

**Senedd Cymru**  
**Y Pwyllgor Safonau Ymddygiad**  
**[Ymchwiliad i Urddas a Pharch](#)**

**DR01**

**Ymateb gan: Deryn Consulting Ltd**

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**Welsh Parliament**  
**Standards of Conduct Committee**  
**[Dignity and Respect Inquiry](#)**

**DR01**

**Evidence from: Deryn Consulting Ltd**



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10<sup>th</sup> October 2023

Dear Vikki

Thank you for taking the time to meet with us this week to discuss the improvements needed to complaints systems in the Senedd to ensure that they are used to raise concerns regarding conduct, and to uphold standards in the Senedd.

We would like to reiterate that our sole motivation here is to work constructively to improve the processes, policies, and systems in place to ensure that incidences of sexual harassment are reduced in the Senedd, and when they do occur that victims are able to come forward, seek redress and are properly protected.

So, to restate our request from 2018, we would respectfully request that the Senedd consider undertaking a full review of how sexual harassment is currently being tackled at the Senedd, commissioned by the Llywydd, the Senedd Commission, Standards Committee and the Standards Commissioner's Office and carried out by an external and independent person with experience in this field to provide immediate recommendations for change.

Our ultimate goal is to ensure that there is a victim-centred, standalone, independent, expertly advised process for poor behaviour which is adequately resourced and provides confidence to victims that they will be supported.

Despite raising these issues over five years ago, our concerns remain. Further, since we last raised these issues with the Senedd, there have been developments that have brought to light the deficiencies in your procedures and reinforced the changes that we have been calling for.

- The long-standing underreporting of misconduct and specifically of sexual harassment via the complaint's procedure.
- The UK Parliament has introduced an independent Complaints and Grievance Scheme (ICGS) to investigate allegations of bullying, harassment, or sexual



misconduct against MPs. It is a separate complaints system to the Parliamentary Commission for Standards – who monitors the operation of the House of Commons Code of conduct. The scheme has been established to reflect the specific nature of misconduct of this kind. It is independent and run by experts. Investigators are appointed based on their availability and relevant specialist experience, which might include dealing with sexual misconduct. They also use Independent Sexual Violence Advisers to support complainants.

- The BBC reported<sup>1</sup> on the 1<sup>st</sup> of October of a campaign of harassment and intimidation of a whistle-blower in a case against an MS. The whistle-blower, who is a former Senedd staff member, gave evidence in a case being investigated by the Senedd Standards Commissioner against an MS, and was subject to an online campaign of harassment and intimidation by the uncle of the MS. In response, the Senedd Standards Commissioner, Senedd Standards Committee and Senedd Commission outlined that they do not have a duty of care towards the whistle-blower or the victim and have taken no action.
- The lack of a comprehensive review by the Senedd Commission, or Standards Committee on the Standards process and complaints procedure. Whilst the review into the Members' code of conduct by the Standards Committee in 2018 and 2021 has been welcome, the focus and remit has been narrow, and hasn't considered whether the complaints procedures are working and fit for purpose.
- The change from the timescale able to present complaints from 12 months to 6 months in 2022 has arguably made it even more difficult for complainants to come forward (whilst we note the discretion of the Standards Commissioner to look at complaints older than 6 months, this discretion is not widely known, or understood – and presents a perception of making it more difficult to raise complaints of misconduct or sexual harassment). This is despite the Senedd Standards committee receiving evidence in their 2018 review of the Code of Conduct outlining why victims of sexual harassment don't always feel able to come forward immediately. As Women's Aid said regarding the previous 12 months limit for introducing complaints -

57. The Committee heard representations that this timeframe is insufficient, particularly for reporting incidents of sexual harassment. Gwendolyn Sterk, Welsh Women's Aid said:

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<sup>1</sup> <https://www.bbc.co.uk/news/uk-wales-politics-66970815>



*“That’s what survivors say to us, because actually, many survivors take years to come forward. As we’ve seen with recent historical cases, for very good reasons, they may not have been able to speak up at that moment or did not feel they had the power to speak up. So, having a statute of limitations as such on these is highly problematic and means that you don’t necessarily get the full picture of what has happened”<sup>2</sup>*

As you are aware, we have been raising these issues for some time, and specifically since the #metoo movement gained prominence in 2017. We have worked in politics for over 20 years – the vast majority of women who we’ve worked with have experienced sexual harassment, and many sexual assault. The overwhelming majority haven’t used the Senedd’s systems to complain. This speaks volumes.

The balance of power between alleged perpetrators and victims in politics is clear. As Dame Laura Cox’s (2018) independent review into *The Bullying and Harassment of House of Commons Staff*<sup>3</sup> illustrates, being at the wrong end of the gender power gap often prevents victims from reporting incidents.

Victims also face other factors such as fear of not being believed, fear of losing their jobs, fear of potential damage to their reputations, reluctance to damage the party, fear of jeopardising their future careers, as well as a lack of access to effective organisational and legal support mechanisms. Those who dare to speak up and seek justice usually face an uphill struggle peppered with further hard choices. We absolutely understand the very difficult decisions victims take not to speak up, to challenge or to complain.

Evidence of successful outcomes from people who have decided to complain about sexual harassment is also far from positive and a deterrent in reporting.

As the Fawcett Society’s (2018) ‘Sex Discrimination Law Review’<sup>4</sup> highlights, although women are consistently over-represented among victims of workplace sexual harassment, the vast majority of them do not make a complaint.

In the wider context, this pattern is reinforced by persistently low conviction rates for sexual assault-related offences among the general population. For example, the Crime Survey for

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<sup>2</sup><https://business.senedd.wales/documents/s78313/Committee%20Report%20-%20Creating%20the%20Right%20Culture%2013%20September%202018.pdf> p25

<sup>3</sup> <https://www.parliament.uk/globalassets/documents/conduct-in-parliament/dame-laura-cox-independent-inquiry-report.pdf>

<sup>4</sup><https://www.fawcettsociety.org.uk/Handlers/Download.ashx?IDMF=e473a103-28c1-4a6c-aa43-5099d34c0116>



England and Wales (2021)<sup>5</sup> highlights that while there are almost four times as many female victims of sexual assault as male, fewer than one in six (16%) report it to the police.

At the end of 2017 when millions of women used the #metoo hashtag to draw attention to wide-spread sexual harassment and assault around the world, many of us opened up about our own experiences with a hope of change. Whilst we look on and celebrate progress in other spheres of life, things have undoubtedly worsened for women in politics in Wales. The narrative around victim blaming and the media and political discourse surrounding previous cases have made it even more difficult for women to speak out and complain. Speaking to a handful of women who have bravely spoken out and challenged bad behaviour from male politicians across the UK, the advice that they give following their experience is depressingly to not do it. Their experience tells us that the victim always comes off worse.

This doesn't mean that the behaviour has stopped, but that the victims do not feel empowered to challenge and complain.

To date, we understand that only one incidence of sexual harassment by an AM has been upheld by the Standards Commissioner, and Standards Committee in 2018, where Joyce Watson MS was the victim. We understand that there were issues with the process highlighted during that investigation too.

We wrote to the Standards Commissioner in 2018 to highlight our concerns, and suggestions on how the system needs to improve. I enclose a copy of the letter below. We met with the Standards Commissioner at the time who indicated that these were issues for the Standards Committee. We also made it abundantly clear to the Senedd leadership at the time that we had no confidence in the Standards Commissioner to undertake any investigations into sexual harassment.

We also gave evidence, in private, to the Standards Committee during their inquiry 'Creating the right culture: Inquiry into the review of the code of conduct for Assembly Members' in early 2018, outlining our experiences, and the failings in the current policies, procedures and structures.

Whilst we welcome the report from the Senedd Standards Committee in September 2018, the narrow remit and focus of the work meant that it did not adequately look at the complaints system and whether it is fit for purpose. We would also question progress against the 21 recommendations highlighted in the report.

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<sup>5</sup><https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/sexualoffencesinenlandandwalesoverview/march2020>



It is disappointing that during this work, even with the narrow focus of the committee's work, the committee failed to get external expertise to support its work stating that:

*“We sought expert advice and guidance as part of this inquiry but the timeframe for our report meant we were unable to formally consult an independent individual with sufficient expertise and separation from Wales<sup>6</sup>.”*

We understand it is the role of the Standards Committee ‘to consider any matters of principle relating to the conduct of Members’, and for the Commission and Llywydd as the corporate body of the Senedd, charged with the governance of the organization, to look at the complaints process and whether they are fit for purpose. By any measure, we would conclude that with specific reference to sexual harassment, they are not. And by looking at the developments in other parliaments, we can only conclude that we are trailing behind, failing victims, and not upholding the highest standards in public life.

We would reiterate therefore the points we made in 2018, and would now expand on them:

- The Senedd should consider undertaking a full review of how sexual harassment is currently being tackled at the Senedd, commissioned by the Presiding Officer, the Senedd Commission, Standards Committee and the Standards Commissioner's Office and carried out by an external and independent person with experience in this field to provide immediate recommendations for change. This work should draw on learnings from political parties and other Parliaments.
- A separate complaints system is needed to deal specifically with allegations of sexual harassment, as is now the case in the UK Parliament. It should include details of how sexual harassment is defined, how it will be dealt with, how complainants will be supported. The process should be designed specifically to deal with complex and sensitive matters such as sexual harassment, and that there is a recognition that it is a distinct process from other disciplinary matters.
- Independent and specialist experts in sexual harassment should be used when investigating allegations of sexual harassment. This is to ensure confidence in the system and an awareness and understanding of sexual harassment.
- Specialist independent support for complainants of sexual harassment should be provided throughout the complaints process, by a specialist charity.

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<sup>6</sup><https://business.senedd.wales/documents/s78313/Committee%20Report%20-%20Creating%20the%20Right%20Culture%2013%20September%202018.pdf>



- The process should appropriately consider a pattern of behaviour and should be designed to reflect historic cases, individual cases and cases where there are multiple complainants.
- The 6 months limit on presenting complaints should be reviewed. In many cases and for a variety of reasons, victims do not come forward straight away. This is especially important when looking at patterns of historic behaviour, and when other victims have the confidence in the system to raise complaints regarding the same individual.
- That information is treated in a highly confidential manner and that victims have a measure of control and choice over information and decision-making at each stage in the process.
- That the process does not supersede the party processes or absolves parties of the responsibility to tackle poor behaviour.
- Adequate support and protection is needed for whistleblowers.
- Despite the Senedd Standards Committee report recommending in 2018

*“Recommendation 20:....that an active bystander campaign relating to inappropriate behaviour is run on the Assembly estate, and that all Assembly Members are encouraged to sign up to<sup>7</sup>”*

There is a lack of evidence of this being implemented. In far too many instances the victims of sexual harassment are disempowered or fear of raising concerns due to the power imbalance between them and the perpetrators. We believe the Senedd should look at the work of the Jo Cox foundation and work by political parties in embedding a duty to report, and being active bystanders, in order to ensure those in positions of authority report misconduct, and the duty doesn't unfairly fall on the victims.

- Consideration should be given to developing a process to raise concerns regarding potential misconduct rather than engaging with the full complaints process.
- The changes to the way we elect MSs currently being discussed should include the option to consider ensuring those MSs who are found guilty of gross misconduct should be able to be removed from office. Under the current system, you cannot be a candidate if you are on the sex offenders register, but if you are placed on the sex

<sup>7</sup><https://business.senedd.wales/documents/s78313/Committee%20Report%20-%20Creating%20the%20Right%20Culture%2013%20September%202018.pdf>



offenders register whilst an AM, there is no mechanism for removal from the Senedd.

- The Senedd Standards Commissioner should be able to make public which MSs are under investigation for an admissible complaint, as happens in other parliaments.
- The complaints system should be reviewed regularly to ensure best practice.

Whilst other organisations in the private, public and third sector undertake reviews and improve their systems to challenge sexual harassment and misconduct, we believe the lack of action in the Senedd does not reflect well on the institution. The process has, and continues to fail a number of women, and men too.

We hope that you appreciate that our motivation is to work constructively, as we have done so with other organisations over a number of years to ensure that we improve the policies, procedures and systems in place to reduce incidences of sexual harassment at the Senedd, and by MSs elsewhere, and when they do occur that victims are able to come forward, are protected and have confidence in the process.

We look forward to hearing from you

Yours sincerely



Nerys Evans and Cathy Owens

CC: Natasha Ashgar MS, John Griffiths MS, Peredur Owen Griffiths MS, Clerk to the Committee,

Llywydd, Senedd Commissioners, Deputy Llywydd, Chief Executive of the Senedd







7<sup>th</sup> March 2018

Sir Roderick Evans  
Standards Commissioner  
National Assembly for Wales  
The Pierhead  
Cardiff Bay  
CF99 1NA

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Dear Sir Roderick

Thank you very much for your letters and for the time you gave to discuss how best we tackle sexual harassment in politics in Wales. I am afraid our position has not changed. We remain of the view that the process, procedures and expertise are not in place to provide confidence for victims of sexual harassment to come forward.

