

Senedd Cymru
Y Pwyllgor Safonau Ymddygiad
[Ymchwiliad i Urddas a Pharch](#)
DR05
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 2017.¹

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 organisations². 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 documents³, 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

¹<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>

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

³ <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 submission⁴. 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 5th Senedd between 2017-2018 which states⁵:

“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 5th Senedd, ‘Creating the Right Culture’.⁶

Project Pawb

⁴ Annex A, Attached.

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

⁶ <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 Pawb⁷, 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'⁸. 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

⁷[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)

⁸ <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 immediately⁹.

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 actions¹⁰:

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

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

¹⁰ <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.”¹¹

22. The Group believe that the practise now in place within the UK Parliament of naming Members who are under investigation following an admissible complaint¹², 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.

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

¹² <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."¹³

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

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

the culture within the organisation and workplace that would have enabled such harassment to take place¹⁴.

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.

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