

---

# Consultation

October 2018

---

# The Remuneration Board

The Remuneration Board of the National Assembly for Wales is the independent body responsible for setting the pay, pensions and allowances of Assembly Members and their staff. The Board was established by the National Assembly for Wales (Remuneration) Measure 2010.

## Members of the Board

- Dame Dawn Primarolo DBE PC (Chair)
- Ronnie Alexander
- Trevor Reaney
- Mike Redhouse
- Dame Jane Roberts

## Secretariat to the Board

- Llew Williams, Clerk
- Sian Giddins, Deputy Clerk

An electronic copy of this report can be found on the National Assembly's website: [www.assembly.wales](http://www.assembly.wales). Copies of this report can also be obtained in accessible formats including Braille, large print, audio or hard copy from:

**Clerk to the Remuneration Board**

**National Assembly for Wales**

**Cardiff Bay**

**Cardiff**

**CF99 1NA**

Tel: **0300 200 6565**

Email: **Remuneration@assembly.wales**

# Contents

---

<b>How to submit a response .....</b>	<b>1</b>
<b>Introduction .....</b>	<b>2</b>
<b>Summary of proposals .....</b>	<b>4</b>
<b>Privacy Policy .....</b>	<b>5</b>
<b>Part 1: Review of staffing support for Members.....</b>	<b>7</b>
<b>2. Recruitment and Employment of Family Members .....</b>	<b>10</b>
<b>3. Recruitment and starting salary criteria.....</b>	<b>12</b>
<b>4. Role of support staff .....</b>	<b>14</b>
<b>5. Support staff salaries and pay scales.....</b>	<b>15</b>
<b>6. Terms and conditions.....</b>	<b>20</b>
<b>7. Career progression and learning opportunities .....</b>	<b>22</b>
<b>8. Staff travel.....</b>	<b>23</b>
<b>9. Representative groups .....</b>	<b>24</b>
<b>Part 2: Discipline Procedure and Grievance Procedure.....</b>	<b>25</b>
<b>11. Grievance Procedure .....</b>	<b>26</b>
<b>12. Disciplinary Procedure .....</b>	<b>28</b>



# How to submit a response

---

If you would like to submit a response to the Remuneration Board's consultation you can do so by sending your responses to the following:

Post:

Clerk to the Remuneration Board,  
National Assembly for Wales,  
Cardiff Bay,  
Cardiff  
CF99 1NA

E-mail: **[remuneration@assembly.wales](mailto:remuneration@assembly.wales)**

The closing date for submitting responses is Thursday 13 December 2018. Any responses received after this date will not be included.

If you need assistance in preparing your response please contact the secretariat on the details above.

# Introduction

---

The Board's objective as set out in legislation is to ensure that Assembly Members ("Members") are well equipped to undertake their roles effectively while ensuring transparency, accountability and value for money for the taxpayer. It is with those principles in mind that we set about undertaking a review of staffing support for Members and consulting on the following proposals.

Following initial feedback from Members and support staff the Board has already introduced some changes to the way both Members and Political Parties can use their allowances. The changes introduced to date will allow Members and Political Parties to use their allowances more flexibly to support their work without increasing the total cost to the Welsh taxpayer.

The evidence gathered throughout this review suggested that Members and support staff were broadly content with the provisions that are already in place. However the Board believes there is always scope to improve these. With this in mind, we have proposed some changes which we believe will enhance existing terms and conditions for staff who work for Members.

The Board is also of the view that provisions contained within the staffing support for Members should be open, transparent and encourage people from all backgrounds to work in the Assembly. With these principles in mind, we are proposing to remove funding for the employment by Assembly Members of members of their family. This change would also bring the Assembly into line with other legislatures who already impose a form of restriction. We are aware that this proposal may worry those who will be affected by this change. We recognise this, but we must ensure that the public have confidence in the rules which we set.