We have already outlined some real and significant failings in the current process relating to sexual harassment:

- Victims of sexual harassment need to be confident the people they engage with as part of the complaints procedure have the experience and expertise to provide a supportive and understanding environment. This is currently not the case.
- The process should appropriately consider a pattern of behaviour and should be designed to reflect historic cases, individual cases and cases where there are multiple complainants.
- There are currently no mechanisms in place to investigate incidences that occurred more than 12 months ago. In many cases and for a variety of reasons, victims do not come forward straight away. This is especially important when looking at patterns of historic behaviour, and when other victims have the confidence in the system to raise complaints regarding the same individual.
- The process should be designed specifically to deal with complex and sensitive matters such as sexual harassment, and that there is a recognition that it is a distinct process from other disciplinary matters.
- That it takes into account the specific nature of politics as an environment on issues related to confidence, power and influence.
- That information is treated in a highly confidential manner and that victims have a measure of control and choice over information and decision-making at each stage in the process.
- That the process does not supersede the party processes, or absolves parties of the responsibility to tackle poor behaviour.
- That a degree of independent review is required, and independent external support is likely to be required
- That no learning has been developed from how other organisations such as the political parties deal with this matter
- There has been little communication with anyone about the process and procedures which has resulted in a lack of confidence in the current process.

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We have raised all these points previously and unfortunately we would not be confident in making a complaint using the current process, nor would we encourage others to do so. We also believe that the fact that no woman has ever decided to use this process is evidence that suggests no confidence has been provided.

We are grateful for your apology for sharing confidential information with us both, separately, relating to separate complainants, but this demonstrates a clear failure to effectively deal with confidential information and highlights the points raised above. There is some way to go before any confidence can be given that the system is right.

It is most disappointing that there seems to be a lack of acceptance of the points we have made and the contention that with minor improvements to the way information is handling, all will be well. We are so far from that. And it demonstrates a lack of preparedness to listening to victims and others with direct experience of the issue at hand.

We have also received a letter from the Commission, which again does not recognise the failings in the decision-making.

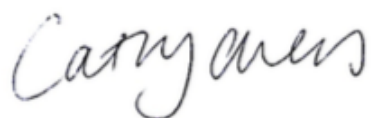
We can be no clearer. The process to date has failed a number of women, and no doubt men too. Many of us have extensive stories to tell about harassment in Welsh politics, and the Assembly, the Commission and the Office of the Standards Commissioner have not acted to tackle this over the last 20 years.

So when faced with substantial evidence of failure, and an environment in which many victims have gone public with their experiences, and yet none have followed the Assembly's complaints procedure, it is disappointing that no changes have been put in place since we raised our concerns.

Our sole motivation here is to work constructively to improve the processes, policies and systems in place to ensure that incidences of sexual harassment are reduced in the National Assembly, and when they do occur that victims are able to come forward, seek redress and are properly protected.

So, in this spirit we would respectfully request that you consider undertaking a full review of how sexual harassment is currently being tackled at the National Assembly, commissioned by the Presiding Officer, the Assembly Commission and the Standards Commissioner's Office and carried out by an external and independent person with experience in this field to provide immediate recommendations for change.

Regards



Cathy Owens and Nerys Evans

Cc The Presiding Officer, The Chief Executive of the Assembly Commission.



**Senedd Cymru**  
**Y Pwyllgor Safonau Ymddygiad**  
**[Ymchwiliad i Urddas a Pharch](#)**

**DR02**

**Ymateb gan: Comisiynydd Safonau Moesegol yr Alban**

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**Welsh Parliament**  
**Standards of Conduct Committee**  
**[Dignity and Respect Inquiry](#)**

**DR02**

**Evidence from: Ethical Standards Commissioner Scotland**

Dear Clerk to the Committee

Thank you for the opportunity to respond to your call for evidence and consultation on Dignity and Respect within the Senedd.

Having reviewed the consultation document, it appears that the majority of the questions posed by the Standards of Conduct Committee would require experience or knowledge of the culture and systems in operation in the Senedd estate in order to provide a substantive response.

As such, my response is, of necessity, quite general in nature.

I think that the proposal to have one overarching declaration that all parties are bound by is a sensible one.

I have only two suggestions that may prove helpful to the Committee's deliberations. The first is to highlight the Committee on Standards in Public Life publication, "Leading in Practice":

[https://assets.publishing.service.gov.uk/media/63cfb022e90e071bad20162d/CSPL\\_Leading\\_in\\_Practice.pdf](https://assets.publishing.service.gov.uk/media/63cfb022e90e071bad20162d/CSPL_Leading_in_Practice.pdf)

As well as containing comprehensive guidance on ethical leadership, the publication sets out 20 questions for leaders which are intended to assist in identifying whether an organisation is operating ethically. This may prove helpful to the Committee when considering which recommendations it wishes to make.

My second suggestion relates to the focus of the review on diversity. I have recently adopted a survey of complainers and respondents which provides them, at the end of the process of my having conducted an investigation, with an opportunity to provide – anonymously should they wish to – views on the extent to which our office operated in line with our published values. Survey responders are also invited to provide their demographic data.

Gathering and analysing this data will assist over time in identifying whether individuals who share certain protected characteristics, such as women, or people from a visible ethnic minority background, are complained about, or feel the need to complain, more frequently than those who do not share these protected characteristics. This in turn should highlight where, for example, additional training or guidance might be required.

I hope that some of the foregoing will be helpful to the Committee and wish it well with its consultation.

Please don't hesitate to contact me if you or the Members have questions or if I can assist further.

Kind regards, Ian

RE: Y Pwyllgor Safonau Ymddygiad – Galwad am dystiolaeth / Standards of Conduct Committee – Call for evidence



Ian Bruce <i.bruce@ethicalstandards.org.uk>

To Standards of Conduct Committee | Y Pwyllgor Safonau Ymddygiad

Cc Info Ethical Standards



Thu 21/12/23 09:58

Follow up. Start by 21 December 2023. Due by 21 December 2023.

Dear Clerk to the Committee

Thank you for the opportunity to respond to your call for evidence and consultation on Dignity and Respect within the Senedd.

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I hope that some of the foregoing will be helpful to the Committee and wish it well with its consultation.

Please don't hesitate to contact me if you or the Members have questions or if I can assist further.

Kind regards, Ian

**Senedd Cymru**  
**Y Pwyllgor Safonau Ymddygiad**  
**[Ymchwiliad i Urddas a Pharch](#)**

**DR03**

**Ymateb gan: Race Council Cymru**

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**Welsh Parliament**  
**Standards of Conduct Committee**  
**[Dignity and Respect Inquiry](#)**

**DR03**

**Evidence from: Race Council Cymru**

**Standards of Conduct Committee – Call for evidence -The Standards of Conduct Committee is undertaking an inquiry into Dignity and Respect. Due 8 January 202.**

We are aware that the Senedd agreed a dignity and respect policy in 2018 which set out the right for everyone to feel safe and protected when interacting with the Senedd. This policy applied to Members of the Senedd, their support staff and Commission staff. Alongside this, the Fifth Senedd Standards of Conduct Committee undertook an inquiry into ‘Creating the Right Culture’ which sought to make sure the culture in the Senedd was one which was positive and open.

Five years on from the work, the Committee is keen to review the progress made in this area to ensure the conversation in this area continues and consider whether further steps could be taken.

Race Council Cymru (RCC) is delighted to be invited by the Committee to provide evidence to help the committee to understand whether these views are reflected more widely about the policies and systems in place in the Senedd.

Please see RCC’s written evidence in response to the terms of reference below that are relevant to our work:

**1. Would you feel comfortable making a complaint about a Member of the Senedd or somebody who works on the Senedd estate? If not, why?**

RCC is aware that the Senedd only has its standards commissioner Douglas Bain to look into complaints about politicians, and then the standards committee of the Senedd decides what to do with his investigation and whether to sanction the Senedd member.

- [Harassment complaint system poor - report author](#)
- [Former Plaid worker 'harassed' after speaking out](#)

The review - commissioned internally in the Senedd in 2021 into what the Senedd calls its "dignity and respect" policy - was published for the first time in November 2023. According to the findings, the policy was "implemented and promoted effectively", with 81.3% of staff and politicians surveyed saying they knew how to raise a complaint. In addition to this, 71.2% of staff who work for the Senedd Commission - the civil servants who operate the parliament's services day-to-day - said they would feel comfortable raising concerns using the existing process.

But among staff who support politicians that was lower, 61.7% said they would feel comfortable raising concerns using the existing process.

RCC’s understanding is that Issues can stretch from expenses and spending to whether politicians have harassed or bullied staff. The review said that a concern was expressed by some that the current formal mechanism provided by the Senedd to raise an issue involving a Member of the Senedd (to the Standards



Commissioner) could be viewed as too consequential a process and can be subject to bias. Some member support staff suggested that it would help to have clearer reporting mechanisms and support for staff who raise concerns.

RCC would feel more comfortable making a complaint about a Member of the Senedd or somebody who works on the Senedd estate if the system for reporting concerns about dignity and respect were to be administered and run by an independent body. This is to ensure that the complaint is handled, and information is processed properly and appropriately, in line with the law and relevant guidance. So while the Senedd's policies and procedures should be transparent as a public body, they should also respect the privacy of personal and confidential information, as the law requires. This means being open and honest when accounting for their decisions and actions and give clear, evidence-based explanations, and reasons for their decisions.

## **2. Do you know how to make a complaint about a Member of the Senedd or somebody who works on the Senedd estate?**

RCC is aware that the Senedd's Dignity and Respect policy was approved in May 2018.

- [Dignity and Respect Policy;](#)
- [Dignity and Respect Guidance.](#)

And that the process for raising concerns encourages everyone to use the support available to try to resolve the issue as early as possible. It is refreshing to see that if people are not ready to make a complaint but would like to discuss their concerns, or if they are not certain how to make a complaint, they can contact one of the Senedd's Contact Officers, confidentially. Details about the role of the Contact Officers are contained within our Dignity and Respect guidance, together with their contact details. There is also a freephone number 0300 200 6145 which people can use can speak to one of the Contact Officers beforehand.

RCC is also aware that there are also support options for anyone making a complaint under the current procedures, or those who have allegations against them which can be discussed with the Contact Officers.

For Senedd staff, it is advisable to discuss any concerns with their manager, a Member of the Senedd, a Contact Officer or a trade union representative, as appropriate, so that they can support staff in raising their concerns, whether formally or informally.

- [Support when making a complaint;](#)
- [Support when an allegation has been made against you.](#)

### **3. Do you feel there are any barriers to you raising concerns about the inappropriate behaviour of a Member of the Senedd or somebody who works on the Senedd estate?**

Some of the barriers to raising concerns is the safety and protection of members of the public who raise complaints and also having the confidence that any complaints will be dealt with confidentially and fairly. It is essential that everyone is treated with dignity and respect in and out of the workplace.

In addition, if there is a need to make a complaint about a Member of the Senedd or anyone that works for the Senedd then processes should be clear and accessible for all. This is particularly important for those who may be refugees or asylum seekers or speakers of ESOL who often find that the first barrier to making a complaint is language, cultural nuances and their lack of understanding the full complaints process and whether it may have a negative impact on their UK status.

When we asked RCC staff and our key stakeholders within our Cultural Hub of 25 grassroots communities on raising concerns about the inappropriate behaviour of a Member of the Senedd or somebody who works on the Senedd estate, 26% of people say that the main barrier to making a complaint is not wanting to be seen as a trouble maker - that is the main factor that would prevent them from making a complaint. However, a further quarter say that the main factor that would prevent them from making a complaint is that it would not make a difference and nothing would improve as a result. One in nine people say that the single main reason why they would not complain is that they are worried their job or community relations would get worse as a result. Greater information is the strongest enabler to speaking out. 76% of people say that knowledge of their legal rights after making a complaint would encourage them to speak out about inappropriate behaviour. This is even more important among those with experience of interactions with members of the Senedd or somebody who works on the Senedd estate.

An open and encouraging culture is also seen as a strong enabler: 75% say that being told by the Senedd that they want people to raise any concerns they have would encourage them to do so. Similarly, 73% say that they would be likely to raise a concern or make a complaint about inappropriate behaviour or bullying if the Senedd actively sought their views through questionnaires. Feedback is a key enabler for some: 70% say they would be likely to raise any concerns they had if the Senedd regularly gave information on the actions they have taken in response to concerns. Anonymity is seen as an enabler by 64% of people, but 21% say that it would not make them any more likely to raise any concerns they have.

In addition, having an advocate or third party would make 68% of people more likely to raise any concerns they have. Albeit, this mechanism is seen as more useful for those currently employed by the Senedd than with members of the public.

