

To: Members of the Senedd
Cc: All support staff

08 February 2022

Dear Members,

SUMMARY OF BOARD MEETING HELD ON 27 JANUARY 2022

The Independent Remuneration Board of the Senedd met on Thursday 27 January. The focus of the meeting was the impact of the Co-operation Agreement on areas within the Board's remit, Party Groups obtaining legal advice funded by the Determination, the Policy, Research and Communications Fund, and the future workplace (including health and safety considerations).

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. Engagement with party groups

Since we last wrote, our programme of engagement with Members and staff has continued. During this spring term we have attended meetings of the Senedd's political party groups, and have been very grateful for the time you have taken to speak with us about your views and experiences.

We have noted the feedback provided to us through these meetings and via the Representative Groups of Members and Support Staff. We are committed to ensuring that we act in response to the information you share with us. It is our intention to continue proactive and open communications with you in order to ensure that the resources provided by the Determination are fit for purpose in enabling you to undertake your vital roles as Members of the Senedd.

2. Further consideration of the impact of the Co-operation Agreement on areas within the Board's remit

On [15 December 2021](#) we wrote to all Members and support staff to provide information about our initial consideration of matters relating to the Co-operation Agreement between the Welsh Government and Plaid Cymru. In that letter we outlined that:

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- as a Board we had noted the joint legal advice of Lord Pannick QC and Marlina Valles which stated that, for the purposes of the Determination, Plaid Cymru was not considered a party represented in Government and therefore no immediate changes applied 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; and
- as a Board we retained the right to propose amendments to the Determination (subject to consultation) to change allowances if the evidence demanded it.

Our letter also stated that we needed more time and information before being able to draw conclusions about the impact of the Co-operation Agreement on provisions within the Determination, given the questions it raised in relation to, for example, the role of the Designated Members and the allocation of the political party support allowance.

At our meeting on 27 January we returned to this matter. As well as familiarising ourselves with the **Agreement** and **Mechanisms** documents (as published on 1 December 2021), we also corresponded with the Welsh Government's Permanent Secretary. Our aim in doing so was to build a picture of the likely expenditure of public funds on the Agreement and assess the impact (if any) of the additional support provided by the Welsh Government for the Co-operation Agreement on the work of political parties and office holders in the Senedd.

It is clear to us that much uncertainty remains in relation to how the Agreement will operate in practice, and what impact it will have on Senedd business (including the role of e.g. Designated Members, Party Leaders, backbench Members and party groups). It is our view that the information currently available is too limited to enable us to draw reasonable and robust conclusions about the Agreement's impact on provisions within the Determination.

Having considered the joint legal advice, and in light of our view that the current evidence base remains too limited to draw any robust conclusions, we believe it is too early to decide whether changes to the allocation of Determination funds are appropriate as a result of the Co-operation Agreement. It is our intention to review this matter at our first meeting of the autumn term (October 2022) by which point evidence of the Agreement's impact may be clearer. This also provides time for all relevant stakeholders to share their views with us over the summer recess to inform our consideration, should they so wish.

3. Party Groups obtaining legal advice funded by the Determination

During the autumn term we received correspondence requesting clarity in relation to the question of whether Determination funds could be used by party groups to obtain external legal advice.

We considered the matter and:

- agreed that there is no automatic bar on Members/Leaders seeking external legal advice, or on the costs being claimed via Determination funds, as long as the reason for requiring provision of external legal advice falls into one of the allowances and meets the principles set out in section 1.3 of the Determination;
- noted that whether the Commission is able to provide legal advice to Members is a matter for the Commission.

4. Policy, Research and Communications Fund (PRCF)

As part of our annual review of the Determination for 2022-23 we have invited 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 Office and Constituency Liaison Fund (OCLF), to provide greater flexibility for Members on how it may be used. We have also invited 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 Members and/or support staff would wish to retain if the funding were to be transferred into the OCLF.

At our meeting on 27 January we received further briefing about the practical implications of rolling the PRCF into the OCLF. We agreed to give final consideration to the matter in our next meeting in March, alongside all consultation responses, in readiness for the publication of the 2022-23 Determination.

5. The future workplace and consequential health and safety considerations

In our letter of **14 October 2021**, we provided an update on our review of COVID-19 support. We stated our intention to continue provisions for the Home Working Allowance, the Return to Offices COVID-19 Fund, and Display Screen Equipment (DSE) assessments. We committed to ensuring that these provisions would remain in place while we undertook what we believe are necessary and timely reviews of support for flexible/home working, and for related health and safety requirements. We stated our intention to give initial consideration to this work in January 2022.

At our meeting on 27 January we considered the current arrangements in place to support Members and staff who work from home/from the office/in a hybrid arrangement. We considered the division of responsibility between Determination-funded support and Commission-supplied equipment and services. We also explored the range of mechanisms through which health and safety provisions (including those relating to COVID-specific issues) can be accessed via the Determination.

We concluded that a wider review of these matters is needed in order to meet our strategic objective to be responsive to the changing needs of Members, as well as to provide more streamlined and simplified arrangements within the Determination. To

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ensure that the provisions we put in place are fit for purpose, it will be essential for us to build a better understanding of your plans as Members for your future ways of working. We will gather further information over the coming months to inform our proposals for change. Where possible, we will work with the Commission to avoid any duplication of effort for you. At our meeting in March we will consider our strategic forward work plan and will outline thereafter the details and timings of the review work we intend to undertake during this Sixth Senedd.

6. Other matters

Annual review of the Determination for 2022-23

Our **proposals for the 2022-23 Determination are currently out to consultation**. The deadline for responses is Thursday 17 February. We would like to thank those who have already responded, and would encourage both Members and their staff to share your thoughts with us in advance of our deadline. We will consider all your views at our next meeting in March, and will publish the 2022-23 Determination by the end of that month in readiness for the new financial year.

Our next meeting

Our next meeting will take place on 10 March 2022. The focus will be consideration of all consultation responses and finalising the Determination for 2022-23.

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

Croesewir gohebiaeth yn Gymraeg neu Saesneg | We welcome correspondence in Welsh or English.