feedback provided by Party Groups, support staff and Members.

1.2. Methodology

1.2.1. To ensure that all decisions are transparent, accountable and reflect the wider financial circumstances of Wales, the Board considered particular provisions in the Determination for the Sixth Senedd against other sources of information, including:

- Members' use of the various support provisions;
- comparisons with the support made available to elected representatives in the other UK legislatures; and
- comparisons within the Welsh public sector, and the wider economy of Wales.

1.2.2. The remainder of this document outlines the Board's consideration of the Determination's provisions and its proposals for consultation.

2. Members' remuneration

2.1. Summary

2.1.1. Members' pay has effectively been frozen since April 2020. In March 2020, the Board agreed that for the Sixth Senedd, Members' pay would be subject to an annual indexation mechanism (namely the Annual Survey of Hours and Earnings, annual gross Median Earnings for full-time employee jobs in Wales between April and April of the previous year ("ASHE")), but that any increase would not be able to exceed three per cent (nor result in a decrease in salary). This mechanism will apply for 2022-23, and will mean a rise of 0.4 per cent in Members' pay.

2.2. Background

2.2.1. In accordance with the *National Assembly for Wales (Remuneration) Measure 2010*, the Board may not make more than one decision in relation to the salaries of Members and office holders which is to have effect during each Senedd term.

2.2.2. However, the Board is entitled to make more than one decision in relation to the salaries of Members and office holders that has effect during a Senedd term if it is of the opinion that there are exceptional circumstances which make it just and reasonable to do so.

2.2.3. In light of the impact of the COVID-19 pandemic, the Board has made three exceptional determinations in relation to Members' salaries:

March 2020 – to disapply, until October 2020, the 4.4 per cent pay increase for Members and office holders (which was due to be received from April 2020, in accordance with ASHE);

September 2020 – to remove indexation to Members' and office holders' pay before the start of the Sixth Senedd (replacing the provision that Members' and office holders' pay would be adjusted in October 2020 by +4.4 per cent, and thereafter in the April of each year by the change in ASHE); and

March 2021 – to change Members' salaries from £70,626¹ to £67,649 (meaning Members' and office holders' pay would not increase at the start of the Sixth Senedd), and to amend the Determination to ensure that any annual indexation applied to

¹ Section 3.1. 2 of the **Determination on Members' Pay and Allowances for the Sixth Senedd**, June 2020.

Member and additional office holder salaries from 2022-23 onwards would not be greater than three per cent and would not result in a decrease in salary.

2.2.4. These exceptional determinations have meant that Members' and office holders' pay has effectively been frozen for the 2020-21 and 2021-22 financial years.

2.2.5. The Board's Determination for Members' pay for the Sixth Senedd (as agreed in March 2021) is set out in Chapter 3 of the Determination:

- Members' pay will be adjusted in April 2022 (and each April thereafter) by the change in ASHE; and
- This adjustment will be no lower than zero per cent and no higher than 3 per cent.

2.3. The Board's consideration

2.3.1. The latest ASHE figure was published on 26 October 2021. The relevant figure for Wales was 0.4 per cent. The Board noted that this would result in a 0.4 per cent increase being applied to Members' and office holders' salaries for 2022-23, in accordance with the annual indexation mechanism outlined in section 3.2 of the Determination.

2.3.2. The Board does not believe that there are exceptional circumstances which make it just and reasonable to make a new decision in relation to the salaries of Members and office holders. It therefore notes that Members' and office holders' salaries will rise by 0.4 per cent (ASHE) for the 2022-23 financial year. A Member's salary will therefore be £67,920.

3. Residential Accommodation Expenditure

3.1. Summary

3.1.1. The Board is proposing to increase the maximum amounts that can be claimed in relation to Residential Accommodation in line with the September 2021 Consumer Price Inflation (“CPI”) rate (3.1 per cent), with the exception of costs for essential repairs under paragraph 4.4.10.c of the Determination, which will be maintained at the existing level.

3.2. Background

3.2.1. Chapter 4 of the Determination outlines the support available to Members to cover costs which they necessarily incur as a result of staying away from their main homes in connection with their role as Members.

