

27 March 2018

Dear all,

Consultation: Review of staffing support for Members

At its meeting on 15 March the Remuneration Board considered the evidence received to date during its review of staffing support for Members. The Board discussed what matters may warrant further consideration and what matters could be addressed sooner and as result has decided to consult on some issues immediately and is inviting responses by 11 May. The below provides an overview of the Board's discussions and the next steps.

Introduction

The evidence gathered from the Board's review thus far, which includes feedback from Members and support staff, as well as the Board's previous review on the effectiveness of the Determination, indicated that there is support to introduce more flexibility into the staffing allowance provisions contained within the Determination. This feedback included introducing more flexibility to the Determination to address workload pressures within Members' offices, the preference to spend allowances on staffing rather than other expenses such as offices costs and that the current staffing structures were restrictive. Following consideration of the views received, the Board is considering whether to implement the following changes so as to increase flexibility for Members in their use of various elements of the Determination. The intention of these proposals is to have the effect of increasing the flexible use of the existing allowances without increasing them.

Budgeting Staffing Allowance at actual pay points

The Board considered the matter of calculating the Staffing Allowance at actual pay points rather than the potential maximum cost as is the current practice.

Currently staffing costs are calculated at the "Potential Maximum Cost" as outlined in section 7.2 of the Determination. The difference between the maximum cost and the Staffing Allowance is the "Remaining Balance". It is this Remaining Balance that Members have at their disposal to cover other staffing costs such as staff employed on fixed term contracts, work placements and interns, staff travel and overtime. It cannot be used to employ permanent staff.

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Following the feedback received calling for more flexibility within the system and to address pressure points, the Board is proposing to allow the remaining balance of the Staffing Allowance for a Member to be calculated at actual cost rather than potential maximum cost. As the Remaining Balance may change during the year as staff leave, join and other costs are incurred, there will be no change to the provisions on how this balance can be utilised.

Alongside this proposal the Board is also proposing to publish the expenditure each individual Member makes on their Staffing Allowance. This would be an annual publication of a Member's total spend during a financial year on staffing.

Removal of 111 hour cap on permanently employed support staff

The Board considered the issue of the 111 hour cap on permanently employed support staff and whether it remains appropriate. It considered the feedback it had received which favoured a preference to remove the cap. The Board's survey on effectiveness of the Determination last year showed over half of Members and support staff who responded to the survey rated the employment cap as either poor or very poor. There was also some support for removing the cap from both Members and support staff during the interviews and surveys undertaken as part of the review of staffing support for Members.

Paragraph 7.1.2 of the Determination states "that a Member may claim an allowance to cover the salary for up three full time equivalent staff" at a cap of 111 hours.

The Board is proposing to remove the 111 hour cap on permanently employed staff. As a result the amount of hours and the band of any additional staff that a Member may wish to employ would depend on the remaining balance of their Staffing Allowance when all contractual annual pay rises have been accounted for.

Viring between budgets

The Board considered the feedback gathered during this review and its review of the effectiveness of the Determination, both of which indicated a preference towards greater flexibility between the allowances.

Section 7.5 of the Board's Determination allows a Member to vire (transfer) up to 25 per cent from their Staffing Allowance to their Office Costs Allowance. Furthermore Members are able to draw down funding for their Office Costs Allowance from future financial years, though not carry funds forward to a future financial year.

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The Board is proposing to allow Members to vire up to 25 per cent from their Office Cost Allowance into their Staffing Allowance. In addition, the Board is proposing to allow Members to vire the funding available to them through the Policy, Research and Communications Fund into their Staffing Allowance (up to a total of £2,500). These changes are in addition to the provisions that already exist.

Equalities considerations

In addition to the proposals outlined above, the Board would like to seek your views on whether any of the issues that are raised above could have an impact, or could they have a potential impact, on people who identify with protected characteristics as defined under the Equality Act 2010?