### **4. Do you have any suggestions regarding how the complaints procedure could be improved?**

It is reassuring to see that the Senedd is seeking views on how things can be improve to help get the complaints procedure right for the future. RCC is aware that organisation-wide factors, such as shared expectations and

agreed social norms, are an important influence on the likelihood of bullying and workplace incivility. To mitigate this impact RCC recommends that the Senedd should aim to:

Develop understanding of the components and dynamics of fairness. Insights into this area come from psychology and other research insights, but also from collecting organisational data and personal accounts from the workforce which we believe the Senedd has already been proactive in doing so..

It is important to build a relevant, contextualised approach to how colleagues throughout the Senedd should be treated fairly and communicate these insights widely using a top down, bottom-up approach.

Interventions aimed at reducing incivility are less thoroughly explored than influences, so we recommend prioritising prevention over cure, focusing on the root cause of incivility if any exist. Nonetheless, the Senedd should focus on what makes interventions effective. Notably, on how the complaints procedure could be improved - the Senedd should manage complaint records in line with recognised standards to ensure they are kept and can be retrieved for as long as there is a statutory duty or business need. This can include the need to respond to complaints or to provide relevant information to the Ombudsman.

It is also essential to involve people in the design and implementation of clearer guidance to help make interventions effective. The language used should be kept simple in an infographic style or a short video which should be translated in the languages of Wales: Welsh, English, Polish, Arabic, French, German, Spanish or Mandarin, British Sign Language, Braille and large print to help with accessibility. The document to help people understand who they should contact about different types of complaints needs to be publicly available and in different formats and shared across diverse platforms to reach as many people as possible.

A video of the Contact officers talking anonymously about some of the types of complaints they regularly deal with would also be relevant and welcomed. Fortunately, RCC has found no respondents to be victims of inappropriate behaviour who would feel confident in using the procedure as it currently stands, so there is nothing to report on this. However, it is important to keep interventions wide-ranging, so that they target both individual development and organisational processes. It is therefore advisable that the Senedd creates and maintains reliable and usable records as evidence of their activities. These records should include the evidence considered and the reasons for decisions to help build trust and confidence in the process.

Overall Race Council Cymru (RCC) is delighted to be able to provide evidence to help the Committee to understand whether these views are reflected more widely about the policies and complaints systems in place at the Senedd. We fully endorse that the Senedd is actively seeking suggestions regarding how the complaints procedure could be improved and RCC would be happy to share the ‘Making a complaint’ information below to help raise awareness on behalf of the Senedd where appropriate.

*‘If you wish to make a complaint relating to Dignity and Respect, the information below explains the options available to you depending on who you are complaining about:*

- [\*I am not employed by the Senedd or a Member of the Senedd;\*](#)
- [\*I am a Member of the Senedd;\*](#)
- [\*I am a member of staff employed by a Member of the Senedd ;\*](#)

- [I am a member of staff employed by the Senedd Commission.](#)

We have made several recommendations above on how things can be improved to help the Senedd get the complaints procedure right for the future, which is essential if we all want to live in truly cohesive communities where everyone feels safe to make a complaint without fear that nothing will happen as a result of their complaint. We hope that the information will aid the Senedd in the final decision making process and or revised procedures and communications.

Yours sincerely,

Nkechi Allen Dawson

Lead Policy Officer

Race Council Cymru



## References:

- [Complaints \(senedd.wales\)](#)
- [complaints\\_procedure-en.pdf \(senedd.wales\)](#)
- [Covid inquiry: Families say Senedd committee not enough - BBC News](#)
- <https://www.bbc.co.uk/news/uk-wales-politics-66979153>

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**DR04**  
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**Evidence from: FDA Cymru**



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## **FDA Cymru | Wales Response to Standards of Conduct Committee's Inquiry into Dignity and Respect**

### **Introduction and background**

FDA Cymru|Wales represents civil servants and senior professionals from HEO to SCS working for the devolved administration, the Senedd Commission, and Welsh Government sponsored bodies.

FDA Cymru|Wales welcomes the opportunity to contribute to this consultation.

The FDA led the long-running campaign for a fully independent complaints process in the House of Commons.

In Dame Laura Cox's inquiry into bullying and harassment of House of Commons staff, she found that bullying and harassment had been allowed to thrive because of the culture in Parliament that both tolerated and concealed bullying and harassment. She recommended a fully independent policy for complaints in which MPs would play no part in the process up to and including decisions on sanctions. She also recommended that, because there had been an inadequate process in Parliament, staff should be able to bring past cases forward to be investigated in the new system. These recommendations were exactly what the FDA had been calling for.

In June 2020 the House of Commons approved the final stage of the independent process by voting through a motion to establish the new Independent Expert Panel (IEP) to make decisions on sanctions on upheld complaints of bullying, harassment and sexual harassment against MPs. The final stage of the process was designed by the FDA's House of Commons branch, and I offer any and all support from the FDA in the implementation of an independent process for the Senedd.

FDA Cymru|Wales notes, with interest, that as part of the recent internal review of the Dignity and Respect policy several respondents 'suggested that the system for reporting concerns about dignity and respect should be administered and run by an independent body'. We also note that the review refers to Plaid Cymru's 'Prosiect Pawb' report published in May 2023 and that report's recommendation of the appointment of an independent external investigator to investigate all complaints of sexual harassment. Both of those mirror FDA's consistent call for the Senedd to introduce an independent complaints process.

Appendix B of the Dignity and Respect policy review helpfully sets out the approach taken to complaints about Members in other institutions - including the establishment of the Independent Complaints and Grievance Scheme (ICGS) and IEP at Westminster.

In responding to this consultation, a key expectation from FDA Cymru|Wales is that the Senedd must now implement a fully independent process for dealing with complaints of bullying, harassment and sexual harassment, similar to that in place in Westminster.

It should also be noted that in December 2023 the House of Commons Commission released proposals for a risk based exclusion policy for Members who are subject to serious allegations relating to a violent or sexual offence - an example the Senedd would do well to follow.

The objective of the Senedd should be to have a robust policy to deal with complaints against elected officials that is broadly comparable to an employer's disciplinary policy. Members of staff should feel confident to put in their complaint and that it will be investigated independently and fairly, and a sanction determined free from political interference. The public also expects fair and equal treatment for all elected officials and complainants regardless of political party, status or seniority.

It is the FDA's experience, from all corners of the UK, that only an independent process that is completely free from political interference can work. If there is any opportunity for self-regulation, politics will take precedence over fairness and the victims of bullying, harassment and sexual harassment will be failed. It is a fundamental right that everyone deserves to be treated with dignity and respect in the workplace.

Our responses to the questions posed by the consultation and the issues and recommendations arising from the recent internal review of the policy are set out below.

### **Consultation Questions:**

**Question: Do you feel there are any barriers to raising concerns about the inappropriate behaviour of a Member of the Senedd or somebody who works on the Senedd estate?**

1. It remains the view of FDA Cymru|Wales that the process to find a complaint admissible remains unclear and may deter members of staff from putting in a complaint due to the 'pre-investigation' stage.
2. In addition, FDA Cymru|Wales considers the Commissioner's discretion to dismiss a complaint before reaching a final decision, and the requirement that the complainant should state how the conduct complained of is thought to breach the Code, could make the process less accessible.
3. In its July 2022 [Review of the Procedure for Dealing with Complaints against Members of the Senedd](#) the Welsh Parliament's Standards of Conduct Committee reduced the time limit to submit a complaint about the behaviour of a Senedd member from twelve months to six months, with Committee Chair Vikki Howells MS stating:

"In order to ensure that recollection of events is still fresh and evidence readily available, the Committee has set the timescale for admissibility of complaints at six months. However, I would like to provide reassurance that the



Commissioner will consider complaints relating to incidents outside of this timescale where there is good cause for delay.”

The FDA’s evidence to that review said that “when the procedure is introduced, there must be a window of opportunity for staff to bring forward historic complaints to be investigated”.

The FDA also commented that “whether complaints made after the six month timescale are investigated should not be at the discretion of the Commissioner - there should be a clearly defined process under which exceptional cases can be considered”.

FDA Cymru|Wales believes the imposition of a six month time limit and the inability to make complaints against former MSs were a mistake and could incentivise MSs to “run down the clock”. There may be circumstances in which staff do not feel comfortable raising a complaint until an MS has left the Senedd, and this is more likely to be the case with very serious allegations such as sexual harassment.

Under the procedure in place at the House of Commons there is a one year time limit for raising complaints of bullying but there is no time limit for complaints of sexual misconduct. As a result, a number of historic sexual misconduct complaints were made, which otherwise would not have been investigated. The Senedd should follow that example.

4. FDA Cymru|Wales believes the decision to remove an appeals process was a mistake. Based on our experience in other administrations, the lack of a fully independent appeals process - one that is independent of MSs at all stages - will lead to accusations of unfair treatment and will not gain the trust and confidence of Senedd staff, the Senedd authorities or MSs.

**Question: Do you have any suggestions regarding how the complaints procedure could be improved?**

- **Is the guidance clear?**
- **Is the language used simple to understand?**
- **Does the document help you understand who you should contact about different types of complaints?**
- **If you were a victim of inappropriate behaviour, would you feel confident in using the procedure as it currently stands?**

FDA Cymru|Wales believes the current arrangements:

- a) are too complex, with the possibility of leading to delays in dealing with complaints; and
- b) lack full independence - the arrangements involve MSs, including the whole Senedd, taking final decisions on breaches of the code. As is the case in the House of Commons there should be no involvement of elected politicians at any stage of the process.

FDA Cymru|Wales again calls on the Senedd to follow the House of Commons in implementing a truly independent process by introducing an Independent Expert Panel, similar to that now in place in the House of Commons.

The panel’s functions should be:

- a) to determine outcome and appropriate sanction in cases referred to it by the Independent Commissioner,
- b) to hear appeals against outcome decisions; and

c) to hear appeals against a sanction.

If not already in place, the Senedd should introduce:

- a helpline for complainants,
- comprehensive training for those investigating complaints along with a diverse pool of trained investigators; and
- provision for effective data gathering to record multiple complaints against identified MSs.

Finally, the Senedd should also follow the example of the House of Commons and introduce proposals for a risk based exclusion policy for Members who are subject to serious allegations relating to a violent or sexual offence.

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**Ymateb gan: Plaid Cymru**

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**Welsh Parliament**  
**Standards of Conduct Committee**  
**[Dignity and Respect Inquiry](#)**  
**DR05**  
**Evidence from: Plaid Cymru**

## **Inquiry into Dignity and Respect – Standards of Conduct Committee Consultation**

The Standards of Conduct Committee (the Committee) are undertaking an inquiry into Dignity and Respect.

The Committee is keen to review the progress made in this area, ensure the conversation in this area continues and consider whether further steps could be taken.

## **Plaid Cymru Senedd Group Response**

### Introduction

1. The Plaid Cymru Senedd Group (the Group) welcome the Committee's inquiry into dignity and respect. The Group recognises the role it has to play and responsibility in ensuring Senedd Cymru (the Senedd) is a safe environment for those who work here, for those who visit the estate and for anyone who has dealings with our Members or employees, as previously stated by the then Leader of the Group in the joint statement by the Llywydd, the Chair of the Standards of Conduct Committee and the leaders of the party groups at the National Assembly for Wales in 2017.<sup>1</sup>

2. It is crucial that all individuals, and in particular women, have confidence in the Senedd's policies and procedures and are able, supported and encouraged to bring forward valid concerns or complaints about the behaviour of any individual within the Senedd which may have fallen short of the expected standard.

3. The Group notes the questions laid out in the consultation document, which in part are aimed at eliciting responses from individuals rather than Groups or organisations<sup>2</sup>. Notwithstanding this, however, the Group wishes to state on the record its views on the wider complaints procedures in place, particularly in relation, but not limited to, cases of sexual harassment.

4. In this regard, the Group supports the Declaration on Dignity and Respect outlined in Annex A of the consultation documents<sup>3</sup>, and recognise the important work the Senedd Commission (the Commission) have undertaken recently to review and improve the Senedd's dignity and respect policy. Nevertheless, there are some issues of concern within the conclusions of the Commission's Dignity and Respect Policy Review.

- In paragraph 5, reference is made to additional resources provided to the Standards Commissioner's office to 'facilitate an improved and gender-balanced service from his office' but goes on to suggest that the additional resources previously made available to provide such a gender-balanced service are now provided via a protocol at the Commissioner's request 'which will help ensure a gender balanced investigation *whenever required*' (our emphasis). The reason given is that 'fewer cases' reported means that this additional resource is no longer required. Given the nature of the Commissioner's work, his office should be able to proactively offer a gender balanced

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<sup>1</sup><https://business.senedd.wales/documents/s68654/Statement%20by%20the%20Llywydd%20the%20Chair%20of%20the%20Standards%20of%20Conduct%20Committee%20and%20the%20leaders%20of%20the%20par.pdf>

<sup>2</sup> <https://business.senedd.wales/documents/s141639/DR%20consultation.pdf>

<sup>3</sup> <https://business.senedd.wales/documents/s141869/Annex%20A.pdf>

service **all** of the time not just in response to specific investigations as determined by the Commissioner.