3.2.2. 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 support available for each area on an annual basis to ensure they remain fit for purpose.

3.2.3. Chapter 4 also outlines the level of support available to Members in the case of overnight stays outside Cardiff, should it be required, in the performance of their duties as an elected Member.

3.2.4. The Board considered Residential Accommodation Expenditure arrangements for 2022-23 and reviewed a number of factors, including Members’ usage of this support, the Cardiff Bay rental market, and hotel rates in the Cardiff Bay area.

3.3. The Board’s consideration

Outer area

3.3.1. The Board considered the appropriateness of the allowance of £9,720 per annum (£810 per calendar month) for “outer area” Members.

3.3.2. The Board noted that there has been no change to this allowance since the Determination for 2019-20 (when the allowance was increased by 2.4 per cent in line with the September 2018 CPI rate). The Board also noted that analysis of the Cardiff Bay rental market between October 2020 and October 2021, excluding flats with prices over £1,000 per month, showed an annual change in rent of +2.8 per cent.

3.3.3. On this basis, and in light of feedback received from Members about their experiences of rental costs in Cardiff Bay, the Board believes that there is sufficient evidence to support an increase in this allowance. The Board considered a range of possible indices, and concluded that the September 2021 CPI rate of 3.1 per cent was the most suitable. The Board reached this conclusion on the basis that adopting this CPI rate enables a sufficient response to current trends in the local market (with the aim of ensuring affordability for Members), while maintaining a level of consistency in the Board's approach.

3.3.4. The Board therefore agreed that the "outer area" allowance should be increased for 2022-23 by the September 2021 CPI rate (3.1 per cent), increasing the allowance from the equivalent of £810 per month (or £9,720 per annum) in 2021-22 to £835 per month (or £10,020 per annum) in 2022-23.

Proposal 1: The Board is proposing to increase the Residential Accommodation Expenditure allowance for "outer area" Members by 3.1 per cent, in line with the September 2021 CPI rate. This will mean increasing the allowance from £810 per month (or £9,720 per annum) in 2021-22 to £835 per month (or £10,020 per annum) in 2022-23.

Carer's Allowance

3.3.5. Paragraph 4.4.3.h of the Determination provides that, subject to the approval of a business case, "outer area" Members who can demonstrate having caring responsibilities for a dependant who is normally resident with them in the Cardiff area can claim up to £1,440 per year to cover the cost of suitable accommodation.

3.3.6. The Board considered the appropriateness of this allowance and concluded that, for the purpose of maintaining consistency across the allowances determined by the Board, and in recognition of its objective to attract a wide range of capable and diverse candidates to the Senedd, this allowance of £1,440 per annum in 2021-22, which is equivalent to £120 a month, should be increased by the September 2021 CPI rate (3.1 per cent), to £125 per month (£1,500 per annum) in 2022-23.

Proposal 2: The Board is proposing to increase the "Carer's Allowance" by 3.1 per cent, in line with the September 2021 CPI rate. This will mean increasing the allowance from £120 per month (or £1,440 per annum) in 2021-22 to £125 per month (or £1,500 per annum) in 2022-23.

Essential repairs

3.3.7. The Board considered the appropriateness of the allowance of £882 per annum for “outer area” Members who qualify under section 4.4.9 of the Determination to claim reimbursement to cover the cost of essential repairs.

3.3.8. The Board noted that this allowance has been maintained at the same level for the duration of the Fifth Senedd and into the Sixth. Furthermore, given that the allowance relates to transitional arrangements that will not be available beyond the dissolution of the Sixth Senedd, the Board did not believe there was sufficient evidence to change this allowance for 2022-23.

Proposal 3: The Board is proposing to maintain the “Essential repairs” allowance at its 2021-22 level of £882 per annum.

Intermediate area

3.3.9. The Board considered the appropriateness of the allowance of £6,480 per annum for “intermediate area” Members to claim for overnight stays.

3.3.10. The Board noted that there has been no change to this allowance since the Determination for 2019-20 (when the allowance was doubled in recognition of an increase in Senedd business).