In the past year the Assembly has taken important steps to tackling inappropriate behaviour and ensuring that the institution is a safe environment for those who work here. In order to ensure that the Assembly is an inclusive organisation free from intimidation and harassment, a new Dignity and Respect policy has been adopted, which the Board fully supports. As a result the Board has taken the decision to consult on changes to policies its responsible for to ensure to ensure that support staff feel safe and free in their roles but also to ensure that the policies match up to the new Dignity and Respect policy. This will mean introducing changes to the Grievance Procedure and Disciplinary Procedure for support staff. It is our aim to ensure that all documents and policies for which we are responsible support cultural change and ensure that inappropriate conduct is not tolerated.

The Board is aware that it may need to reconsider many of these issues should the Assembly agree to increase its size in the near future. However, until such a decision is made, the Board will continue with its decisions as outlined, subject to consultation. The Board is also starting its work to review its Determination for the Sixth Assembly and it may return to some of the issues raised during that review.

The following document provides further details on the proposals noted above and how you can share your view with us.

A handwritten signature in black ink, appearing to read 'D Dawn Primarolo', written in a cursive style.

**Dame Dawn Primarolo**

**Chair, Independent Remuneration Board**

# Summary of proposals

---

The Board is proposing to make the following changes to its Determination and other associated policies:

Proposal 1. The Board is proposing to remove, from the next dissolution which is likely to be in April 2021, the funding for Assembly Members to employ family members and partners. (page 11)

Proposal 2. The Board is proposing to remove, from April 2019, the funding for any new family members appointed (or promoted or have changes made to their current contract) after 24 October 2018. (page 11)

Proposal 3. The Board is proposing to adjust support staff salaries in April of each year by the change in the ASHE survey as outlined. (page 19)

Proposal 4. The Board is proposing to introduce privilege days for support staff as outlined. (page 21)

Proposal 5. The Board is proposing to introduce a new compassionate leave policy for support staff. (page 21)

Proposals 6 and 7. The Board is proposing to amend the Grievance Procedure and Disciplinary Procedure as outlined to ensure they are up to date and compatible with the Assembly's Dignity and Respect policy. (pages 27 and 28)

# Privacy Policy

---

The below provides a general overview of 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 ensures 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 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**.

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](http://www.ico.org.uk)

# Part 1: Review of staffing support for Members

---

The below provides an overview of the Board's review of staffing support for Members and its consultation proposals arising from this review. Please see pages 27 and 28 for details on the consultation proposals arising as a result of the Dignity and Respect policy.

## Background

1.1. The Remuneration Board (the Board) is an independent body responsible for ensuring that Assembly Members (Members) have the right remuneration and resources available to them to undertake their role whilst demonstrating value for money for the public purse. Full details of the Board's functions and responsibilities are set out in the **National Assembly for Wales (Remuneration) Measure 2010**.

1.2. The Board is committed to undertake a review of the pay and career structure of support staff in its **2017 strategy report** to ensure that Members receive an appropriate level of support to do their job effectively in a maturing political institution. In **October 2017** the Board agreed to the following terms of reference for its review:

- the adequacy of the level of support provided to Members;
- the flexibility and prescriptiveness of the current support system for Members;
- the suitability of the current terms and conditions of support staff.

1.3. As part of its evidence collection for the review the Board undertook a number of engagement opportunities with both Members and support staff. These included:

- visiting the constituency or regional office of Members to hear directly from support staff based outside of Tŷ Hywel;
- undertaking face-to-face interviews with Members and support staff;
- launching an online survey for Members and support staff;
- holding a pop-up engagement event for support staff;
- meetings with both the Assembly Member and the support staff representative groups.

1.4. The Board also considered the support provided to elected Members in other UK legislatures and the terms and conditions for Assembly Commission staff.

1.5. In light of the evidence received from Members and support staff during the review, the Board has already undertaken two consultations.

1.6. The **first consultation on the flexibility of the allowances for Assembly Members** ran from 27 March to 11 May 2018 and proposed the following changes to the Determination:

- budgeting the Member Staffing Allowance at actual pay points;
- publishing the expenditure each individual Member makes on their Staffing Allowance;
- removing the 111 hour cap on permanently employed support staff to allow Members to employ more than three full-time equivalent staff (subject to sufficient funding);
- increasing the flexibility of viring between budgets.