- Whilst recognising the complexity of the tri-partite approach and the various parliamentary authorities that have some role in the application of policies and procedures giving effect to the Dignity and Respect Policy, there is very limited discussion on the role of political parties – and more specifically the political party groups in the Senedd – in that landscape. This is in spite of the fact that a key reporting route promoted around the Policy has been and continues to be the ability to raise concerns or complaints with the Groups themselves. The former Leader of the Group corresponded with the Chair of the Remuneration Board to raise concerns that there is not a sufficient, explicit recognition within the Determination and in the Senedd more widely, of function of political groups in the landscape and therefore that resources provided under the Determination and wider MBS support must take account of this function to enable it to be fulfilled effectively. We attach this correspondence dated November 2021 to this submission<sup>4</sup>. The Group has also called for the role of Chief Whip to be remunerated to recognise the status of the important work they do in this landscape and so that it may be formalised within the Senedd system, to allow support, development and training to be provided by the Senedd.

5. The Group notes the evidence provided by Chwarae Teg in response to a similar consultation undertaken by the Committee in the 5<sup>th</sup> Senedd between 2017-2018 which states<sup>5</sup>:

*“The current culture does not adequately support women to bring complaints. A key challenge is to ensure that women are able to bring complaints without fear of targeted, sustained aggression and harassment, especially on social media. This shift cannot be brought about solely by changing the Code of Conduct, but as part of a wider piece of work we are confident that we can bring about the change required.”*

6. Sadly, over 5 years on, much, if not all, of that statement continues to be relevant. The Group believes therefore, that further detailed work needs to be carried out with urgency by the Committee exploring deficiencies in the complaints and investigations procedures in place that could lead to reform of the way in which the Senedd Standards Commissioner (the commissioner) undertakes their work as well as the whole machinery beyond and around the Standards Commissioner.

7. As a first step, the Committee should review the extent to which it has implemented the 21 recommendations from its predecessor Committees report in the 5<sup>th</sup> Senedd, ‘Creating the Right Culture’.<sup>6</sup>

### Project Pawb

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<sup>4</sup> Annex A, Attached.

<sup>5</sup> <https://business.senedd.wales/documents/s72568/Consultation%20response%20from%20Chwarae%20Teg.pdf>

<sup>6</sup> <https://business.senedd.wales/documents/s78313/Committee%20Report%20-%20Creating%20the%20Right%20Culture%2013%20September%202018.pdf>

8. The Committee will be aware that in 2023, Plaid Cymru published Project Pawb<sup>7</sup>, a report that was commissioned to understand the culture within the party and issue recommendations on how to lead change, specifically on matters surrounding harassment, bullying and misogyny.

9. The Group remains committed to implementing all relevant recommendations from the Project Pawb report that pertain to their work in the Senedd. The Committee may wish to review the recommendations and consider if any are relevant to their own work, and could also be implemented by the Senedd as a whole in some capacity. The Group would welcome any and all opportunities to support the Committee in this endeavour.

#### Reviewing Sexual Harassment Processes and Reporting Routes

10. As we understand it, there are many reporting routes to bring concerns or complaints under the Policy. It may be that more than one procedure would apply simultaneously and therefore it might not be clear to a person seeking to raise a concern or complaint under which procedure they should do so, which one take precedence and what the process is likely to entail. Some of these are set out on the Senedd website.

11. For instance the page 'Making a complaint if you are an employee of any Member of the Senedd or party group'<sup>8</sup>. Two main routes are identified in this example 1) Standards Commissioner or 2) Report directly to the political party's own procedures. No reference, however, is made here to neither the Grievance Procedure nor the Anti Harassment and Bullying policy issued by the Independent Remuneration Board which encourages that the concern or complaint should be raised with the person being complained about, and also encourages informal resolution. This would appear to be the primary procedure governing a grievance under an MSS/Group Staff's employment.

12. A wholesale review of how complaints and incidents of sexual harassment are dealt with in practice and how the Policy is applied by the Senedd would be welcomed by the Group. This review could be jointly commissioned by relevant individuals and bodies from across the Senedd and should be undertaken by an independent external expert in the field, drawing on institutional best practise across Parliaments and political parties.

13. Such a review should consider how the Senedd could implement a distinct complaints process for cases of sexual harassment, in line with the now established system in place in Westminster. This should also look at how the Independent Complaints and Grievance Service works in Westminster alongside the Standards Commissioner/Committee system, and whether it would be a valuable development if the Senedd were to include an additional element in its reporting routes . This would include the use of independent experts when investigating allegations, and specialist support offered to complainants throughout the process.

14. The Group believe that such a process should also provide different levels of recourse to individuals, so that patterns of behaviour could be monitored, should a formal complaint not be made initially. A process that does not rely on individuals making complaints but one that does enable the identifying of recurring incidents of inappropriate behaviour by an individual

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<sup>7</sup>[https://assets.nationbuilder.com/plaid2016/pages/12287/attachments/original/1683121705/Prosiect\\_pawb - Key findings and Summary of Recommendations .pdf?1683121705](https://assets.nationbuilder.com/plaid2016/pages/12287/attachments/original/1683121705/Prosiect_pawb_-_Key_findings_and_Summary_of_Recommendations_.pdf?1683121705)

<sup>8</sup> <https://senedd.wales/help/complaints/employees-of-members-of-the-senedd/>

should be established in addition to the complaints mechanism. Such a process could lead to sanctions being put in place in light of recurring evidence from one or more sources.

15. Any such review, could also consider other aspects outlined in this response, however that should not preclude the Committee or any other relevant body within the Senedd taking immediate steps, along the lines suggested below, to better protect individuals from sexual harassment and other forms of inappropriate behaviour.

#### 6 Month Limitations Period

16. A reversal of the decision to change the timescale for making admissible complaints to 6 months, back up to 12 months, should be considered, considering the potential unintended consequence this has created in making it more difficult for complainants to come forward.

17. The Commissioner should also make clearer the extent to which their discretion could be used to consider complaints outside these periods. This discretion should be clarified, simplified and well publicised, especially considering that evidence from Welsh Women's Aid has previously stated that having a limited statute of limitations is highly problematic, especially in cases of sexual harassment where individuals may not feel able to speak up or make a complaint immediately<sup>9</sup>.

#### Preventative Measures & Mandatory Training

18. An emphasis on preventative action could also transform attitudes across the Senedd towards stopping sexual harassment and inappropriate behaviour. ACAS outline on their website numerous actions that workplaces such as the Senedd can undertake to prevent such actions<sup>10</sup>:

1. Putting policies and procedures in place
2. Make sure other policies are in line
3. Check policies are working
4. Train staff
5. Assess the risk
6. Create a culture of zero tolerance
7. Improve equality, diversity and inclusion

19. Whilst some of these may already be in place, constant review and implementation should be the norm. The Committee and Commission could undertake research into other preventative actions that can be taken in addition to the above.

20. On the matter of training, the Group believe all Members, Member Support Staff and Commission Staff should receive mandatory training on dignity and respect, sexual harassment and being an active bystander at the beginning of their time at the Senedd. This training should also be regularly updated and refresher sessions undertaken to ensure Members and staff are reminded regularly on appropriate behaviours and what to do if they witness inappropriate behaviour.

#### Transparency

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<sup>9</sup> <https://record.assembly.wales/Committee/4518>

<sup>10</sup> <https://www.acas.org.uk/sexual-harassment/steps-for-employers-to-prevent-sexual-harassment>

21. Transparency is a crucial element of ensuring and engendering trust for and in complaint procedures. Across parliamentary and legal sectors it is recognised that there is a need for openness and transparency within complaint processes. This key principle “is fundamental to accountability, and enables a scheme to demonstrate fairness of approach, which in turn increases public confidence.”<sup>11</sup>

22. The Group believe that the practise now in place within the UK Parliament of naming Members who are under investigation following an admissible complaint<sup>12</sup>, as well as providing reference to the matter under investigation, should be undertaken by the Senedd also.

#### Protections for Victims, Complainants and Witnesses

23. The Group believes that all individuals within the Senedd should be active bystanders and have a duty to report any inappropriate behaviour they may be witness to. Considering this therefore, the Committee should consider how complaints to the Commissioner from individuals who were not the direct victim of any such behaviour, rather a witness to, can be deemed admissible. This would help promote a zero tolerance culture, as well as reducing the burden on the individual subject to any such behaviour. It should be noted, however, that some of the Senedd’s guidance currently explicitly advises against a duty to report. For instance, the guidance previously referred to references, the concept of the ‘consent’ of the person: *“The political party may wish to refer the allegation to Members’ Business Support, they should only do so with your consent.”* This is an important consideration. Clearly, the guidance needs to be reviewed to ensure consistency across reporting routes and to confirm the Senedd’s official position as regards a duty to report and what protections and support are available to those who are obliged to report.

24. Due to a range of factors such as gender and power imbalances, or not being believed, losing their jobs or potential damage to their reputation, or a party’s reputation and a lack of access to legal support, victims and individuals may be more reluctant to raise concerns or make complaints. The Committee should consider therefore, if the protections and support available to all those involved with a complaints process is appropriate and sufficient, especially for whistleblowers, or individuals who wish to retain their right to privacy.

#### Standards Commissioner Resources and Reform and additional / alternative structures

25. The Committee should consider the support and resources the Commissioner has available to them. The Committee may wish to consider whether it is still appropriate for one individual to ultimately be solely responsible as Commissioner, especially considering the limitations of one individual’s skills, expertise, and experiences. Alternatively, if retained, it may be that the creation of an Independent Complaints and Grievance Service could operate alongside the Standards Commissioner so that the Commissioner’s investigative role in cases of harassment/ Dignity and Respect is transferred to such a new body, but the sanction under the Code of Conduct following an investigation remains with the Commissioner/Committee for Standards.

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<sup>11</sup> <https://www.legalombudsman.org.uk/media/k4cfzsbw/transparency-and-reporting-impact-response-september-2020.pdf>

<sup>12</sup> <https://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/parliamentary-commissioner-for-standards/complaints-and-investigations/allegations-currently-under-investigation-by-the-commissioner/>



### HR Support Function for Members and Staff

26. The Committee should consider what HR advice and services could be provided to Members, considering their roles as individual employers, should they require advice on issues such as implementing and monitoring workplace policies, grievance procedures, or when their office, or an individual within their office is involved with a complaints procedure.

27. This would be of additional importance for Members who, before getting elected and being responsible for running an office and managing a whole team of staff, may previously not have had any experience of such matters. Given limited resource available to Member Business Support, Members may sometimes find it difficult to resolve issues promptly and to their satisfaction, and this could have an impact on staff directly on matters concerning dignity and respect and appropriate behaviour in the workplace.

28. The Committee may wish to consider the role of Members as employers and whether the HR aspects of that role should sit elsewhere completely. Unions in Westminster are calling for staff HR matters/disputes to be handled by an independent body and not by Members.

29. Staff should also have access to an independent HR function to seek advice and signposting.

### Welsh Language Rights

30. Victims, complainants and witnesses should be able at all times engage with, provide evidence and answer questions in their preferred language, in line with the Senedd's Official Languages Scheme which states "The Senedd is a fully bilingual organisation. Both official languages are treated equally and bilingual working is now the norm."<sup>13</sup>

31. The Group understands that in some cases, individuals have decided to provide oral and written evidence in English, when they would feel more comfortable and at ease answering questions and/or providing evidence in their first language of Welsh. This was in part to avoid the need for a third party to be involved in the role of translator in sensitive conversations. The Senedd's Official Languages Team should also conduct an audit to establish to what extent current practice is complying with the expectations of the Scheme and Act and review the capacity of the office in terms of language skills to provide a bilingual service. As a minimum correspondence should always be sent and be able to be dealt with by the Commissioner bilingually or in Welsh only as the case may be. All those that come into contact with the Commissioner's activity should be proactively offered the opportunity to provide oral evidence in Welsh. Ideally the service should have sufficient capacity to provide this, however, in any case where that is not possible the onus should be on the Commissioner to make arrangements for simultaneous interpretation if required for the benefit of non-Welsh speakers.

### Completing and Recording Complaints against Members

32. The Committee may also wish to consider the procedures in place currently for what happens to a complaint should a Member be unelected or resign from office before the completion of any investigation or process. Welsh Women's Aid have previously argued that investigations should continue regardless, in order to not only investigate the individual, but

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<sup>13</sup> <https://senedd.wales/media/umofs3b3/gen-ld15324-e.pdf>

the culture within the organisation and workplace that would have enabled such harassment to take place<sup>14</sup>.

33. This would also ensure a transparent and public record of individual Member behaviour, should they be re-elected at a future date, and allow the consideration of any potential pattern of behaviour, even if it is historic behaviour from a previous Senedd term.