3.3.11. For the purpose of maintaining consistency of approach across the allowances determined by the Board, and in light of feedback received from Members about their experiences of costs for overnight stays in Cardiff Bay (see the next section relating to overnight accommodation), the Board agreed that this allowance should be increased for 2022-23 by the September 2021 CPI rate (3.1 per cent). This would mean an increase in the allowance for the “intermediate area” from £6,840 per annum in 2021-22 to £7,050 per annum in 2022-23.

Proposal 4: The Board is proposing to increase the Residential Accommodation Expenditure allowance for “intermediate area” Members by 3.1 per cent, in line with the September 2021 CPI rate. This will mean increasing the allowance from £6,840 per annum in 2021-22 to £7,050 per annum in 2022-23.

Overnight accommodation (for “intermediate area” Members and others)

3.3.12. The Board considered the maximum nightly amount that may be claimed for hotel accommodation—by “intermediate area” Members in Cardiff, or for other overnight accommodation outside the Cardiff area that is necessary for a Member to claim in connection with the performance of their duties—of £95 (or £150 if in London).

3.3.13. In relation to “intermediate area” Members, the Board noted feedback relating to some Members’ experiences of costs for overnight stays in Cardiff Bay. It further noted that an analysis of hotel rates in the Cardiff Bay area during October 2021 found that a number of hotels were available, either on the day or with one day’s notice, within the £95 rate. The Board recognised, however, that there will be times when large scale events inflate prices and rooms may not be available at short notice within the limit. In exceptional circumstances, paragraph 4.3.2 of the Determination allows for this rate to be exceeded with approval from the Chief Executive and Clerk.

3.3.14. For the purpose of maintaining consistency across the allowances determined by the Board, and in light of feedback received from Members about their experiences of costs for overnight stays in Cardiff Bay, the Board agreed that the maximum nightly amount provided for in paragraph 4.5.5 of the Determination should be increased for 2022-23 by the September 2021 CPI rate (3.1 per cent). This would mean an increase in the maximum nightly amount that may be claimed for hotel accommodation (inclusive of breakfast and parking) from £95 (or £150 if in London) in 2021 to £98 (or £155 if in London) in 2022-23.

Proposal 5: The Board is proposing to increase the maximum nightly amount that may be claimed for hotel accommodation by 3.1 per cent, in line with the September 2021 CPI rate. This will mean increasing the maximum nightly amount from £95 (or £150 in London) in 2021-22 to £98 (or £155 in London) in 2022-23.

4. Office and Constituent Liaison Fund

4.1. Summary

4.1.1. The Board is proposing to increase the Office and Constituent Liaison Fund (“OCLF”) in line with the September 2021 CPI rate (3.1 per cent). The Board will revisit this before the Determination for 2022-23 is finalised, in order to take further account of evidence related to market conditions for office premises in Wales, and to consider whether further adjustments are required in response to utility and energy costs.

4.2. Background

4.2.1. Chapter 6 of the Determination states that Members are entitled to claim for all reasonable costs relating to the running of an office and engaging with constituents under the Office and Constituent Liaison Fund.

4.2.2. The OCLF includes typical costs related to an office such as rent, rates and utilities, but also website development and running costs, advertising, mobile telephones and legal expenses. The OCLF for 2021-22 was £20,060 or £6,712 where the Member works exclusively from Tŷ Hywel. Since 2021-22, the OCLF has also included all costs relating to stationery, including postage and printing – it was increased by £1,800 per Member to reflect the transfer of the stationery budget from the central Commission budget to the Determination budget.² The purpose of this change was to provide greater transparency on the expenditure made by Members on such provisions.

4.3. The Board’s consideration

4.3.1. In considering whether the OCLF remains appropriate for the 2022-23 financial year, the Board took account of the additional feedback received from Party Groups and Members, and noted the concerns raised about rental costs in the early months of this new Senedd. The Board is keen to ensure a robust evidence base for the decisions it takes and, in light of concerns raised, will commission external research to inform its assessment (before the end of this financial year) of market conditions for office premises in Wales.

