

**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.