#### Conclusion and Next Steps

34. The Group believe that this inquiry should provide a fresh start and beginning to further work in this area, involving the Committee, the Commission, the Commissioner and all political parties represented in the Senedd, as well as the Welsh Government. This is especially the case as we look ahead to a reformed Senedd. This work should also involve external support from individuals or organisations with expertise in dealing with matters of sexual harassment and inappropriate behaviour.

35. The Committee should consider assessing and reviewing which bodies have powers to make changes, especially if these would require changes to legislation and or Standing Orders, and who has the responsibility of taking a lead role. It is likely changes could and should be enacted by all the bodies noted in the above paragraph, and therefore the Group believes the Committee has a role to play in ensuring and overseeing consistency and compliance across the board on the matter of enacting any such reforms, as does the Senedd Commission itself.

36. The Group would welcome any further opportunities and discussions that could help facilitate change and deliver meaningful change for victims of sexual harassment and other inappropriate behaviours.

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<sup>14</sup> <https://record.assembly.wales/Committee/4518>

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**Evidence from: Plaid Cymru**

## Adam Price AS/MS

Aelod o'r Senedd dros Ddwyrain Caerfyrddin  
a Dinefwr

—  
Member of the Senedd for  
Carmarthen East and Dinefwr

Dr Elizabeth Haywood,  
Chair of the Senedd's Independent Remuneration Board,  
c/o Llinos Madeley, Clerk to the Board  
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Dyddiad | Date: 05 Tachwedd 2021

### Annwyl Elizabeth,

May I take this opportunity at the outset to welcome you to your post and to wish you well in carrying out the responsibilities it entails.

I am mindful that we have not yet had the opportunity to meet formally since you have taken on the post of Chair of the Board as the Fifth Senedd was drawing to a close against the unprecedented backdrop of the global pandemic, on top of the more familiar pressures associated with the pre-election period.

I would, nevertheless, welcome the opportunity to meet with you at a mutually convenient time to look forward to the aspirations we have for the Sixth Senedd – including in the crucial area of Senedd reform – and the Board's contribution to that all important work.

In the interim, there is one specific matter of concern which I would like to bring to the Board's attention and request that it be considered at your next meeting which I understand is scheduled to take place before the end of this month.

I am drawing the Board's attention to this matter on the basis of i) my responsibilities as the remunerated Group Leader in the employment of the Party Group's staff and ii) my understanding and interpretation of my wider leadership role as the remunerated Group Leader in having ultimate oversight of and responsibility for maintaining a cohesive, well governed and disciplined Group thereby contributing to the wider parliamentary framework and success of the Senedd institution.

The context of this correspondence is a request for legal advice on two specific matters towards the end of the Fifth Senedd in readiness for the Sixth Senedd, reflecting on experiences in operating as a Group during the period 2016-2021 and how procedures and employment

practices may be strengthened further as preparations for a new Group were underway. It was explained that it was not possible for the Senedd Commission's MBS Team or Legal Services to provide the advice sought, therefore an application was submitted to draw on remaining Group office costs to source external advice. This was turned down at the MBS level and at appeal by the Clerk through the established appeals procedure. The decision is recorded in the public facing appeals log (**[Formal Appeals on Members' Expenses \(senedd.wales\)](#)**) as follows:

*'A Group sought access to funds, from their Group allowance, for external legal advice for two issues. Firstly, advice was sought about a potential internship scheme aimed at BAME candidates. Secondly advice was sought about internal Group arrangements. Paragraph 8.1.1 of the Determination provides that the allowance is for parties to assist in the discharge of their work in the Senedd. It is payable only in respect of costs which are wholly, exclusively and necessarily for the purpose of discharging their duties as Members. The Chief Executive and Clerk did not consider that the two requests fell within the scope of paragraph 8.1.1 and the appeal was dismissed.'*

I have included as an annex to this letter an extract from exchanges between my Chief of Staff and an official within MBS in relation to the specific matter. The position taken is generally consistent with the Clerk's basis for rejecting the appeal. I should like to place on record that I make no criticism of officials who presumably took this position based on their own legal advice, but rather include it for context in relation to the application and interpretation of the relevant provisions of the Determination in this instance.

Without wanting to unhelpfully rehearse or appear to be attempting to reopen the appeals process which has clearly now been exhausted in the case of the specific applications made in the Fifth Senedd, and which is the responsibility of the Clerk, I will attempt to outline the potential wider significance of the matter for the future, drawing on the context of the legal advice that was being sought and why.

My objective in doing so is to query whether the Determination should be adjusted – whether in terms of substance or simply in terms of drafting to remove any uncertainty or ambiguity – to ensure that Party Groups in the Senedd are able to carry out their work in the most appropriate and comprehensive manner and are equipped and empowered with the necessary resources to do so.

## **BME parliamentary internship scheme**

### Summary of proposal and issue

It has been an aspiration of mine for a while to offer a parliamentary internship scheme, rewarded at the real living wage, which would be more structured and extensive in terms of duration than the brief periods of unpaid work experience we have offered in recent years. The renewed focus

on structural racial inequalities in Welsh society and around the world in light of the Black Lives Matter movement also resulted in renewed consideration of the diversity of our own workforce.

I was therefore keen to explore whether these two strands could be combined through the creation of a parliamentary internship role targeted specifically at people from black and minority ethnic backgrounds. Similar schemes have been successfully run by organisations in Wales and other parliaments too – that exist to support people from all backgrounds into politics.

The driver for my interest in setting up such a programme as an employer of Party Group staff is that I want to make sure that we do not miss out on diversity of thinking, skills and experience in our own workforce, as well as ensuring we play our part in tackling structural underrepresentation of people from black and minority ethnic backgrounds in Welsh politics and Welsh public life more broadly. I want to ensure that our own workforce within the Senedd Group reflects the Wales that we serve and proactively leads the way towards the new Wales we are determined to create. Setting up a scheme of this nature would be one positive step in this direction, though would need to be considered alongside other wider changes to make progress on several fronts.

My team took advice from the Members' Business Support team in the Senedd Commission and shared our proposal. The principle of offering a temporary (3-6 months contract) Band 3 post as an internship opportunity, paid the real living wage in the pay framework set by the Remuneration Board, was not queried. MBS sign posted my team to other organisations and advised on the general principles of positive action, which was useful to an extent. Following advice, we then undertook an anonymous workforce diversity monitoring survey at the end of the last Senedd to develop the evidence base for the proposal and to verify that it could reasonably be defended as a proportionate means of achieving a legitimate aim.

However, given this was uncharted territory for the Group and given the potential for reputational damage if it was challenged, I felt we needed a suitably qualified person to provide assurance that as an employer the legality of both the process undertaken to capture the diversity profile of our workforce and the wording and presentation of the proposed scheme was robust – to sense check the documentation that had been prepared and to give the 'green light' to advertise.

Regrettably, given the inability to obtain the legal advice and assurance required, the scheme has been unable to proceed further. Alongside this letter I have provided, by way of further context, a copy of the draft documentation prepared at the end of the Fifth Senedd; I am anxious to ensure that the scheme can proceed at the earliest convenience in this Sixth Senedd.

## Significance

My observation would be that:

- Equality has been enshrined into the foundations of the devolution arrangements established in 1999, with the then National Assembly's founding legislation, the Government of Wales Act 1998, requiring the new institution to '*make appropriate arrangements with a view to securing that its functions are exercised with due regard to the principle that there should be equality of opportunity for all people*'.
- As far as I am aware, equality has never been viewed as something that is desirable, additional or nice to have: it is, and should continue to be, enshrined into every aspect of our work and this proposal, in my own view, follows in that trajectory.
- If this basic premise is accepted, I believe that it follows logically that explicit confirmation be ensured that the Determination is a document to empower and support Members in their role as employers to proactively take positive action and to enhance equality and diversity by whatever means that are deemed appropriate and necessary.

In addition to asking the Board to consider what changes, if any, may be required to the Determination itself so as to explicitly enable Groups to seek the sort of advice required and operate to proactively strive for equality in its widest sense, I would be grateful for any guidance that can be given in the meantime to allow the proposal to proceed given that if the Board considered changes to the Determination necessary then it will likely involve a consultation process which would not be concluded presumably until the next financial year 2022-23.

## **Governance of Group disciplinary arrangements**

### Summary of proposal / issue

Again in the context of preparing for the Sixth Senedd, the Group undertook a review of its governance arrangements. The need for specific legal advice arose in the context of reviewing the section of our Group standing orders relating to the discipline and conduct of Members. At a fundamental level, it appears that there is no consensus on the principle that Groups/Group Leaders have a legitimate role in maintaining robust and effective processes to maintain discipline and can therefore legitimately make use of resources provided under the Determination to discharge such an obligation. The position taken is that these are matters belonging exclusively to the party, rather than parliamentary space.

## Significance

My observation would be that:

- Party Groups are not creatures that exist in a vacuum in any parliamentary context. Senedd Groups are usually an organ or entity within a wider whole of a political party – in the case

of Plaid Cymru and most others – a membership organisation. That may very often be seen in the case of disciplinary processes and procedures where there are *parallel* processes in the parliamentary and party space, clearly requiring read across from time to time, but which does not take away from the fact that parliamentary Groups have obligations to uphold and maintain discipline. For instance, the “removal of the whip” is fundamentally a parliamentary concept, not a party political one. Jeremy Corbyn MP is back in the Labour *Party*, but currently has not been readmitted into the *Parliamentary* Labour Party in the UK Parliament.

- One consideration which featured in the context of changes discussed to the Senedd’s own Standing Orders in preparation for the Sixth Senedd was about how many members constitute a group and the wider matter of the conditions around Members being able to switch Groups within a Senedd term, including as a result of the formation of new groups. The specific concern raised in Business Committee papers prepared was the potential risk that limiting the ability of Members to establish new groups within the term could lead to dissenting members remaining in current groups and speaking out against the agreed Group line and causing disruption, which would suggest that it is generally accepted that Groups and Group discipline are an important component in the maintenance of order and the proper functioning of the wider institution.
- The Dignity and Respect Policy (**Welsh Parliament Dignity and Respect Policy (senedd.wales)**) agreed by the Senedd Plenary states that complaints can be raised through one of two routes, but not both.

*‘Choose option A or B but not both.*

*A. Report directly to the Senedd's Standards Commissioner*

*or*

*B. Report to the political party's own procedures if that is your preference’*

- If, as I suggest, it is accepted that Groups/Group Leaders both as employers and in their wider leadership role have such an obligation and responsibility, it would appear to follow logically that they must be equipped with the means and resources, including the ability to obtain advice, to ensure proper processes are in place to allow them to discharge those responsibilities effectively.
- The suggestion that matters of Group discipline belong exclusively to the party sphere is potentially problematic and possibly incompatible with the reporting routes for the Dignity and Respect Policy, specifically in particular respect of any dignity and respect complaints raised by Party Group/Support Staff employees. There is a potential issue of confidentiality meaning that were it the desire of staff to raise complaints through an internal route, rather than the Standards Commissioner route, it may not be appropriate to refer complaints relating to the Party Group to the wider Political Party, which in such a scenario would appear to be in employment terms a separate entity/organisation. The duty of the employer to have a procedure to address workplace harassment complaints and to have a robust mechanism to take action when necessary and if complaints are upheld, including



potentially against Members of a Party Group, surely cannot be outsourced to another entity/employer.

Again, I would be grateful to understand the Board's position on this matter and whether any changes may be required to the Determination in the interests of clarity.

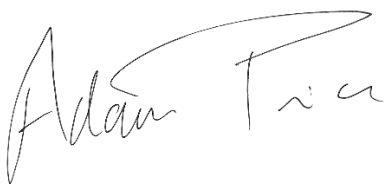
Finally, I believe there is one wider point to highlight. The instances referred to above are examples where there was a proactive desire (i) to take positive action to improve the diversity of our workforce and also (ii) to review and strengthen the Group's procedures to ensure robust procedures to provide a safe workplace for staff, fellow Members and other colleagues and to uphold and enhance the Senedd's reputation – in other words *going over and above* the minimum and seeking assurances to err on the side of caution. However, in the event that advice would need to be taken in a reactive context and if the position stands that MBS nor the Legal Services can provide such advice, I would welcome the Board's guidance on who would have to meet the costs considering legal advice can be costly in employment/dispute contexts and may impact budgets – with Group/support for political parties budgets having to cover staff and office costs.

For completeness, I should mention that I understand that following the most recent meeting of the Member and Support Staff Representative Groups the Board proactively requested specific information around the procurement of offices for new Members and other matters for consideration at your November meeting. My colleague Rhun ap Iorwerth MS has been diligently coordinating feedback from fellow Members on that specific request in his role as the Group's representative on the Board's Member Representative Group which I hope the Board will be able to also consider at its next scheduled meeting.

However, given that the issues raised in this letter directly relate to specific responsibilities conferred on me as the employer of Group staff and my understanding of my wider leadership responsibilities, I considered it best to write to you directly on this specific matter.