4.3.2. The Board also noted the challenges reported by the Party Groups’ and Members’ feedback in relation to expected increases in utility and energy bills. The Board is aware that

² Review of the Determination for the Sixth Senedd: Report, March 2021, paras 73-75.

predictions suggest increases in these costs, but is also conscious of ongoing market volatility. On this basis, the Board agreed to review conditions in March 2022, before publishing the Determination for 2022-23, in order to assess whether any further adjustments to the OCLF will be needed.

4.3.3. Some Members have also fed back concerns relating to the transfer of the stationery budget, and the associated changes to the Policy, Research and Communications Fund. These are dealt with in paragraphs 5.3.4 – 5.3.5 and Proposal 8 of this consultation document.

4.3.4. In line with the Board’s intention to maintain consistency across the allowances it determines, and in light of the emerging evidence relating to office costs, the Board agreed that this allowance should be increased for 2022-23 in line with the September 2021 CPI rate (3.1 per cent), increasing the allowance from £20,060 per annum (or £6,712 if the Member’s office is based in Tŷ Hywel) to £20,680 per annum (or £6,920 if the Member’s office is based in Tŷ Hywel).

Proposal 6: The Board is proposing to increase the Office and Constituent Liaison Fund by 3.1 percent, in line with the September 2021 CPI rate. This will mean increasing the allowance from £20,060 per annum (or £6,712 if the Member’s office is based in Tŷ Hywel) to £20,680 per annum (or £6,920 if the Member’s office is based in Tŷ Hywel). The Board commits to re-visiting this rate before the Determination for 2022-23 is finalised and published, in order to take account of the external research it intends to commission about market conditions for office premises in Wales, and to consider whether further adjustments are required in response to utility and energy costs.

5. Staffing support

5.1. Summary

5.1.1. In March 2020, the Board agreed that for the Sixth Senedd, support staff pay would be subject to an annual indexation mechanism, but that any increase would not be able to exceed three per cent (nor result in a decrease in salary). This mechanism will apply for 2022-23, and will mean a rise of 0.4 per cent in support staff pay. The Board is inviting views on arrangements relating to the Policy, Research and Communications Fund, and provisions for time off for support staff undertaking public duties.

5.2. Background

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

5.2.2. As with the arrangements for Members' salaries detailed in chapter 2 of this consultation document, the salaries of individual Members' and political parties' support staff are adjusted annually in line with the Annual Survey of Hours and Earnings, estimated gross Median Earnings for full-time employee jobs in Wales between April and April of the previous year ("ASHE").

5.2.3. For the 2020-21 financial year, support staff salaries rose in line with ASHE by 4.4 per cent. This was in contrast to Members' remuneration, which was frozen. At the time, the Board believed this constituted a generous salary increase compared with salary trends elsewhere during the same period, but was conscious that—if economic conditions persisted—the ASHE index figure could be very low (even negative) in future.

5.2.4. For the start of the Sixth Senedd, the Board introduced a maximum (3 per cent) and minimum (0 per cent) annual level of ASHE indexed adjustment for support staff salaries. Its decision to place limits on annual increases to salaries was taken with a view to avoiding the potential for very significant changes to salaries from one year to the next resulting from the volatility of ASHE index figures and to protect against any decrease in salaries.

5.2.5. Staffing support for Members also includes the Policy, Research and Communication Fund (“PRCF”). A Member may claim a maximum of £2,500 (inclusive of VAT) towards the cost of obtaining external expertise to advise or assist, for a fixed period, to deliver a specific piece of research work or for engaging with constituents. Use of the PRCF is not allowed four months prior to an ordinary general election. Members are also able to:

- combine their £2,500 budget with other Members to create an enhanced fund;
- vire their funds to their party budget to create a larger fund for research purposes; or
- supplement their £2,500 with additional funds from their own staffing budget.

5.2.6. In March 2021, following consultation, the budget for centrally funded stationery (including printing) was transferred from the Senedd Commission to the Office and Constituency Liaison Fund (“OCLF”). Hand in hand with this, the Board adjusted the provisions of the PRCF, to prevent Members from using it for the costs of printing and signage. By ensuring that Members could not claim for such costs from both the OCLF and the PRCF, the Board’s stated aim was to provide transparency and clarity to Members on which allowance could be used for printing and signage.

