

# Code of Conduct Review

## Proposals for amendment

Date

The Standards of Conduct Committee has been considering the *Code of Conduct for Members of the Senedd (the Code)* to ensure that it remains relevant in our evolving parliament. This document sets out proposals for changes that may be needed to the Code in time for the Seventh Senedd (May 2026).



### Chair's Foreword

Throughout the course of the Sixth Senedd, the issue of standards and public trust in politics has been the subject of considerable attention. It is essential to recognise that Standards are not static; rather, they must develop and evolve in tandem with societal developments, technological advancements and the practical realities of their application. This principle underpins the current consultation.

The Committee's experience in applying the Code of Conduct (the Code) during this Senedd has led us to make a number of recommendations for clarifying and changing the Code. Accordingly, this document presents a series of proposals for amending the Code, each accompanied by a clear rationale for change.

In addition to the issues we identified by dealing with complaints during this Senedd, we are proposing amendments that reflect broader discussions on standards on standards within public life.

At the time of issuing this consultation, the Members Accountability Bill (the Bill), a significant piece of legislation, is progressing through the Senedd. This Bill aims to strengthen accountability by introducing a system of recall for elected Members. It also proposes establishing the Standards of Conduct Committee as a mandatory committee in the Government of Wales Act. These measures show how seriously Members of the Senedd take their responsibility to uphold the highest standards as elected representatives.

The Bill draws on recommendations made by the Standards of Conduct Committee earlier this year in our reports on deliberate deception and recall. These recommendations were aimed at addressing some of the concerns raised around the declining trust in politics. In relation to the matter of deliberate deception, while the Code already explicitly requires that Members to act truthfully, we are proposing amending this rule to add clarity and certainty regarding this expectation.

Furthermore, we are also proposing an amendment to the Code to address some of the concerns we have heard in relation to dignity and respect – an area that has been a significant part of our work. Our aim is to ensure that all individuals feel respected and comfortable in the Senedd.

We would really welcome your views on the proposals on this document, and any other changes to the Code that you consider necessary. Upholding high- standards for elected representatives should be something which are discussed and developed by everybody to help ensure and increase trust and transparency in politics.

## 1. Background

- 1.** The Code of Conduct (the Code) is a document which sets out the standards of behaviour and conduct expected by Members of the Senedd. This Code applies to all Members of the Senedd and Members must comply with it. It provides the openness and accountability necessary to reinforce public confidence in the Members of the Senedd regarding the way in which they discharge their important public duties and responsibilities.
- 2.** The Code has statutory authority under the National Assembly for Wales Commissioner for Standards Measure 2009, which established the independent Commissioner for Standards (the Commissioner). If a Member fails to comply with the Code, they may be reported to the Commissioner, who will investigate the complaint. If the Commissioner finds that the Code has been breached, they will report the matter to the Standards of Conduct Committee (the Committee).
- 3.** The Committee has a duty to consider matters of principle relating to the conduct of Members. The Code is agreed by the Senedd following proposals from the Committee. It is intended that a revised Code of Conduct will be presented to the Senedd before the end of the sixth Senedd so that it applies from the first day of the Seventh Senedd.

## 2. Proposals

- 4.** The Committee has noted its intention to undertake a number of revisions to the Code of Conduct during the course of its reports to the Sixth Senedd. This document outlines each of the proposed changes.
- 5.** This work will also include reviewing the accompanying guidance to the Code of Conduct.
- 6.** The proposals are as follows:
  - Proposal one – replace Rule 2 with two separate rules to clearly define expectations for Members regarding honesty and deliberate deception.
  - Proposal two - amend Rule 15 to allow Members, in certain circumstances, to discuss the outcome of complaint investigations that have been concluded.

- Proposal three – introduce a new rule specifically addressing the use of Members’ social media accounts.
- Proposal four – introduce a new rule requiring Members to act as responsible employers.
- Proposal five – clarify the roles and responsibilities in relation to complaints on declarations of interest set out in Part 1 of the Code.
- Proposal six – -amend Rule 21 to prohibit Members from trying to persuade potential complainants or witnesses not to come forward
- Proposal seven – introduce a new rule requiring Members to include declarations of interest in representations outside of formal Senedd Business.

**7.** We would welcome your views on the proposed changes, particularly regarding whether the changes will help to improve transparency and accountability. We would also welcome any views on the impact on equalities the changes may have and any consideration to equalities the Committee should have with regards to the Code more generally.

**8.** If you have any suggestions for further amendments to the Code of Conduct or associated documents that you believe could enhance transparency and accountability, we would be keen to hear them.