I shall look forward to hearing from you in due course. Please let me know if there is any further information or points of further clarification which would be useful to the Board in relation to this particular matter.

Yn ddiffuant,



**Adam Price AS/MS**

**Arweinydd Plaid Cymru / Leader of Plaid Cymru**

## Appendix 1 – extract of reasoning of MBS official in correspondence with CoS

"I have considered both requests in further detail and discussed with colleagues. On the basis of the description provided, we cannot see a sufficient link between the legal advice being sought and what might be considered the duties of a Member. It does not appear that either set of costs would be incurred *"wholly, exclusively and necessarily for the purpose of discharging their duties as Members"*. As such, they do not fall within the scope of the Support for Political Parties allowance under the Determination.

The Determination states that the Support for Political Parties allowance *"exists to assist parties and individual Members in the discharge of their work in the Assembly"*. It goes on to say that the allowance is only payable for costs *"wholly, exclusively and necessarily for the purpose of discharging their duties as Members"* (paragraph 8.1.1 of the Determination).

The duties of Members are not defined in the current Determination, although they may reasonably be expected to cover constituency and regional business arising from their election.

In relation to the legal advice on employment matters, although the development of a BME internship scheme and recruitment policies aimed at increasing the diversity of the group's workforce may be seen as a positive step, they are not matters which *"wholly, exclusively and necessarily"* arise in order for the group to support its Members to discharge their duties. Although Members are required to comply with various obligations as employers, including those under the Equality Acts, those obligations do not require a scheme or policies of the like being sought.

In relation to the legal advice on the discipline of Members, having considered the Senedd's Standing Orders, the Code of Conduct for Members of the Senedd, Guidance on the proper conduct of Senedd business (issued by the Llywydd) and the Dignity and Respect Policy, there does not appear to be any obligations on Group Leaders in relation to discipline, as suggested in your email. Although all of those documents, to one extent or other, set out rules concerning the conduct of Members, there does not appear to be an obligation on either a Group or a Group Leader to put in place the *"robust and effective processes to maintain discipline"* mentioned. As such, the development of such rules is a matter for the political party rather than a duty of Members of the Senedd."

**Senedd Cymru**  
**Y Pwyllgor Safonau Ymddygiad**  
**[Ymchwiliad i Urddas a Pharch](#)**  
**DR06**  
**Ymateb gan: Llafur Cymru**

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**Welsh Parliament**  
**Standards of Conduct Committee**  
**[Dignity and Respect Inquiry](#)**  
**DR06**  
**Evidence from: Welsh Labour**

# **Standards of Conduct Committee inquiry into Dignity & Respect**

## **Welsh Labour Group response**

**January 2024**

The Welsh Labour Group welcomes the opportunity to provide feedback as part of the Standards of Conduct Committee's inquiry into Dignity and Respect.

We are very much committed to playing our part in strengthening the culture of dignity and respect across the Senedd and want to see a complaints system which is responsive, robust and fair.

Please find below the Group's views on the key issues covered by the consultation document.

We have also commented on a number of related issues which we wanted to draw to the attention of the Committee.

**"It is therefore suggested to replace the current policy with an overarching declaration restating the commitment to uphold dignity and respect for Members, Member support staff, Commission staff and all other visitors."**

Members of the Group agree with this proposal - we believe it would help to simplify the complaints system and ensure a consistency of approach.

**Suggestion that the system for reporting concerns about dignity and respect should be administered and run by an independent body.**

The Group believes there would be real merit in establishing a fully independent body to administer and run the complaints process in place of the current system.

We believe that a move in this direction would help to address many of the key concerns which exist about the current system.

The Group would welcome further work by the Committee to look at how such a body could operate, including an assessment of how complaints systems

work in other legislatures and the lessons we can learn from their relative advantages and disadvantages.

It is also important, in the Group's view, that such a body is provided with a sufficient level of resourcing, including the staffing and expertise required to carry out its functions effectively and within a timely manner.

Further consideration and consultation would also be required with regards to the remit of such a body.

In particular, the Welsh Labour Group would like to see further discussion around whether such a body should deal with all complaints against Members or should only deal with matters relating to Dignity and Respect, with complaints regarding the use of Senedd resources, for example, being dealt with elsewhere.

We believe there are some strong advantages to creating an independent body to look at all complaints - including a consistency of approach and the simplicity of having a unified process.

However there may also be disadvantages, including the impact of such a workload on the ability to prioritise and deal with serious complaints regarding dignity and respect in a timely manner.

In recognition of the power dynamics which exist in the Senedd, as in all legislatures, we strongly believe that any new system should have the full confidence of staff.

Support staff, Commission staff and other stakeholders should be fully involved in the design and implementation of any new system.

We also believe there would be merit in appointing independent members to such a body to ensure that different perspectives are represented. The group would encourage the Committee to examine best practice from other legislatures.

### **Importance of expertise**

The Group strongly believes that greater use should be made of external expertise, whether the current system continues or an independent body is

created. We believe this is particularly crucial for complaints involving alleged breaches of dignity and respect, such as sexual harassment.

In our view, arrangements would be greatly strengthened by the appointment of an agreed panel of expert advisors who the Commissioner / Independent body could draw upon when dealing with complaints.

We believe that the greater use of expert advisors would greatly enhance the quality of the complaints process for all involved and ensure that important perspectives are reflected during considerations.

Being able to draw on expert advisors would also help to increase the capacity of the complaints system to respond in a timely manner.

### **Time taken to deal with complaints**

The Welsh Labour Group believes that further action needs to be taken to improve the time within which complaints are investigated and reported on.

The current situation, where some complaints can take a year or more, is not fair on complainants or those who are subject to complaints.

These delays can lead to significant distress for those involved and risk bringing the whole process into disrepute.

The Group believes that a timetable should be identified at the start of a complaints process and clearly communicated to the complainant and Member who is subject of the complaint.

We understand that complex complaints or unforeseen circumstances might mean that some cases take longer than others, but clear timetables from the outset would help to maintain confidence in the system.

They would also, in our view, help to deter attempts to 'game the system' by creating unnecessary delays at key phases.

Alongside this, we believe that the appeals process should be reviewed to ensure it that it remains robust and responsive.

### **Complaints regarding Member use of social media**

The Group has serious concerns about the way in which complaints concerning Members' social media responses have been dealt with.

Members have a right to respond robustly to online abuse and we feel that the way in which recent cases have been dealt with risks undermining Members' ability to deal with this concerning and growing issue.

We do not believe that robust responses on Social media should be dealt with in the same way as the serious behavioural issues which are the main focus of the current Code of Conduct and Dignity & Respect policy.

These complaints should also be dealt with far more promptly than has been the case in recent years.

We believe that any complaints involving comments by Members which contain discriminatory language, hate speech or threatening language should be dealt with robustly under the Code of Conduct and Dignity and Respect Policy.

### **Non-Disclosure Agreements**

The Group would also welcome a further discussion on the use of Non-Disclosure Agreements by Members and the Commission, particularly where complaints involving dignity and respect issues have been upheld.

We believe there are important issues of transparency, standards of conduct and safeguarding which should be examined with relation to NDAs.

Considerations should include an examination of the best practice which exists elsewhere, such as the conciliation processes operated by Trade Unions in Wales and the UK.

We also recognise that further work in this area would require the participation of the Senedd Commission, particularly in terms of employment arrangements.

**Senedd Cymru**  
**Y Pwyllgor Safonau Ymddygiad**  
**[Ymchwiliad i Urddas a Pharch](#)**

**DR07**

**Ymateb gan: Cangen Staff Cymorth y Senedd - Unite**

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**Welsh Parliament**  
**Standards of Conduct Committee**  
**[Dignity and Respect Inquiry](#)**

**DR07**

**Evidence from: Unite Senedd Support Staff Branch**



This submission is on behalf of support staff members of the Unite Senedd Staff Branch and we focus our response on the area of most concern to our members which is the current system for raising concerns and making complaints. With that in mind, we have endeavoured to answer the questions set out in the section of the consultation related to this and as part of our response are sharing direct feedback from members.

- *Would you feel comfortable making a complaint about a Member of the Senedd or somebody who works on the Senedd estate? If not, why?*

The overwhelming feeling from our members is that they would neither be comfortable nor confident in making a complaint about a Member of the Senedd or somebody who works on the Senedd estate. Concerns have been flagged around how the current structure exacerbates the power imbalance that already exists within a workplace, one which is magnified in such a political environment as the Senedd and a Senedd Member's office. Concerns have been raised around complaints being responded to with the correct levels of seriousness and a lack of trust in sufficient accountability for inappropriate behaviour, at the end of what could be a traumatic complaints process. Members have told us that they would rather go to their Union Rep in the first instance or to the head of the Labour Group Office but would not feel comfortable making a complaint through the current process. In addition, there is the perception that MBS are predominantly there to support Members of the Senedd not their staff – a perception that is often born out in reality. How can MBS support and advise both Members and support staff within the same small working environment without a conflict of interest and in a way which assures all parties?

- *Do you know how to make a complaint about a Member of the Senedd or somebody who works on the Senedd estate?*
- *Do you feel there are any barriers to you raising concerns about the inappropriate behaviour of a Member of the Senedd or somebody who works on the Senedd estate?*

MS Support staff are not clear on the steps to take and any support available from the Senedd itself when it comes to making a complaint full stop, let alone in respect of inappropriate behaviour. Feedback from support staff says they might try and find some information on the intranet but wouldn't know where to start and it isn't easy to find the information. However, concerns extend much further than simply not being clear on where to access support or how to go about making a complaint – support staff members have raised consistent and considerable concerns about a lack of faith and confidence in the system and process as stands. They understandably ask, how can they make a complaint to the commission or the Senedd process as they deal with both Members of the Senedd and support staff. Significant concern has also been flagged regarding the role Members of the Senedd have in the complaints/standards process – this does not give people in more vulnerable

positions confidence in coming forward in making a complaint regarding inappropriate behaviour against a fellow MS.

- *Do you have any suggestions regarding how the complaints procedure could be improved?*

It is clear that there is an absolute absence of confidence in the present procedure - it is not clear, not transparent and a lack of trust in the system as currently constituted. When an allegation is made all reasonable steps should be taken to protect those that have come forward. It is not uncommon in other organisations or workplaces to take measures to protect alleged victims by preventing people from attending places of work – it can be seen as a neutral act.

However, from the conversations we have had with support staff members and the experiences we are aware of and continue to be made aware of, the current complaints procedure needs more than small changes. It is not fit for purpose and needs a complete overhaul.

Given the evidence we have heard from our members and also more widely, the current procedure needs to be replaced with a completely independent system – independent from members and separate to every day HR structures (eg MBS). There needs to be a stand alone process, that is separate for both parties involved with a complaint. The nature of a Member of Senedd's support staff team means the offices are too small and not equipped to deal with complaints adequately. Support staff are also less likely to trust a process that serves both employer and employee. Additionally, there is a need for the people entrusted to deal with the complaints processes to have a sufficient amount of expertise. Our members have spoken about the need to have an intersectional and trauma-informed approach to the process, where there is understanding of the complexities and barriers individuals from different backgrounds with various life experiences may face when bringing forward a complaint. Without this understanding, there is a real risk of exacerbating an already upsetting situation and of deterring people from coming forward at all.

This would not only aid confidence in the system in respect of ordinary workplace power imbalances but also the 'political' dynamic that is central to working as part of a small team for a politician from a party the support staff member is likely active in and would like to progress in the future. Many support staff members don't presently feel comfortable making a complaint because they would be worried about the political ramifications – for the politician in question, for themselves and for the party of which they are a member.

Victims need to know complaints are taken seriously and investigation will be handled within reasonable timescales. It is not easy making a complaint and if at the outset you feel it could go on for years this becomes a barrier.

**Senedd Cymru**  
**Y Pwyllgor Safonau Ymddygiad**  
**[Ymchwiliad i Urddas a Pharch](#)**

**DR08**

**Ymateb gan: Undeb Gwasanaethau Cyhoeddus a Masnachol Plaid Cymru**

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**Welsh Parliament**  
**Standards of Conduct Committee**  
**[Dignity and Respect Inquiry](#)**

**DR08**

**Evidence from: Plaid Cymru Public and Commercial Services Union**

# PCS Plaid Cymru Branch

## Response to the Standards of Conduct Committee Consultation into Dignity and Respect

### Context

Five years on since the Senedd agreed the Dignity and Respect Policy in 2018, and the subsequent work undertaken by the Fifth Senedd's Standards Committee ("the Committee") on 'Creating the Right Culture', the Committee is keen to review progress and consider what further action needs to be taken. The Senedd Commission ("the Commission") has also recently undertaken an internal review of the Dignity and Respect Policy and produced a report (Annex A) which sets out the actions undertaken and makes a number of recommendations around enhancing the provisions for dignity and respect within the Senedd. The Committee has taken these recommendations as the starting point for this consultation.