5.3. The Board’s consideration

Staffing Expenditure Allowance

5.3.1. The Board noted that the latest ASHE figure was published on 26 October 2021, with the relevant figure for Wales being 0.4 per cent. While the Board recognised that this was not as generous as the increases in line with ASHE of the previous two years (4.4 per cent from 1 April 2020 and 2.4 per cent from 1 April 2021), it also noted that these were significantly higher than the CPI increase at September 2019 (1.7 per cent) and September 2020 (0.5 per cent).

5.3.2. The Board agreed that the need to maintain a consistent approach to determining allowances, coupled with the volatility in the relevant indices that exists, makes the continued application of the annual indexation mechanism (including its provision for a minimum and maximum adjustment) appropriate. On that basis, the Board noted that a 0.4 per cent increase (ASHE) will apply to support staff salaries for 2022-23, in accordance with the annual indexation mechanism outlined in sections 7.3 and 8.4 of the Determination.

5.3.3. The Board has received some feedback from Members that they are concerned about the adequacy of the overall maximum of £107,350 per annum for staffing expenditure. The Board did not feel that there was sufficient evidence at this stage to propose an increase to the overall quantum (beyond the 0.4 per cent increase required to meet the increase in support

staff salaries). Nevertheless, as part of this consultation, the Board is open to receiving further substantive evidence in relation to the overall quantum. Furthermore, subject to the ongoing consideration of matters relating to Senedd reform, the Board noted that it will consider the overall approach to the staffing allowance in advance of the Seventh Senedd.

Proposal 7: The Board is proposing to increase the staffing expenditure allowance in 2022-23 by 0.4 per cent to reflect the annual increase to support staff salaries in line with ASHE (see sections 7.3 and 8.4 of the Determination). This will mean increasing the allowance from £107,350 per annum in 2021-22 to £107,779 in 2022-23.

Policy, Research and Communication Fund

5.3.4. The Board has received some feedback from Members that the decision to accompany the transfer of the central stationery budget into the OCLF, and the associated change to prevent the use of the PRCF for printing and signage costs, has proved to be problematic. While the Board did not feel that there was sufficient evidence at this stage to propose a change to the Determination in this regard, it does not wish to see a situation develop in which a previous decision has an unintended consequence in terms of Members' ability to engage with their constituents.

5.3.5. On that basis, the Board would welcome views on the PRCF, including whether it would be preferable to remove the PRCF and replace it by transferring an additional £2,500 into the OCLF, to provide greater flexibility for Members on how it may be used. The Board would also welcome Members' views on the benefits of the current viring, pooling and supplementing provisions in place for the PRCF, and what elements (if any) of those features of the PRCF they would wish to retain if the funding were to be transferred into the OCLF.

Proposal 8: The Board is inviting views on the Policy, Research and Communication Fund (PRCF), including whether it would be preferable to remove the PRCF and replace it by transferring an additional £2,500 into the Office and Constituency Liaison Fund (OCLF), to provide greater flexibility for Members on how it may be used. The Board would also welcome views on the benefits of the current viring, pooling and supplementing provisions in place for the PRCF, and what elements (if any) of those features of the PRCF they would wish to retain if the funding were to be transferred into the OCLF.

Board employment requirements

5.3.6. As part of the annual review process, the Board considered the steps that need to be taken to improve clarity in relation to Board mandated requirements when seeking to claim from the staffing expenditure allowance.

5.3.7. The Board's aim is to be clear that it will make decisions in relation to particular policies where the relevant matter has a direct financial consequence, with any further detail usually a matter for the Senedd Commission to provide as additional guidance and/or templates of good practice for Members as employers.

5.3.8. In light of this, the Board reviewed the requirements and policies referred to in the Determination and agreed to undertake this exercise on an annual basis to ensure that they remain relevant and fit for purpose. As part of this review, the Board:

- noted the Dignity and Respect Review that is currently being undertaken by the Senedd Commission and, given its relevance to the Disciplinary and Grievance procedures applicable to Member support staff (as set by the Board), agreed to return to consider its impact once the Review is concluded;
- agreed to give consideration to key points relating to volunteers at a future date; and
- agreed to consult on the details of mandated requirements for time off for public duties.

