

Memorandum of Understanding with observer Members

October 2024

Memorandum of Understanding

Purpose of evidence sessions on deception

1. The Committee has noted the commitment of the then Counsel General for Welsh Government to bring forward legislation to make deception an offence with an independent judicial process. The Committee recognises that the issue of deception falls within the scope of its inquiry into improving individual member accountability. The Committee has therefore agreed to gather evidence on the merits of the disqualification of Members and candidates found guilty of deliberate deception, including through an independent judicial process.

Meetings

- 2.** Observer Members are invited to attend the Committee at the discretion of the Chair.
- 3.** Standing Orders 17.24A – 17.30 which relate to: Declarations of interests; Behaviour in Committees; Sub Judice; and Relations with the Judiciary¹ will apply equally to Committee and observer Members.

¹ Standing Orders of the Welsh Parliament



4. The Committee, in consultation with observer Members, will agree whether to conduct proceedings in hybrid or virtual format on a meeting-by-meeting basis.
5. Where possible, meetings will be arranged to group sessions relating to recall separately to those relating to deception. Where this is not possible, to avoid asking witnesses to attend Committee meetings twice, observer members are welcome to remain for the entirety of proceedings. However, observer Members will only be permitted by the Chair to question those witnesses on matters relevant to the inquiry into deliberate deception.
6. Observer members will be invited to join the Committee in its private consideration of evidence relating to deception, and to contribute views.
7. Committee Members may access Committee resources in the usual way, however should observer Members have any specific requests, these should be made with the agreement of the Chair.

Witnesses

8. The Committee will agree a panel of witnesses it wishes to invite to give evidence, in order to provide it with a balance of views from across sectors.
9. Observer Members will be consulted on people/organisations they wish to invite to give evidence. It will be for the Committee to decide the invitees.

Sharing of documentation

10. All public and private Committee papers relating to the work on deception will be shared with observer Members. In the case of private papers, the usual rules around restricted documentation apply, as stipulated in rules 13 and 15 of the 'Code of Conduct on the Standards of Conduct of Members of the Senedd'.² All other documentation relating to the Committee's work on Individual Member Accountability will be restricted to Committee Members.

Reports and outputs

11. A specific report will be produced in relation to the issue of deception. This will be separate to the Committee's report on recall.

² [Code of Conduct on the Standards of Conduct of Members of the Senedd](#)

12. Any report produced by the Committee will be based on evidence gathered by the Committee and through written submissions. The Committee will accept and publish any relevant written submissions received until the last scheduled evidence session.

13. The Committee will hold a key issues session, and observer Members will be invited to participate in the session. The draft report will be shared, and an agreed summary of the observer members views will be included in the report. The report agreement will be undertaken following usual processes by the Committee.