Other matters

Increased flexibility will result in the amount available in Members' staffing allowance fluctuating during the year, depending on where their staff are on their individual pay points. Responsibility for managing this volatility will be a matter for Members.

Increased expenditure under a Member's individual staffing allowance may also result in less money being available to vire to other allowances.

Members may wish to note that the proposals outlined above apply to an individual Member's allowances not the Support for Political Parties Allowance. The Board will consider the implications of these proposals on the Support for Political Parties Allowance at its May meeting.

The Board is aware that the Finance Committee is currently undertaking an inquiry on how the Assembly Commission forecasts its budget for Remuneration Board determinations and the related matter of the underspend. The changes described in this consultation, if implemented, would be likely to affect the underspend on the Determination and, therefore, the funds available to the Assembly Commission. The Board intends to engage the Commission directly, therefore, so that we adopt a coherent approach to budgeting overall and the provision of services and financial support to Members.

Providing written evidence

The Board would welcome your views on its proposals. Please let us have any responses to the above proposals by **11 May 2018** to inform the Board's deliberations at its next meeting. If you have any questions related to the review or the consultation, please contact

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the secretariat. Please ensure that you have considered how the Board will use the information you, which is noted in the Annex to this letter, before submitting your response.

This letter will also be published on our website as is our usual practice.

Best wishes,



Dame Dawn Primarolo

Chair, Remuneration Board

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Annex A: How we will use the information you provide

Who we are

The Remuneration Board is the data controller of the information you provide, and will ensure it is protected and used in line with data protection legislation.

Why we are collecting this information

Your submission will be used to inform the Remuneration Board's review of the staffing support for Members.

What we will do with your information

Submissions will be seen in full by the Remuneration Board members and the secretariat to the Board (employees of the Assembly Commission) who are involved in the consultation. Your information will be stored on the Assembly Commission's ICT network (which includes third party cloud services provided by Microsoft). Any transfer of data by Microsoft outside of the EEA is covered by contractual clauses under which Microsoft ensure that personal data is treated in line with European legislation.

Publication of submissions

The Remuneration Board may publish some or all of your submission to this consultation on the Board's website. It may also publish extracts from your submission within documents produced following the consultation and published on the Board's website. Any submissions that are published on the Board's website will remain in the public domain.

Please let us know if you would prefer that your submission or extracts from it are not published.

If the Board publishes a submission you have provided on behalf of an organisation, it will include your name, job title and the name of your organisation with your submission. If it publishes a submission you have provided on your own behalf, it will only publish your name if you have asked us to do so.

How long your information will be retained

Responses will be retained until the Remuneration Board has completed the consultation and any subsequent work in the areas outlined in this document. This is anticipated to be in May 2020 as the Board has committed to publishing its Determination for the Sixth Assembly, one year before the Welsh general election in 2021.

Contacting you

The Board may use the contact details you provide to contact you in relation to this consultation and your submission, and any additional work undertaken as part of this

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review. Please inform us as you respond to the consultation if you would like us retain your contact details and contact you for these purposes. If you decide to opt into further contact, you may opt out of further contact at any point by letting us know.

Requests for information made to the Assembly Commission

In the event of a request for information being made under access to information legislation, it may be necessary to disclose all or part of the information that you provide. This may include information which has previously been removed by the Remuneration Board for publication purposes. The Board will only do this if it is required to do so by law.

Your rights

Your personal data will be processed for the performance of a task carried out in the public interest by the Remuneration Board.

If you would like to:

- engage any of the rights that you have under the legislation (such as the right to: request access to your own data);
- ask a question; or
- make a complaint about how your information has been used;

please contact the secretariat (<mailto:remuneration@assembly.wales>)

You can also make a complaint to the Information Commissioner's Office (ICO) if you believe we have not used your data in line with the law. The ICO's contact details can be found on its website - www.ico.org.uk

Please note that some of these rights will not be enforceable until the General Data Protection Regulation applies in the UK on 25 May 2018