5.3.9. In addition to the requirements set out within the Determination and the standard contract of employment, a separate Members' Support Staff Handbook is being developed by the Members' Business Support Team. This Handbook will set out Board mandated requirements (on which funding is conditional), statutory provisions and good practice/guidance from the Commission (to be used at the discretion of the Member as the employer).

Time off for public duties

5.3.10. Paragraphs 7.9.2 and 8.1.4A of the Determination refer to a Board mandated policy allowing Members to give their staff time off for public duties. To date, the Board has not consulted on the details of this policy.

5.3.11. To inform its proposals, the Board has considered approaches adopted by other public sector organisations and the annual training requirements of armed forces reservists.

5.3.12. In accordance with section 50 of the **Employment Rights Act 1996** ("the Act"), employees are allowed time off for public duties. The Act is silent on the issue of payment for employees who take time off to perform public duties, therefore employers are not required to pay employees for time taken off to perform public duties (although many do).

5.3.13. The Board is proposing that Members, within specific parameters, can claim from their staffing expenditure allowance to pay for time off for support staff to undertake public duties.

5.3.14. The Board does not believe that double payment should be permitted (i.e. the employee should not be able to receive both their support staff salary and attendance fees/any

other compensation other than travel or subsistence for any duties performed during the period of time off for public duties). The Board is exploring options to enable this requirement to be put into practice, including:

- requiring employees who have been granted paid time off not to claim or accept attendance fees or any other compensation other than travel or subsistence for any duties performed during the period of leave; and/or
- any payment that is received for undertaking public duties being deducted from a support staff's salary payments (assuming the payment received for undertaking the public duty is lower than the salary payment) - it would be the Member's responsibility as the employer to inform the Members' Business Support Team of the relevant periods of leave and payments received by the member of staff.

5.3.15. It is intended that provisions relating to time off for public duties will be captured in the Support Staff Handbook and on the Board's website, in line with the Board's other decisions on mandated provisions.

Proposal 9 The Board is proposing the following provisions to allow Members to claim from their staffing expenditure allowance to allow their support staff time off during their agreed working hours as follows:

- i. Paid time off for undertaking unpaid public duties such as school governorship.
- ii. Unpaid time off for undertaking paid public duties, such as local authority councillor duties, with the exception of jury service and mandatory armed forces reserve training (see point iii).
- iii. Paid time off for undertaking jury service and mandatory armed forces reserve training.
- iv. Paid time off for support staff undertaking public duties is to be capped:
 - a. for the duration of the case(s) in relation to jury service;
 - b. to a maximum of 15 days per 12 month rolling period in relation to armed forces reserve training; and
 - c. a maximum of 10 days per 12 month rolling period in any other case.
- v. Backfill for support staff during these periods of paid leave can be reimbursed from the Temporary Staffing Allowance which is paid out of central Determination funds.
- vi. Employees who are granted paid time off may not receive double payment.

6. Support for Political Parties Allowance

6.1. Summary

6.1.1. The Board is proposing to increase the Support for Political Parties Allowance in 2022-23 by 0.77 per cent (the average of the proportion spent on salaries (86.3 per cent) being adjusted by the ASHE index of 0.4 per cent, and the remainder of the allowance being adjusted by the September 2021 CPI rate (3.1 per cent)).

6.2. Background

6.2.1. Chapter 8 of the Determination provides for the Support for Political Parties Allowance (“the Allowance”). Paragraph 8.1.1 of the Determination states that this support exists in order to assist parties in the undertaking of their work in the Senedd, and that it is payable only in respect of costs which are incurred by Members wholly, exclusively and necessarily for the purpose of the performance of their duties as Members.