## **Proposal one – Replace Rule two with two separate rules around honesty.**

9. Rule 2 currently states:

*Members must act truthfully.*

10. The Committee's report on deliberate deception<sup>1</sup> recommended creating two rules in place of Rule 2 as follows:

- Broaden the existing rule from 'act truthfully' to also expressly state that Members must not make deliberately misleading statements; and
- Include an additional rule to require those who make factually incorrect statements to correct the record at the earliest opportunity.

11. The intention of this change would be to provide greater clarity about the expectations on Member in relation to deliberate deception. The Committee will include in guidance the parameters for deliberately misleading statements, following any views received as part of this consultation.

12. These changes are not dependent on the passing of the Individual Member Accountability Bill, as the Committee considers they are important and necessary for strengthening Member accountability.

## **Proposal two – Amend Rules 15 and 19 to allow Members to discuss the outcome of concluded complaint investigations if necessary.**

13. The Committee considered a complaint involving the disclosure of an extract of a letter from the Commissioner. This letter concerned a complaint that had been found inadmissible and the Commissioner had concluded their assessment of the matter.

14. Rule 15 states:

*Rule 15 Members must, in relation to the disclosure of information:*

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<sup>1</sup> [Individual Member Accountability: Deliberate deception](#)

*that is confidential or otherwise protectively marked, only disclose it when authorised to do so by the person or authority controlling the information or when disclosure is required or permitted by law;*

*only use information received in confidence in their capacity as a Member of the Senedd and not use, or attempt to use, such information for any malicious purpose or the purposes of financial or any other personal advantage; and*

*not prevent any person from gaining access to information as permitted by law.*

**15.** Rule 19 states:

*Rule 19 Members must not disclose details in relation to:*

*i. any investigation by the Senedd Commissioner for Standards except when authorised by law to do so, or by the Senedd Commissioner for Standards or other investigatory authority; nor*

*ii. the proceedings of the Senedd's Standards of Conduct Committee in relation to a complaint unless authorised by law to do so, or by the Committee.*

**16.** In the 20<sup>th</sup> report under Standing Order 22.2 to the Senedd, the Acting Commissioner for Standards found that:

*"It could be argued that 1) a proportionate requirement for confidentiality should only be for the duration of the investigation and not beyond; 2) any rule that prevents Members from discussing the outcome afterwards would be disproportionate and may constitute a potential violation of their Article 10 rights; and perhaps 3) inadmissible outcome letters should be published in the interest of transparency."*

**17.** The Committee agreed with the Acting Commissioner that it is neither reasonable nor proportionate to prevent Members from defending themselves against allegations and comments about complaints that have already been concluded and dismissed by the Commissioner, while others involved in the process can. The Committee intends to make clear in these rules that Members are not prohibited from discussing complaints once concluded (either when dismissed by the SC or when the SoC has reported)

**18.** The Committee will make clear in guidance the expectation that such references will typically be in response to comments made or in general terms rather than the specifics of a complaint.

### **Proposal three – New Rule relating to the use of Members’ social media accounts.**

**19.** During the Sixth Senedd, the Commissioner and the Committee have been required to consider an increasing number of complaints regarding Members’ use of social media.

**20.** In one such case, the Committee dealt with a complaint relating to a retweet on a Member’s X account, which was posted by the Member’s support staff. The Commissioner found that:

*“The evidence was clear the Member did not post either of the tweets that are the subject of the complaint. There is nothing in the Code of Conduct making a Member vicariously responsible for the conduct of their staff.”*

**21.** The Committee is clear that Members should comply with Rule 24 which requires Members to “take reasonable measures to ensure that their staff, when acting on their behalf, also uphold and act in accordance with these Rules and the Overarching Principles”.

**22.** This particular case highlighted the need to take extra care when a staff member is posting on social media on a Member’s behalf. Where posts are made on a social media account in the Member’s name, with the Member’s consent, the Committee is clear that the Member is personally responsible for the information released – whether it is published by themselves or staff acting on their behalf. The Committee considers the Member should therefore be held responsible for any such actions being in accordance with the Code.

**23.** Exonerating Members of responsibility when information is published explicitly under their name goes against the spirit of the Code, and may inadvertently provide Members with a means to by-pass relevant provisions.

**24.** To address this the Committee is proposing a new standalone rule in relation to the use of Members’ social media accounts, to make clear that Members are responsible for information released in their name – whether it is published by Members themselves, or staff acting on their behalf.