1.7. The Board considered the responses to the first consultation at its **meeting on 24 May 2018** and agreed to implement all proposals on a phased basis between 1 October 2018 and 1 April 2019.

1.8. At its May meeting the Board also considered how it could increase the flexibility of the Support for Political Parties Allowance in order to provide a degree of parity in the flexibility of the provisions for both Members and political party groups. Following its consideration of these issues, the Board launched a **second consultation** which ran from 6 June to 20 July 2018 on the following proposals:

- budgeting the Political Parties Support Allowance at actual pay points;
- publishing the expenditure each Political Party makes on its Political Parties Support Allowance;
- removing the provision within the Determination which allows for the virement of funds from the Member's Staffing Allowance to the Support for Political Parties Allowance.

1.9. The Board considered the responses at its **meeting on 11 October 2018** and agreed to implement all these decisions, again on a phased basis between 1 October 2018 and 1 April 2019.

1.10. The Board gave further consideration to the issues that were outstanding in its review at its October meeting. Following careful consideration of the evidence it had received on those matters, the Board agreed to issue a final consultation on a number of proposals which are outlined in this document.

1.11. The Board has agreed to consider a number of other issues which were originally considered as part of this review in its review of the Determination for Sixth Assembly. The primary purpose of this is to allow for further evidence to be collected on the issues. These include issues related to unpaid staff and the Senior Advisor post. The Senior Advisor post was introduced at the start of the current Assembly and the Board feels that now is an appropriate time to review how the post has operated since it was created. The Board will also explore options as to how Members engage unpaid staff during its review of the Determination for the Sixth Assembly.

## 2. Recruitment and Employment of Family Members

---

2.1. In the Assembly, family members and partners can be appointed through the approved recruitment process as outlined. Under Standing Order 3 of the Assembly, Members must record and notify the clerk of any family members who are employed with the support of Commission funds (i.e. through the Determination). The record of notifications is published.

2.2. There are currently 14 Members who between them employ 17 support staff who are either family members or partners, some of whom employ a partner and/or more than one family member or partner.

### Consideration of evidence

2.3. During consideration of recruitment practices in the other legislatures, the Board noted that the provisions for the recruitment of family members varies between the different UK legislatures.

2.4. In the Northern Ireland Assembly, only one family member is allowed to work for a Member. Since 2017, IPSA have prevented the recruitment of new family members although those already employed were allowed to continue. The rules, however, do not stop MPs from employing family members, but they will not be funded from the public purse. The Scottish Parliament stopped the employment of family members in 2008.

2.5. The Board received comments in relation to the appropriateness of the recruitment of family members. The issue was also raised in the context of the work undertaken in response to the recent changes to the National Assembly's Dignity and Respect policy. The issues particularly related to the Disciplinary Procedure and the Grievance Procedure (further information is available in section two of this document), and the importance of ensuring a fair process and avoiding any perceived or actual conflict of interest when family members or partners are involved.

### Conclusions

2.6. The Board recognises that a family member can provide effective support to Members while employed as one of their staff. However, the Board is of the view that, where the use of public funds is concerned, transparency, openness, and good governance in employment relations, without the perception of or an actual conflict of interest arising, are the priority. In particular, a reasonable question can be posed as to whether or not a Member is fettered in taking performance management steps as regards family members.

2.7. Referring to the principles of financial support which underpin the rules set out in the Determination, they include openness, lack of personal benefit, value for money and reasonableness. The Board's view now is that the importance of public trust in and perception

of the reputation of the Assembly may need to lead to a stricter application of these principles.

2.8. The Board is therefore consulting on removing the ability of Members to fund the employment of family members and partners from the allowances available to them through the Determination. This would mean that Members would no longer be able to use funds provided by the Assembly Commission to employ family members. However, should they wish to employ family members they would remain able to do so from their own funds.

2.9. If this policy is implemented, the Board is also of the view that there should be an agreed date to cease the practice of employing family members from public expenditure. In order for this to happen, the Board has agreed that a transition period would be required. As such, employment of support staff who are currently employed would cease to be funded at the dissolution of the current Assembly, which is likely to take place in April 2021. At that point, if made redundant, those affected support staff would be entitled to receive a redundancy payment as outlined in sections 7.10.3 and 8.8.3 of the Determination, subject to their having two years' service.