6.2.2. The level of support available is set out in Chapter 8 of the Determination and is dependent on the number of Members in a political party and whether they are represented in Government or not. In 2021-22, the total amount of the Allowance available was £1,018,450. From that:

- any political party not represented in the Welsh Government, with three or more Members, has been entitled to a core administration allowance of £55,390;
- any political party represented in the Welsh Government has received a core administration allowance of £11,190 per Member up to a maximum of £167,790;
- the remaining balance has been allocated on a per capita basis among all Members whose parties are not represented in the Welsh Government.

6.2.3. The total value of the Allowance is adjusted annually to reflect increasing costs, the majority of which relate to staff salaries. Since 2020, in recognition of the fact that the Allowance is not exclusively used to fund group support staff salaries but is also used to fund other staffing costs such as travel, office equipment and materials, the Board has adjusted the average proportion spent on salaries by the ASHE index, and the remainder of the allowance by CPI. This gave an overall increase of 3.86 per cent in 2020-21 and 1.94 per cent in 2021-22.

6.3. The Board's consideration

6.3.1. The Board considered whether the Allowance remains appropriate for the 2022-23 financial year. In line with the Board's intention to maintain consistency across the allowances it determines, and to enable political parties to meet the costs of support staff salary increases, the Board agreed that the Allowance should increase. The Board further agreed that the same methodology as used last year for increasing the total value of the allowance should be adopted, so that:

- the proportion of the total amount that is spent on salaries (86.3 per cent of the total allowance) is increased by the ASHE index of 0.4 per cent; and
- the remainder of the allowance (13.7 per cent) is adjusted by the September 2021 CPI rate of 3.1 per cent.

6.3.2. The Board's proposal would mean that the total value of the Allowance for 2022-23 would be increased by 0.77 per cent to £1,026,290 (from the £1,018,450 in place since the start of the Sixth Senedd). Any political party not represented in the Welsh Government, with three or more Members, would be entitled to a core administration allowance of £55,820 in 2022-23 (compared with £55,390 in 2021-22). Any political party represented in the Welsh Government would be entitled to a core administration allowance of £11,280 per Member up to a maximum of £169,080 in 2022-23 (compared with £11,190 and £167,790 in 2021-22). The remaining balance would be allocated on a per capita basis among all Members whose parties are not represented in the Welsh Government.

6.3.3. During the period in which the Board was preparing for its Annual Review of the Determination, Plaid Cymru and the Welsh Government published the Co-operation Agreement. On 15 December, the Board wrote to Members to state that:

- it had noted the legal advice published by the Llywydd that, for the purposes of the Determination, Plaid Cymru is not considered a party represented in Government and therefore no immediate changes apply to the Plaid Cymru Leader and the support available to the party through the Determination;
- the Co-operation Agreement is a novel political arrangement for the Senedd which raises a number of questions for the Board, including in relation to the role of the Designated Member(s) and the impact of the Agreement on the Support for Political Parties Allowance, and that the Board retains the right to propose amendments to the Determination (subject to consultation) to change allowances if the evidence demands it;
- more time and information are needed by the Board before being able to draw conclusions about the impact of the Co-operation Agreement on provisions within the Determination and

that it is important that the Board is able to consider carefully the evidence in relation to these matters;

- the Board has already committed to reviewing the Support for Political Parties Allowance during this Senedd term, and its consideration of the Co-operation Agreement's implications will help inform that work.

6.3.4. The Board is, as always, committed to engaging with Senedd parties to inform its views. In light of the factors outlined in the preceding paragraph, any proposals arising as a result of the Board's consideration of the impact of the Co-operation Agreement on matters within the Determination will be the subject of a separate consultation.

Proposal 10: The Board is proposing to increase the Support for Political Parties Allowance in 2022-23 by 0.77 per cent. This will mean increasing the total allowance from £1,018,450 in 2021-22 to £1,026,290 in 2022-23.

7. Other matters

7.1. Enhanced security measures for a Member's main home

7.1.1. The Determination sets out that, subject to the overarching value for money and reasonableness requirements, the Board will fund security enhancements³ in Members' offices, in their own homes and, in the case of Members who live in the "outer area", their residential accommodation in Cardiff. The security of Members and their staff on the Senedd Estate is funded and managed centrally by the Senedd Commission.