The Plaid Cymru PCS Branch was established in September 2023 and we are a multi-employer branch representing 26 members. The Branch welcomes the opportunity to respond on behalf of our members and we have consulted members working in the Senedd individually which has informed and is reflected in the response.

### Response to the Consultation Document and Annex A

#### General comments and observations

##### Trends in confidence and awareness

In the section on "Reporting Mechanisms" it is noted that **"amongst Member support staff, 61.7% of respondents said that they would feel comfortable raising concerns using the existing process"**. (*Consultation Doc, Para 9*)

However, it is noted in the Annex that over 90% of Senedd Commission survey respondents reported that they knew how to raise a concern in the 2022 survey. (*Annex A, Para 6.*)

These two figures are a cause for significant concern, in that despite the increased awareness of processes, there is demonstrably a lack of confidence in those processes delivering the correct outcomes, so much so that more than 1 in every 3 members of support staff could not say that they felt comfortable raising concerns and/or complaints under existing process arrangements.

Therefore, there cannot be total confidence that the reported decrease in the number of concerns raised during the Sixth Senedd (*Annex A, Para 7*), is in fact due to the effective implementation of the Dignity and Respect Policy, and not due to a lack of confidence in the processes around making a complaint or raising a concern. The risk mentioned in this same paragraph that cases are going unreported must be given serious consideration in light of the above statistics.

### The tri-partite approach

The consultation document references the aim back in 2018 was to ensure “that Members of the Senedd, Member support staff and Senedd Commission staff could be held to the same standards and by one policy”. Whilst this aim, in principle, is correct, the reality is that there is a myriad of different ways this single policy may be applied in practice and that this would vary according to the three main groups of personnel covered by the same policy. The procedures and mechanisms to give effect to the policy – their effectiveness, their accessibility, and their independence – is deemed to be the biggest barrier. In that context, it appears that little progress if any has been made since 2018 in reality. It should be noted that there is a distinction to be drawn between a concern and a complaint and also within the Senedd context there are a variety of reporting routes, including:

- Raising a complaint with the Standards Commissioner against a Member of the Senedd
- Raising a concern or complaint with a Member directly (about them or about a member of their staff)
- Raising a concern or complaint with the Political Party or Political Party Group (there are often two different processes to do so through the Political Party centrally or through the Senedd Party Group and Whip system in the Senedd)
- Raising a concern or complaint with the Senedd Commission about a Senedd Commission Staff member or contractor

These routes are all likely to lead different outcomes for the complainant and the subject of the concern/complaint.

Despite being highlighted on the Senedd website guidance section which accompanies the Dignity and Respect policy as one of the routes available to raise a concern or complaint, the option of raising a concern or complaint either with the party directly and/or with the Senedd party group and Whip system in the Senedd is mostly overlooked in the Senedd Commission’s audit provided in Annex A. This would appear to be a significant omission in the effectiveness or otherwise of the practical implementation of the Dignity and Respect policy.

### Novel employment framework

It should be noted that in the case of our branch members working in the Senedd, either for individual Members of the Senedd or for the Party Leader in the case of the Senedd Group staff, a particularly novel framework governs their employment.

In 2018 in the wake of an employment tribunal case by a former UKIP Group staff member in the Assembly as it then was, a question arose about who the employer of support staff and Senedd Group staff is. It was confirmed that the individual Members are the employer and the Group Leader in the case of Group staff.

However, several other entities play a part in the employment relationship including the Remuneration Board (an independent, statutory body, established by an Act of the Senedd in 2010) which sets the employment framework and provides the funding for Members to be able to employ staff and also the Senedd Commission which facilitates the work of Members as employers by advising them on HR issues and offering administrative support, for example payroll and administration of staff recruitment (discharged through the MBS department within the Senedd Commission). Each individual Member/Group office may have their own ‘local’ HR functions for the staff working in their offices (discharged through an Office Manager or Chief of Staff role or similar).

The Remuneration Board issues specific, mandatory employment policies that Members must follow when receiving public funds to employ staff, as well as suggested template policies which Members are encouraged to adopt as part of a model staff handbook, falling into two sub-categories (i) optional but the Member must consult Members’ Business Support (MBS) before amending the policy and (ii) optional which would be at the discretion of the individual Member as the employer to adapt as they see fit. The policies are as follows per category:

Mandatory	Optional but MBS must be consulted on any changes	Optional
<ul style="list-style-type: none"> <li>• Grievance</li> <li>• Disciplinary</li> <li>• Compassionate Leave</li> </ul>	<ul style="list-style-type: none"> <li>• Flexible working policy</li> <li>• Holiday</li> <li>• Shared Parental Leave</li> <li>• Time off for dependents</li> <li>• Paternity</li> <li>• Parental leave</li> <li>• Maternity</li> <li>• Antenatal appointments</li> <li>• Adoption</li> </ul>	<ul style="list-style-type: none"> <li>• Anti-corruption and Bribery</li> <li>• Anti-harassment and bullying</li> <li>• Equal opportunities</li> <li>• Health and Safety</li> <li>• Non-smoking</li> <li>• Social media</li> <li>• IT</li> <li>• Whistleblowing</li> <li>• Data protection</li> </ul>

The Remuneration Board also publishes a Determination<sup>1</sup> each financial year – which contains the principal employment conditions of Senedd support staff. Unusually, in light of this multi-faceted arrangement, Members' hands – as the employers – are somewhat tied as to the main elements of staff employment conditions as they are excluded from the process: they can make representations to the Remuneration Board but ultimately it is the Board that sets pay scales and the main terms and conditions of employment. Whereas the employment relationship would normally be managed between the worker and the employer, this adds another dimension which should be highlighted.

Given the subject of this inquiry, it is very worrying and perhaps representative of the fact that systemic change has yet to percolate throughout the institution beyond high-level statements of intent and principles, that there is no centrally imposed requirement for Members of the Senedd as employers to have an operational Anti-harassment and bullying procedure or Equal Opportunities policy in their workplaces. Again, there is little discussion in the Senedd Commission audit on the implications of this novel employment framework and necessity for any changes. It appears that the audit at Annex A has also not identified the fact that some key procedures and policies are not mandated. There could in theory therefore be 60 different Anti-harassment and Bullying policy for staff working for each of the 60 Members of the Senedd to bring concerns or complaints under the single policy, by virtue of the fact that the procedure is not mandated and there is no requirement to consult MBS on any adaptations to it. The language and emphasis of the Anti-harassment and Bullying policy appears somewhat unfortunate:

***If you are being harassed or bullied***

*4.1 If you are being harassed or bullied, consider whether you feel able to raise the problem informally with the person responsible. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing, you should speak to*

<sup>1</sup> [bwrddtaliadau.cymru/media/4yvdraxx/gen-ld15775-w.pdf](http://bwrddtaliadau.cymru/media/4yvdraxx/gen-ld15775-w.pdf)

*your line manager, who can provide confidential advice and assistance in resolving the issue formally or informally.*

The mandated Grievance procedure (and the Anti-harassment and Bullying & Equal opportunities policies where they have been adopted) would presumably be the principal document covering dignity and respect related grievances/concerns/complaints that are not raised through the Standards Commissioner or the party / group route. However, a feature of that system is that the employing MS can select a fellow MS to investigate the grievance when it concerns them. It has to be questioned whether this is appropriate.

### **Specific consultation questions**

The consultation document proceeds to ask the following questions:

**“Would you feel comfortable making a complaint about a Member of the Senedd or somebody who works on the Senedd estate? If not, why?”**

A majority of Plaid Cymru PCS members answered this question with “no” – many of the reasons were around examples where it hadn’t worked out well for complainants, a feeling that they would be “jeopardizing their job and career”. Members discussed fears of being “victim shamed” and the issue of potentially having to work with the subject of your complaint for a long time due to the complaints process dragging on. Several references were made to the complaints guidance not being good enough, and that the limitations of support services like MBS to intervene were a factor.

**“Do you know how to make a complaint about a Member of the Senedd or somebody who works on the Senedd estate?”**

A survey of our membership showed some variation in understanding of the complaints process. Almost 50% of respondents answered “no” to this question, and several of those who answered “yes” admitted they didn’t fully understand the process whilst knowing where the starting point was.

**“Do you feel there are any barriers to you raising concerns about the inappropriate behaviour of a Member of the Senedd or somebody who works on the Senedd estate? “**

The responses to this question in our membership survey noted several barriers, including the lack of anonymity (raised near unanimously), even down to the fact that viewing the complaints process on the Sharepoint is visible to others on the system. The inability of MBS or other Senedd support services to compel Members to make changes was also raised as a potential barrier. Concerns were noted around this leading to potential ostracism or having a stigma regardless of the end decision about the veracity of claims.

Some members noted that working part time means that such an intensive process could seem exhausting to them – if they are only meant to be working 2 days a week, making a complaint would add an incredible amount of pressure to their own workload, further adding to their stress.

A majority of respondents noted they did not have confidence that the complaints system was delivering just outcomes – many noted high profile examples of cases that had dragged on for extended periods of time, or where complainants had suffered as a result of coming forward.

In terms of improvements to the system, the key themes emerging from our survey of Plaid Cymru PCS Members was the need for more independent actors as part of the process – be that via a Panel or otherwise – and better access to HR support for staff.

In other informal conversations held in order to respect the sensitive nature of this line of questioning, several themes emerged.

Firstly, was the high-profile examples there have been over the years where people making a complaint have not had their anonymity respected, and have been targeted both online and in real life. One such example saw a former Member Support Staff, who decided to share their story, be targeted with abuse to the point that the police had to be contacted.

The need for a name to be stated and for that name to be disclosed to the Member who is the subject of the complaint was a strong theme here. Frankly, this is not a conducive environment to encourage people to call out bad behaviour from Members, and has likely directly led to some of the aforementioned targeting. There **must** be better protection for those making complaints, and the inability to guarantee anonymity to complainants is a significant barrier to making people feel comfortable making a complaint.

Secondly, the lack of confidence in the process to yield a just outcome was clear. Plaid Cymru PCS Members pointed to current and previous examples of complaints made about Senedd Members across multiple parties, where the process either did not yield what they believed to be a just outcome, or where the case had been dragged on for such a period of time that it felt no real satisfactory outcome could be reached. The lack of appeal process, with the Commissioner's decision being final and only challengeable by judicial review added to this lack of confidence, as it places a single point of failure in the process at the feet of the Commissioner.

Additionally, it was pointed out that the reporting timescales in the complaints procedure of the Standards Commissioner was unhelpful, particularly in the wording. The timescale of 6 months for a complaint to be lodged since the alleged conduct is not realistic, particularly in the context of the power dynamics that exist within the Senedd between Members and Member Support Staff.

There also needs to be better consideration that the nature of some complaints made may mean that people are unable to come forward within that initial 6 months. Whilst appreciating that there is a provision for the Commissioner to grant exemption if they are satisfied there is good reason for the delay, this criteria should be removed.

### **Do you have any suggestions regarding how the complaints procedure could be improved?**

A general observation that should be made here is, as demonstrated in the previous sections of this response, there is no single "complaints procedure". Neither does there appear to be a single "guidance" document. It would appear to be a series of (often unconnected or contradictory) information on the Senedd public website, intranet, staff handbook, in the various policies and procedures referenced already etc. If there is such a central "guidance document" it is not very accessible.

Firstly, the guarantee of anonymity for complainants is totally central to a complaints procedure that attempts to challenge poor behaviour. This is acknowledged as best practice and is widespread across several sectors.

The Senedd is frankly an outlier in not embracing this concept, and whilst needing contact information for the purposes of communication is understandable, there is no justification for the disclosure of the complainant's name to the Member who is the subject of that complaint.



Additionally, the anonymity of the complainant from any finalised report that goes before a Committee should be baked into the process as standard procedure. People willing to come forward and challenge poor behaviour should be protected by the institution from potential retaliation or being thrust into the public eye. Their privacy needs to be valued and respected.

The removal of the 6 months eligibility for complaints is another critical aspect of how the complaints procedure could be improved vastly. While there are examples set out in the guidance on what constitutes an exemption, they can be so vague and open-ended that it would be better to remove the 6 months limit altogether, and respect the fact that people can take a long time to come forward, or can be triggered by future events to share their experiences, much as we have seen in the #MeToo movement.

There needs to be consideration for adding to the complaints process an explicit ability for those evaluating a complaint to consider previous complaints of a similar nature / patterns of behaviour from those subject to a complaint. From reading the complaints process, it treats every complaint in isolation, which is not representative of the real-world context these events happen in. Anyone presiding over a complaint should be armed with any and all relevant information in order to come to a decision, and to give context to their fact finding.

To support this process, there should be an additional process for registering a concern that does not constitute a full complaint which triggers an investigation. This would empower those who witness behaviour they think may fall short of the Code of Conduct but are unsure of whether it constitutes a complaint. This would of course need to have checks and balances to ensure that if a concern was communicated in this way and did in fact constitute a breach of the Code, that it could be escalated to a full complaint.