2.10. In addition, the Board is proposing that any new family members who are recruited after 24 October 2018 will not be able to have their post funded after 31 March 2019. In addition to this, any current family members who are promoted, or have any other changes made to their current contract, after 24 October 2018 will also not be able to have their new post funded after 31 March 2019. At that point, those staff would either be offered the opportunity to revert to their previous role (until the date outlined in 2.9) or made redundant.

2.11. It should be noted that, if the policy is implemented, staff will not automatically lose their posts. It is the public funding which will be withdrawn. In that scenario, Members would still be able to pay for these posts from their own funds.

**Proposal 1. The Board would welcome your views on its proposal to remove, from the next dissolution which is likely to be in April 2021, the funding for Assembly Members to employ family members and partners.**

**Proposal 2. The Board would welcome your views on its proposal to remove, from April 2019, the funding for any new family members appointed (or promoted or have changes made to their current contract) after 24 October 2018.**

## 3. Recruitment and starting salary criteria

---

3.1. To assist both Members and support staff, a formal Recruitment Policy is in place for the recruitment of support staff. The central principles of this policy are: a transparent process based on fairness; openness; appointment on merit. This is in addition to the expectation that all Members are required to act with selflessness and openness while undertaking their duties as outlined in their Code of Conduct. Together these principles facilitate the aim of ensuring a fair and open recruitment of support staff including those staff employed by party groups. In addition to this policy there are set procedures, standard job descriptions and other documentation to facilitate the process.

3.2. Members can employ family members and partners as their support staff. However, to ensure that there are no conflicts of interest should a family member or partner apply for a role, MBS will lead on the recruitment process in place of the Member.

3.3. The majority of support staff who begin working for Members will usually commence their employment at the minimum pay point for their relevant pay band. However, the Board's Determination also includes a provision which allows for new members of support staff to commence on a higher pay point should there be compelling reasons to justify doing so.

### Consideration of evidence

3.4. During its review, the Board considered the provisions available in the Assembly against similar provisions in the other UK legislatures. This exercise showed that the support and guidance for recruiting staff varied across all of the UK's legislatures. In Northern Ireland, candidates are expected to be appointed on merit and best practice guidance is available, while at Westminster, IPSA provides a suite of job descriptions and recruitment assistance can be provided by the Member's HR Service.

3.5. The Board noted during its engagement with Members and support staff that the standardised recruitment policy, amongst other policies and procedures related to employment of staff, was welcomed by over four fifths of respondents.

3.6. With regards to starting salary criteria Board was informed by some Members and support staff that the criteria is too inflexible. Some respondents noted that, in some cases, while an individual may have a sufficient skill set to be appointed to a higher pay point, the skills did not meet those listed in the criteria and therefore they were not able to start at a higher pay point.

## Conclusion

3.7. The Board is content, on the whole, to maintain its current recruitment policies. These policies allow for Members, support staff and any potential support staff to be clear on how the process works for them as well as providing assurance on matters related to employment such as starting pay criteria and redundancy arrangements.

3.8. As the matter of starting salary criteria was not raised by the majority of Members and support staff who participated in the review, the Board didn't receive sufficient evidence to inform it of any potential amendments to the provisions. As such the Board is of the view that there should be no change to this provision as it currently stands.

## 4. Role of support staff

---

4.1. The Board is aware that the role of support staff varies to meet the needs of individual Members. However in creating the role, the Member must ensure that the job description equates to the remuneration package. Support staff can be appointed to any one of five pay bands as outlined in the Determination.

4.2. The roles across other legislatures provide a similar level of support for Members but the structure and degree of flexibility and prescription within the job descriptions does vary.

4.3. Staff in the Assembly Commission are generally recruited across five bands and with an additional four bands for senior management appointments.

### Consideration of evidence

4.4. The Board was informed by a number of Members that the support staff play a vital role in supporting their Member or political party. Both Members and support staff welcomed the roles available to structure the office to meet the Member's needs.