7.1.2. As currently drafted, the Determination provides that where Senedd Security recommends that enhanced security measures are required in constituency/regional offices or residential accommodation in Cardiff for "outer area" Members, these costs are met by Determination central funds. Where similar recommendations are made in relation to a Member's main home, they are subject to the exceptional expenses process (paragraph 2.4.1A).

7.1.3. Having considered Members' physical and cyber security at its meeting on 25 November 2021, the Board believes that the Determination should be amended to ensure that where Senedd Security recommends that enhanced measures concerning physical security are required in a Member's main home, they are not subject to the exceptional expenses process. Instead, the Board believed that such recommendations should be treated in the same way as those relating to constituency/regional offices and residential accommodation in Cardiff for "outer area" Members.

7.1.4. While the Board is consulting on this matter for the 2022-23 Determination, it has made clear that paragraph 2.4.1A of the Determination as currently drafted should be interpreted as providing "pre-authorisation" for the costs of recommendations made by Senedd Security. A Member would therefore be able to claim for reimbursement of required measures to enhance security in their main home without needing to follow the exceptional expenses route.

Proposal 11: The Board is proposing to amend the Determination so that security enhancements to a Member's main home, recommended as required by Senedd Security, are no longer dealt with under exceptional expenses (paragraph 2.4.1A). Instead, the Board is proposing that they are handled in the same way as security enhancements to constituency/regional offices or residential accommodation in Cardiff for "outer area" Members, recommended as required by Senedd Security.

³ Enhancements go beyond normal upkeep or routine maintenance.

7.2. Changes not for consultation

7.2.1. The National Assembly for Wales (Remuneration) Measure 2010 requires the Board, before exercising any of its functions, to consult those who are likely to be affected, unless the Board considers that there are circumstances that make it inappropriate to do so.

7.2.2. In relation to the two matters below, the Board has concluded that consultation is not appropriate. Nevertheless, for the purpose of transparency, its plans in relation to these matters are detailed below for the public record.

Partner and children's travel

7.2.3. Section 5.18 of the Determination provides for a Member to claim for the cost of their partner and/or any child under the age of 18 making a journey between Cardiff and the Member's constituency/region or main home. The definition of a partner for this provision is set out in paragraph 5.18.3 as: "a spouse; civil partners as defined in the Civil Partnership Act 2004; a person living with the Member as the Member's spouse or civil partner and who has been nominated in writing to the Members' Business Support Team as the Member's partner".

7.2.4. In the Supreme Court's ruling in the Brewster case (which related to UK public service pension scheme), it was held that "the use of nomination forms makes enforcement of rights harder for unmarried claimants than for married couples, and cannot be justified".

7.2.5. The Board has recently instructed that changes be made to the Members' Pension Scheme Rules in order to remove such a requirement for a Member to nominate a partner in writing, as this could be discriminatory.

7.2.6. To avoid any concern relating to discrimination in this context, the Board has agreed to remove the requirement in the third bullet point of paragraph 5.18.3 of the Determination for a Member to nominate in writing a person living with them as their spouse or civil partner.

7.2.7. As this decision arises as a result of a judgment of the Supreme Court, removes potential inequality, and reduces the administrative burden on Members, the Board has concluded that these are circumstances that allow the Board to conclude that it would be inappropriate to consult. This is consistent with its decision not to consult in relation to amending the Pension Scheme Rules in the same context.

Miscellaneous amendments

7.2.8. As part of the Board’s annual review, some typographical errors and points of linguistic clarification that do not impact the context, meaning or interpretation of the Determination have been identified, for example, incorrect cross references. The Board will correct these errors in the revised Determination for 2022-23, to avoid any unnecessary confusion. The Board has concluded that it would be inappropriate to consult on changes of this nature, however – for the purpose of the public record – a list of changes will be published alongside the revised Determination for 2022-23.

8. Equality

8.1.1. To inform the equality impact assessment for this consultation, the Board would welcome any views you have on:

- whether the proposals outlined in this document could have any implications for people who identify with any protected characteristics;
- whether the issues you have raised in response to this consultation could have an impact or potential impact on people who identify with protected characteristics as defined under the Equality Act 2010.

8.1.2. 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.