## **Proposal Four - New Rule Members should act as responsible employers**

**25.** During its inquiry on Dignity and Respect, the Committee considered the important role that Members play as employers, in ensuring dignity, respect, and a healthy working environment within the Senedd. To address this, the Committee is proposing amending the Code of Conduct to require Members to act as responsible employers.

**26.** The guidance to this rule would set out requirements expecting Members to have a Code of Conduct that applies to their staff and maintain a comprehensive Staff Handbook, which would need to include key policies such as grievance and disciplinary procedures, and dignity and respect at work.

**27.** In addition to being clear about the expectations on Members as employers, the Committee has set out in a number of reports its expectation that all Members and their staff should attend courses on matters related to dignity and respect. We intend to make clear that non-attendance may be considered relevant in matters brought before the Standards of Conduct Committee

## **Proposal Five - Clarifying the relationship between Llywydd/Committee Chairs and the Commissioner in relation to declarations of interest**

**28.** In addition to making changes to the Code of Conduct rules, it is proposed to make clear the process for referring complaints between the Llywydd/Committee Chairs and the Commissioner.

**29.** The Standing Orders of the Senedd place the responsibility for maintaining conduct in Plenary and Committees on the Llywydd and Committee Chairs respectively. Therefore, current practice is that all complaints relating to conduct in the Siambr or committee proceedings, need to be considered by the Llywydd or the Committee Chair as relevant.

**30.** However the experience of this Senedd has shown that there are occasions when such complaints need to be made directly to the Commissioner, namely in relation to declarations of interest. Such complaints may require a further investigation, which can be complex, therefore the Committee is proposing to clarify these complaints should be referred to the Commissioner in the first instance.

## **Proposal Six -Amend Rule 21 to prohibit Members from trying to persuade potential complainants or witnesses not to come forward**

**31.** Rule 21 of the Code states

*Members must not seek to influence, induce or attempt to induce, a person making a complaint in an investigation to withdraw or amend their complaint, or any witness or other person participating in a complaint to withdraw or alter their evidence.*

**32.** This rule as drafted does not prohibit a Member from either trying to persuade a potential complainant not to make a complaint or a potential witness not to come forward. Following a proposal from the Commissioner, the Committee is proposing amending the Rule to

*“Members must not seek to influence, **encourage**, induce or **attempt to induce a person not to make a complaint**, or to withdraw or amend their complaint, or any other person from giving evidence or altering or withdrawing their evidence.”*

**33.** This revision would, in effect, make it a breach of the Code for Members to enter into an Non Disclosure Agreement (NDA) with staff or former staff that sought to prevent them from making a complaint or giving evidence about the Members’ conduct. It would not restrict the right of Members to enter to NDAs in respect of other matters.

## **Proposal Seven - New Rule requiring Members to include declarations in representations outside of formal Senedd Business.**

**34.** The Senedd rules for declaring interests currently only require Members to declare registrable and relevant interests when taking part in proceedings of the Senedd<sup>2</sup>. In its response to the Committee’s initial consultation on the registration and declaration of interests, the Public Services Ombudsman for Wales suggested that Members should be making declarations before any oral or written representations regarding a matter where a Member has a personal interest.

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<sup>2</sup> [Standing Orders of the Welsh Parliament](#)

### Practice elsewhere

**35.** In the House of Commons, the Code of Conduct requires Members to declare relevant interests both in proceedings, and also:

- a. In any communication, formal or informal, with those who are responsible for matters of public policy, public expenditure, or the delivery of public services. This included communications with Ministers, either alone or as part of a delegation: with other Members; with public officials (including the staff of government departments or agencies and public office holders). If those communications are in writing, then the declaration should be in writing too; otherwise it should be oral; and
- b. When booking facilities on the parliamentary estate.

**36.** In the House of Lords, Members are required to declare any relevant interests when communicating with ministers or public servants about matters related to public policy and parliamentary proceedings. “Public servants” includes servants of the Crown, civil servants, employees of government agencies or non-departmental public bodies, and members, officers and employees of local authorities or other governmental bodies.

**37.** In the Scottish Parliament, as in the Senedd, Members are only required to declare an interest before taking part in proceedings of the parliament. In the Northern Ireland Assembly, the requirement in the Members’ Code of Conduct to declare a relevant interest at the appropriate time covers almost every aspect of a Member’s Assembly duties extending to correspondence and meetings with Ministers, civil servants, and public officials.

**38.** The Committee agreed Members should be required to declare any relevant or registrable interests outside of Senedd proceedings, such as when communicating with Ministers. The Committee is proposing including this a new rule in the Code.