4.5. A number of support staff asked the Board to investigate whether their roles are comparable to those of Assembly Commission staff. To address these concerns, the Board utilised the feedback received during the face-to-face interviews with support staff to highlight the similarities and differences between the roles undertaken by support staff and those undertaken by Commission staff. The exercise found that, although the environment and context of work is similar, the size, structure and responsibilities that the respective groups of staff work within differ significantly. This makes it difficult to draw a direct comparison.

## 5. Support staff salaries and pay scales

---

5.1. The salaries and pay scales that are payable to support staff are noted in Chapters 7 and 8 of the Determination. All staff will be employed on one of five salary bands and must be appointed and employed in line with the Recruitment Policy issued by Members' Business Support ("MBS").

5.2. New staff will enter on the scale minimum for the appropriate pay band, unless, in exceptional circumstances, there are compelling reasons to justify a higher starting salary. Individual staff will, subject to satisfactory performance, move up the incremental scale one point at a time on the anniversary of their commencement of employment until they reach the scale maximum for their band.

5.3. The Board reviews the salary of support staff on an annual basis, usually against the change in median earnings in Wales, as measured by the Annual Survey of Hours and Earnings (ASHE). The Board uses ASHE as this is how the salary of Members is indexed on an annual basis.

### Consideration of evidence

5.4. Following its engagement with Members and support staff, the Board noted that the majority of those who responded indicated that the pay scales for support staff were fair. However a number of respondents were also of the view that the salary for support staff should be increased to meet the demands of the role. It was also queried by some support staff as to why their pay bands were not directly comparable to those of Commission staff.

5.5. The Board compared current support staff salaries against a range of other similar roles. The exercise placed support staff salaries against other UK parliamentary support staff, similar comparators from the ASHE survey, approximate benchmarks from other sources and Assembly Commission pay grades.

5.6. The benchmarking of support staff salaries against other UK parliamentary support staff indicated that while there was a broader range of roles in other UK legislatures, the salary range was broadly similar. The comparison is illustrated in the table below:

**Table one: Salary ranges across the UK legislatures**

<b>HoC Junior Secretary</b>	16,478	24,472
<b>HoC Senior Secretary</b>	21,951	30,328
<b>HoC Office Manager</b>	27,815	39,915
<b>HoC Caseworker</b>	19,641	27,876
<b>HoC Senior Caseworker</b>	23,938	35,465
<b>HoC Parliamentary Assistant</b>	20,420	31,311
<b>HoC Senior Parliamentary Assistant</b>	30,290	43,105
<b>NI Grade 1</b>	16,500	19,000
<b>NI Grade 2</b>	19,750	22,500
<b>NI Grade 3</b>	22,750	27,500
<b>Wales Band 3</b>	18,619	25,109
<b>Wales Band 2</b>	20,562	30,143
<b>Wales Band 1</b>	24,078	33,983
<b>Wales Additional Group Support</b>	32,399	39,576
<b>Wales Chief of Staff</b>	35,639	43,532
<b>Scot. Administration level 1</b>	17,237	21,187
<b>Scot. Casework 1 - Communications 1</b>	20,725	25,343
<b>Scot. Administration 2</b>	22,213	25,343
<b>Scot. Researcher</b>	22,777	29,447
<b>Scot. Casework 2 – Communications Mgr</b>	26,573	32,935
<b>Scot. Office Manager</b>	26,573	33,755
<b>Scot. Senior Researcher</b>	30,883	36,423
<b>Scot. Head of Office/Senior Adviser</b>	35,443	41,553