Ultimately, it is the view of the branch and its members that there should be an external independent panel/function that would contain experts adept at dealing with concerns and complaints of various kinds – bullying, sexual harassment etc. Either alongside or instead of the Standards Commissioner regime. This would remove the single point of failure from the complaints system that the Senedd currently has, where regardless of the effectiveness of the Standards Commissioner themselves, there is too much responsibility on the shoulders of one person arbitrating over the entire process. Such a panel/function could also provide a source of independent advice on the routes available and filter concerns/complaints pertaining to dignity and respect.

### **Summary and suggested action for change**

Rather than restating the policy itself, it is suggested that the main focus should be on ensuring the procedures and mechanisms in place to give effect to the policy are suitably robust and command the confidence of staff and complainants, ensuring read across between the various reporting routes whilst at the same time ensuring choice and flexibility for the needs and circumstances of the individual raising concerns or complaints.

The Senedd Commission should clarify what function and responsibility MBS have in servicing and upholding the interests of individual staff members – can individual staff members approach MBS for independent and confidential advice or is their primary loyalty to the employing Member of the Senedd and what would sometimes appear to be ‘damage limitation’ for the institution as a whole? When there is clarity on its role, this should be promoted and advertised as such.

The Senedd Commission should identify a political lead and an official lead for driving the systemic and structural change that is required (working across the relevant authorities, including the Senedd

Commission itself (in terms of MBS/HR support), Standards Commissioner, the Remuneration Board, the Standards of Conduct Committee and developing any new structures that should emerge).

An independent body or function should operate alongside or in place of the Standards Commissioner as regards the recording and/or investigation of concerns/complaints.

Whilst maintaining and enhancing the reporting routes as appropriate, there should be some agreed general principles for raising concerns and complaints under the single Dignity and Respect policy, regardless of the route or procedure taken. Each procedure should be complementary to one another (and certainly not contradictory) guarantee and address issues of:

- Confidentiality and anonymity
- The ability to submit a collective grievance
- A target timescale for acknowledgment and resolution
- Who is responsible for providing support to the complainant and those subject to concerns/complaints
- A step-by-step guide to the practicalities of the process under that specific procedure and potential outcome/outcomes

There should be a single guidance document available online on the public internet, on the staff intranet, in the staff handbook and on paper/posters in the building.

Resources and support to deal with concerns and complaints should be provided to the Party Groups / Whips by the Senedd Commission and Independent Remuneration Board.

The Remuneration Board should establish how many offices have adopted the Anti-harassment and bullying policy and the Equal opportunities policy, how many have done with adaptations and how many as is. Is this model template robust, clear and fit for purpose? It should ensure that all employers under its locus should have a mandated, consistent policy and keep its operation and effectiveness within the Dignity and Respect landscape under review. The same goes for the Grievance Procedure.

**Senedd Cymru**  
**Y Pwyllgor Safonau Ymddygiad**  
**[Ymchwiliad i Urddas a Pharch](#)**

**DR09**

**Ymateb gan: Comisiwn Cydraddoldeb a Hawliau Dynol**

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**Welsh Parliament**  
**Standards of Conduct Committee**  
**[Dignity and Respect Inquiry](#)**

**DR09**

**Evidence from: Equality and Human Rights Commission**



Comisiwn  
Cydraddoldeb a  
Hawliau Dynol

Equality and  
Human Rights  
Commission

Consultation response

# Dignity and Respect

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## Consultation details

**Title of consultation:** Inquiry into Dignity and Respect

**Source of consultation:** Senedd Standards of Conduct Committee

**Date:** 22 January 2024

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## For more information, please contact

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# Introduction

1. The Equality and Human Rights Commission (the Commission) is the independent equality regulator for England, Scotland and Wales and is a UN-recognised 'A' status National Human Rights Institution. The Commission has a statutory mandate to advise Government and Parliament on matters relating to equality and human rights, and to promote and protect equality and human rights across Britain.
2. We welcome the opportunity to provide advice to inform the Inquiry into dignity and respect.
3. We responded to the [Standards of Conduct Committee's Review of the Code of Conduct for Assembly Members: Creating the Right Culture](#) in 2018 and we request that this response is considered alongside our 2018 response as the substance of that response is relevant here. We have not responded to the consultation questions but have instead set out below relevant comments which come within our remit.
4. The Commission is a statutory body established under the Equality Act 2006. It operates independently to encourage equality and diversity, eliminate unlawful discrimination, and protect and promote human rights. As part of this role we highlight issues of concern, inform and guide good practice, engage others in solutions and influence change in employment practice.

# Our response

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## Preventing discrimination & harassment

The primary focus of the consultation is on the reporting procedures after an instance of misconduct. It is important that greater priority is given to preventing discrimination and harassment – or any form of misconduct – in the first instance.

We are pleased to note that both the Code of Conduct for Senedd Members and the existing Dignity and Respect policy do now refer to discrimination and harassment, including sexual harassment, however we remain concerned at the lack of supporting policies and guidance. We would also suggest that specific reference is made to the fact that discrimination and harassment is unlawful under the Equality Act 2010.

In our 2018 response we commented that the Senedd should have in place a robust anti-harassment policy. As set out in our technical guidance, Sexual harassment and harassment at work<sup>1</sup> all employers should have in place:

- an anti-harassment policy that is communicated to workers and is effectively implemented, monitored and reviewed
- an appropriate procedure for reporting harassment, protecting victims of harassment and taking action if harassment occurs.

Employers should not conflate different forms of harassment. They should have different policies to deal with sexual harassment and harassment related to protected characteristics or have one policy which clearly distinguishes between the different forms of harassment. Employers should also consider preparing separate strategy documents to accompany their antiharassment policy or policies, setting out what measures they will take to tackle the different forms of harassment. These documents should take into account issues such as the different causes of different forms of harassment and the risk of different forms of harassment occurring in the employer's particular workforce.

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<sup>1</sup> <https://www.equalityhumanrights.com/sites/default/files/2021/sexual-harassment-and-harassment-at-work.pdf>

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## Sexual harassment and harassment at work Technical Guidance

In 2020, the Commission published Technical Guidance which provides best practice for effective prevention and response relating to harassment and sexual harassment in the workplace and includes:

- definition and examples of what sexual harassment is
- your responsibilities as an employer
- what a sexual harassment policy should include
- how to put the policy into practice
- how to handle sexual harassment complaints
- criminal behaviour

In setting out an employers' obligations, the guidance states:

Employers will be liable for harassment committed by their workers in the course of their employment unless they can rely on the 'reasonable steps' defence'. It does not matter whether or not the employer knows about the harassment.

There is no prescribed minimum about what an employer can do to prevent harassment and protect its workers. It is an objective test about what it is reasonable for the employer to do in the circumstances.

A good anti-harassment policy (or policies where, for example, an employer has separate policies to deal with sexual harassment and other forms of harassment) will:

- confirm who the policy covers
- state that sexual harassment, harassment and victimisation will not be tolerated
- state that sexual harassment, harassment and victimisation are unlawful
- state that harassment or victimisation may lead to disciplinary action up to and including dismissal if it is committed:
  - in a work situation
  - during any situation related to work such as at a social event with colleagues
  - against a colleague or other person connected to the employer outside of a work situation, including on social media or
  - against anyone outside of a work situation where the incident is relevant to their suitability to carry out the role. Sexual harassment and harassment at work

- state that aggravating factors such as abuse of power over a more junior colleague will be taken into account in deciding what disciplinary action to take
- define the protected characteristics that harassment may be related to
- define harassment related to protected characteristics, sexual harassment, less favourable treatment for rejecting or submitting to sexual harassment and victimisation separately. Different forms of harassment should not be conflated (if bullying is included within the same policy) distinguish between bullying and harassment
- provide clear examples to illustrate each definition of the different forms of harassment, which are relevant to the employer's working environment and which reflect the diverse range of people whom harassment may affect
- include an effective procedure for receiving and responding to complaints of harassment
- address third party harassment. This section should outline:
  - that third party harassment can result in legal liability
  - that it will not be tolerated
  - that workers are encouraged to report it
  - what steps will be taken to prevent it. For example, warning notices to customers or recorded messages at the beginning of telephone calls
  - what steps will be taken to remedy a complaint or prevent it happening again. For example, warning a customer about their behaviour, banning a customer, reporting any criminal acts to the police, or sharing information with other branches of the business
- include a commitment to review the policy at regular intervals and to monitor its effectiveness
- cover all areas of the employer's organisation, including any overseas sites, subject to any applicable local laws which impose any additional requirements on the employer.

We would strongly suggest that the Committee considers our Technical Guidance as part of this Inquiry and ensures that robust policies are in place to reflect the Senedd's responsibilities as an employer.

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## Freedom of expression

Public bodies must respect the rights to both freedom of expression and freedom from discrimination. They are also subject to particular duties which require them to have due regard to the need to promote good relations between different communities protected by equality law. This may require them actively to challenge the use of offensive communication.



## Complaints process

The procedures for reporting discrimination, harassment or unwanted conduct should be as transparent and accessible as possible and any unnecessary barriers removed. We are concerned to note that only 61.7% of Member support staff would feel comfortable raising concerns using the existing process. This is indicative of a significant problem, and it will be necessary for any amendments to the policy to be communicated to all staff, and relevant training provided to ensure that it is universally utilised. We would also suggest that further work is undertaken to establish why employees do not feel comfortable using the existing complaints procedure.

Within the last 12 months we have had cause to correspond with the Llywydd, Senedd Standards Committee and the Standards Commissioner following a complaint made to us by a stakeholder about a discriminatory and offensive comment made by an MS about members of the Gypsy, Roma and Traveller communities during a Senedd Plenary session. Whilst the Llywydd immediately requested an apology from the MS, the Llywydd chose not to refer the matter to the Senedd Commissioner for Standards. The MS did not make a public apology to the communities that he had offended.

By virtue of paragraph 3 of the Code on the Standards of Conduct of Members of the Senedd, only the Llywydd or Committee Chair can refer a matter relating to the conduct of a Member during a Senedd plenary the Senedd Commissioner for Standards. As the Llywydd chose not to make a referral in this instance, the matter could not be progressed further. We would advise that this process be reviewed to ensure that there is a mechanism for a referral to be made to the Commissioner to investigate in situations where the Llywydd has not referred the matter.

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## Other Considerations

In the [Commission's March 2021 response to the WEC's \(Women and Equalities Committee'\) Gender Sensitive Parliament inquiry](#), we set out our suggestions how Government, Parliament and political parties can take steps to create a more inclusive and responsive working environment, including by preventing and responding to workplace harassment, increasing flexibility, and reforming parental leave. Much of this consultation response and recommendations will be useful to the Standards of Conduct Committee.

The Commission recommended that the UK Government should introduce a mandatory duty on employers to take reasonable steps to protect workers from harassment and victimisation in the workplace, enforceable by both individuals and the EHRC, and to reintroduce section 40 provisions on third party harassment to provide a greater degree of protection for individuals against harassment. A preventative duty would relieve the burden on MPs' staff who report harassment and instead put the onus on the employer to effectively prevent and resolve harassment. Reintroduction of this section of UK legislation would benefit the people of Wales.

One of the key challenges facing Members of the Senedd/Parliament is that they have no formal employment status, and as such are not protected against discrimination by the employment provisions in the Equality Act 2010. However, political parties have specific obligations to protect their members from discrimination, harassment and victimisation.

We agree with the findings of the WEC's earlier report into [Sexual Harassment in the Workplace](#) that there is no reason why an organisation that makes use of volunteers and interns should not be responsible for ensuring that they too can work in an environment free from harassment, especially as they can be some of the most vulnerable people in an organisation.

We believe that parliaments and political parties should be at the forefront of creating an exemplar environment for those working within them.

Part of ensuring respect and dignity in the Senedd is to encourage action in political parties. Political parties have obligations under the Equality Act 2010 to eliminate unlawful discrimination, harassment and victimisation. But our research into the barriers facing candidates in local elections showed that parties needed to be better at ensuring cultures and behaviours met the standards set out in formal party rules. We know that women in particular felt that this was not always done, and that a failure to respond to reports of discrimination, harassment, or inappropriate behaviour was a barrier to their participation and progression.

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## Further advice

Due to the wide-ranging scope of the subjects covered in this inquiry, we extend an invitation the Standards of Conduct Committee to meet with the EHRC, so we can give further and specific guidance. Our policy and legal teams are available to advise or give evidence beyond the limits of written evidence to the inquiry.

## Further reading

[Diversity of candidates and elected officials in Great Britain](#) EHRC 2019

[Turning the Tables: ending sexual harassment at work](#)

[Response to Call for Evidence: Intimidation of Parliamentary candidates](#) EHRC 2017

[Barriers to participation in standing for election to local government in Scotland](#) EHRC 2019