

Co-chairing Protocol

July 2023

Co-chairs Foreword

As Co-chairs of the Wales Covid-19 Inquiry Special Purpose Committee, our role is to ensure the Committee can fulfil the important role of examining any gaps identified in the preparedness and response of the Welsh Government and other Welsh public bodies during the Covid-19 pandemic, given to us by the Senedd.

Co-chairing is a novel arrangement for a Senedd committee, and it's necessary to provide clarity for Committee members, staff, the Senedd, stakeholders, and, most importantly, the public. In accordance with SO35.3, this protocol sets out our agreed ways of working in respect of a range of matters.

In doing so it demonstrates our mutual commitment to respect our equal status as Co-chairs, and to work together effectively to deliver our shared responsibilities.



Introduction

1. On 24 May 2023 the Senedd agreed a motion proposed by the Business Committee to appoint Co-chairs to the Wales Covid-19 Inquiry Special Purpose Committee.
2. The motion specified:
 - references in Standing Orders to a “chair” of a committee will be interpreted to mean “Co-chair”;
 - the functions of chairs of committees outlined in Standing Orders must be exercised jointly by the Co-chairs of the Covid Special Purpose Committee;
 - the initial business of the Covid Special Purpose Committee should be to consider the procedures it proposes to adopt to fulfil the purposes for which it is established (including the functioning of the co-chairing arrangements) and to recommend any amendments to Standing Orders which it considers necessary or expedient to facilitate its work;
3. On 5 July 2023 the Business Committee published a report setting out its views on procedural matters regarding Co-chairing.
4. Temporary Standing Order 35 was agreed by the Senedd on 12 July 2023 and included under Temporary Standing Order 35.3:

The Co-chairs must agree and publish a protocol setting out their joint ways of working.
5. This protocol has been agreed between the Co-chairs to supplement Temporary Standing Order 35.3.
6. Underpinning this protocol is the principle that both Co-chairs have equal status and will be fully involved in all decisions relating to the Committee.

Co-chair absence

7. In the temporary absence of one, or both, of Co-chairs, arrangements for appointing a temporary Co-chair for each absent Co-chair must be made in accordance with Temporary Standing Order 35.9.

8. Any Temporary Co-chair appointed in their absence must be from the same political group as the absent Co-chair.

9. The arrangements set out in this protocol also apply to any temporary Co-chair elected by the Committee in accordance with SO17.22 and Temporary SO35.9.

Division of Chairing Functions

Functions that may be performed by either Co-chair in their capacity as a member of the Committee

- Each Co-chair (and the political group they represent) is counted individually when calculating quorum, in accordance with SO17.31
- Each Co-chair may cast their vote individually in a vote held under SO17.34 (but see [relevant section of this protocol] in respect of the exercise of the casting vote).

Formal Functions that may only be exercised by, or with the consent of, both Co-chairs

10. The operation of the following procedural and practical functions of the Co-chairs will be determined by interpreting existing Standing Orders and will be exercised by, or with the consent of, both Co-chairs:

- Tabling any motion for consideration in Plenary relating to the Committee or its work unless the motion is tabled in the names of both Co-chairs.
- Determining a committee's procedures, having regard to any advice issued by the Llywydd under SO 6.17 [SO 17:23]
- Maintaining order and behaviour of Members in committee (including complying with the chair's/co-chairs' directions and requiring members to withdraw) [SO 17.25-27]
- Allowing matters relating to active court proceedings to be raised (sub judice) [SO 17.28]
- Managing committee quorum [SO 17.31-33]

- Giving prior agreement to non-members to address the committee in languages other than Welsh or English [SO 17.45]
- Running committee votes in accordance with requirements in SOs (including the use of the casting vote in accordance with SO 6.20). [SO 17.34-39] For the purposes of voting Co-chairs will be interpreted as members of the committee in their own right e.g. each would count individually for the purpose of quorum, and would hold their own individual vote (as well as exercising the casting vote - where required - jointly between them in accordance with SO 6.20)
- Calling a meeting in a non-sitting week [SO 17.46]
- Adjourning or suspending a committee meeting [SO 17.47]
- Enabling a substitute to attend in the absence of a committee member following advanced notice to the chair [SO 17.48]
- Permitting non-committee members to participate in a committee meeting (but not vote) [SO 17.49]
- Requiring a person summoned to give evidence to take an oath or make an affirmation [SO 17.52]
- Excluding members of the public if they are acting in a disruptive or disorderly manner [SO 32.3]

11. If, during the course of a Committee meeting, the Co-chairs disagree on the exercise of any of the above formal powers the Co-chairs have agreed that they will suspend proceedings in accordance with SO17.47 to enable them to discuss and reach agreement on the appropriate course of action.