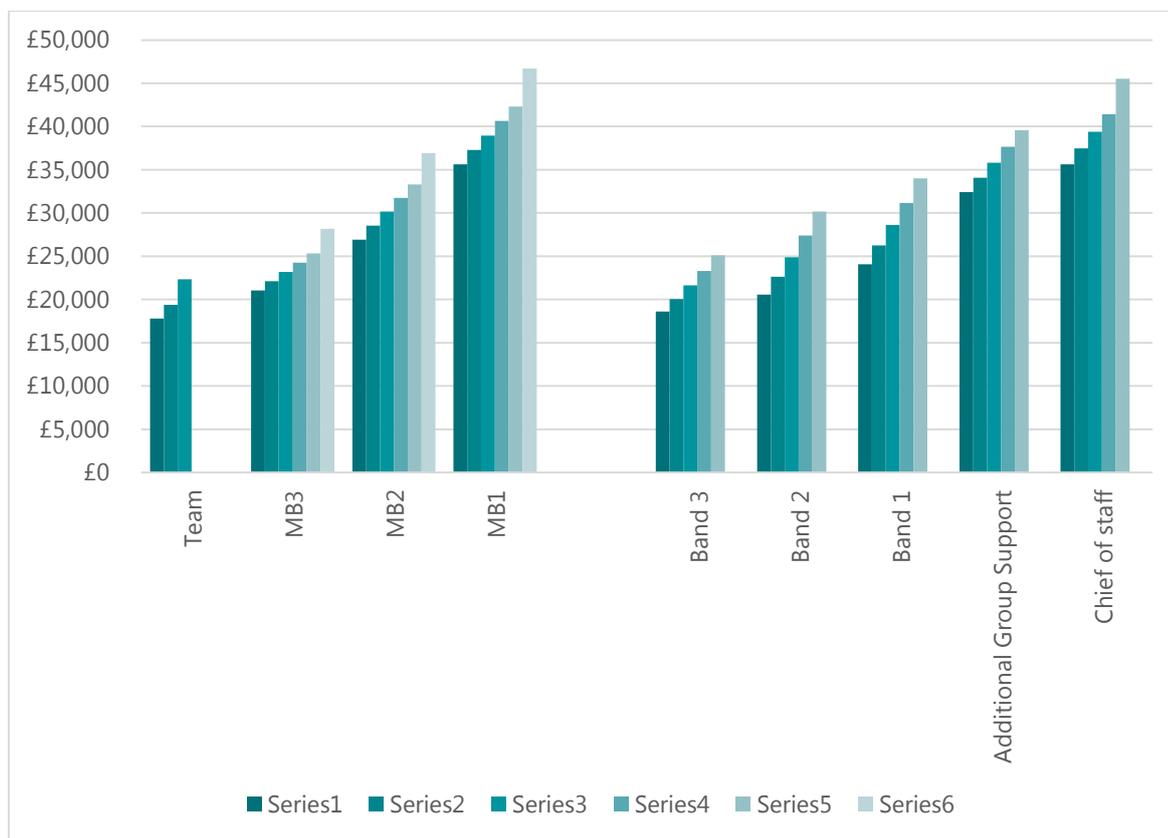
5.7. The Board also compared support staff roles against similar roles elsewhere in Wales as identified within the ASHE survey. This comparison suggests that support staff salaries are competitive with similar roles across Wales. The only exception is for the Band 1 median, which only includes “Wales Office Managers” type of roles. For this band the average support staff salary was above the mean and median comparators from ASHE 2017 in all four bands as the table below shows.

**Table two: Support staff salaries comparison against ASHE average salaries**

	AMSS in November 2017	ASHE Average	
	Actual average FTE	Mean	Median
Band 1	<b>£31,876</b>	£29,901	£32,179
Band 2	<b>£27,344</b>	£20,634	£22,362
Band 3	<b>£22,287</b>	£19,586	£21,561
Senior Advisor	<b>£36,604</b>	£34,560	£34,283
Chief of Staff	<b>£39,991</b>	£34,560	£34,283

5.8. The exercise also compared the pay scales for Commission staff with support staff. The salaries for support staff at lower ranges tend to be higher than Commission staff, while the opposite is true for the higher bands as outlined in chart one. However as outlined in the previous section, while in some instances tasks carried out by both groups of staff is comparable, especially at lower grades, that is not universally the case.

**Chart one: Assembly Commission staff salaries against support staff**



5.9. The Board received mixed comments from both Members and support staff in relation to pay scales and salaries. Around half of both Members and support staff noted that they were fair while the other half called for salary increases.