Functions that Co-chairs may agree on a case by case basis can be exercised by one Co-chair on behalf of both

12. There are practical functions of a committee chair that are not set out in Standing Orders but are part of daily operations. These are functions Co-chairs will agree on a case by case basis and can be exercised by one Co-chair on behalf of both. These are as follows:

Meeting Management

- Co-chairs agree that one Co-chair will exercise practical 'meeting management' functions in relation to committee meetings including the opening and closing of meetings, managing the calling of witnesses and Members to speak.
- Co-chairs will not simultaneously chair the same item of a meeting. Prior to a committee meeting, Co-chairs will agree which items each of them will chair, to ensure that the content of the meeting is appropriately divided.
- Alternatively, Co-chairs may wish to alternate the chairing of Committee meetings. In any instance, the Co-chairs will inform the Committee Clerk of their preferred Co-chairing arrangements in advance of a meeting of the committee.

Sign Off Arrangements

- Co-chairs will jointly agree the sign-off of all papers/draft reports for committee consideration, including matters relating to the forward work programme.
- To avoid delays in sign-off, in circumstances where one Co-chair is unavailable, Co-chairs will make arrangements for individual sign-off and advise the Committee Clerk.

Representing the Committee Publicly

- Co-chairs will wish to represent the Wales Covid-19 Inquiry Special Purpose Committee in meetings with stakeholders (including the UK and Welsh Governments), public events and media activity. Co-chairs agree that if this function is to be exercised by one Co-chair they will discuss in advance with the other Co-chair and the Committee clerk, any lines to be taken or briefing material provided will be agreed by both Co-chairs.
- In instances where it is agreed that only one Co-chair will represent the Committee publicly this should be communicated in advance to the committee Clerk. Co-chairs will agree in advance the lines the Co-chair attending alone will take during these activities.

- Co-chairs will provide feedback to each other on any meetings they do have with others (where they have had the consent of the other Co-chair that they will have the meeting on their own).
- Co-chairs agree not to post anything on their social media or otherwise make public comments that undermine, or could reasonably be thought to undermine, the effective operation of the Co-chairing arrangement.

Engagement with each other and committee staff

- Co-chairs will engage with each other and committee staff through clear and timely lines of communication. Co-chairs will discuss and agree actions relating to the Committee, including the sharing of information on a 'no surprises' basis and respecting confidentiality. Co-chairs will update each other on any matters relevant to the committee's work and plan the next steps together as soon as reasonably practicable.
- Co-chairs will regularly meet with the committee Clerk to discuss the work of the Committee and regular meetings will be arranged to facilitate this. Co-chairs will receive all oral and written briefings and advice from committee staff jointly.

Correspondence

- Co-chairs agree that all outward correspondence will be signed off by both Co-chairs unless otherwise agreed by the Co-chairs (and notified to the committee Clerk) in order to not delay handling.
- In cases where the committee Clerk has received sign-off from one Co-chair and not the other it will be assumed that, unless an objection has been received by the Clerk within 48 hours of the request for sign-off, the correspondence is approved.
- Co-chairs will agree arrangements for handling correspondence over all recess periods, which must be communicated in advance to the committee Clerk.

Participating in Plenary business in capacity as Co-chair

- Co-chairs will agree on their approach in advance for participation in Plenary debates on the Committee's report(s) and the tabling of

motions relating to the Committee. Approaches may include splitting the allocated time Chairs have to speak in debates or one Co-chair opening and the other closing the debate.

Liaison with other committees

- In liaising with other committees (in Senedd and beyond) the Co-chairs will approach this jointly. However, if one Co-chair is unable to attend another Senedd Committee meeting, they should inform the other Co-Chair and discuss and agree lines the Co-Chair attending will take before the meeting.

Attendance at the Chairs Forum

- Co-chairs may attend the Chairs Forum and will inform each other of their intention to attend or not.

Dispute Resolution

- Co-chairs are responsible for resolving any disputes between them. If required, the Committee clerk can provide advice and facilitate discussion to assist with this.
- If the Co-chairs cannot reach an agreement, they can consult the Committee. Decisions of the Committee are binding on the Co-chairs.