## Conclusions on role and salaries of support staff

5.10. The role of support staff working in Members’ offices and the salaries that they receive is an important consideration for the Board as it is for both Members and support staff. The number of comments received on these issues alone only serves to highlight the importance of these matters.

5.11. The Board is aware that due to the nature of working in small offices, support staff sometimes carry out work above and beyond their actual roles. The Board believes that the overlapping of salary bands and the introduction of the Temporary Staffing Allowance have allowed for offices to manage the impact of such issues.

5.12. Having considered the different approaches to structuring the roles of support staff across other legislatures, the Board is of the view that the current degree of flexibility should be retained. The reason for this is that the suite of different job descriptions available at each support staff salary band provides enough flexibility for Members to appoint individuals to meet their needs at an appropriate pay band. In addition it is difficult to draw a comparison between the roles of support staff and Commission staff due to the significant differences in structures and responsibilities.

5.13. The analysis undertaken comparing support staff salaries against other UK legislatures and similar roles elsewhere in Wales was conclusive in showing that support staff are fairly paid for their roles. The comparison made against Commission staff suggests that there is some overlap but due to different nature of roles as outlined previously it is hard to draw a direct comparison.

5.14. Having considered all aspects of the issue, the Board has concluded that there is insufficient evidence to support changing the salaries of support staff. The Board has agreed it will continue to keep this issue under review and consider any new and robust evidence it receives on the matter.

5.15. However the Board is of the view that there is justification in indexing support staff salary increases to the ASHE index as happens with Members' salaries. The Board has already done this for the last few years. As such, the Board is proposing to formalise this arrangement by proposing that support staff salaries are adjusted in April of each year by the change in the ASHE (Annual Survey of Hours and Earnings), gross Median Earnings for full-time employee jobs in Wales between March in one year and March of the previous year. This would introduce a consistent approach with how Members' salaries are indexed.

**Proposal 3. The Board would welcome your views on its proposal to adjust support staff salaries in April of each year by the change in the ASHE survey as outlined.**

## 6. Terms and conditions

---

6.1. Since the start of the Fourth Assembly all support staff are employed on standardised contracts with the same contractual terms and conditions. However, some Members may choose to utilise additional provisions such as compassionate leave and flexible working at their discretion to ensure the operation of their office meets their individual needs. The range of terms and conditions that are provided for support staff are as follows:

- **Parental leave** - Enhanced provision is available.
- **Compassionate Leave** – This is at the Member’s discretion.
- **Sickness absence** - Enhanced sick pay of six months full pay followed by six months half pay.
- **Pension scheme** – Support staff have access to a pension scheme with a 10 per cent employer contribution.
- **Annual leave entitlement** – Support staff have an entitlement to 31 days annual leave.
- **Flexible working arrangements** – No formal policy in place though arrangements vary across the offices.
- **Redundancy payments** – Enhanced payments are available to qualifying support staff in the following instances: the Member dies, the Member ceases to be a Member during an Assembly term; the Member is defeated at a general election.
- **Disciplinary and Grievance procedures** – The Board is reviewing these procedures as part of the wider work on the Dignity and Respect policy.
- **Human resources support and representation** – Staff have access to support from Members Business Support, their Representative Group and trade unions.

## Consideration of evidence

6.2. The Board compared the terms and conditions of support staff against those in the other UK legislatures as well as Assembly Commission staff. The exercise showed that the number of policies available to support staff at the Assembly were favourable in comparison to those based in other legislatures. However the exercise also demonstrated that Assembly Commission staff have a marginally higher number of policies to support their role than support staff.

6.3. The feedback received from both Members and support staff during the review were broadly supportive of the terms and conditions available to support staff, and the majority who responded do utilise additional provisions to meet their needs. However, a number of concerns were raised on the disparity between some elements of the terms and conditions between support staff and Commission staff.

## Conclusion

6.4. The Board is of the view that offering support staff enhanced terms and conditions is essential to recruit and retain highly skilled individuals to support Members. Following the analysis undertaken under this strand of the review the Board believes that the offer that is available to support staff is either comparable or exceeds what is offered to their equivalents in the other UK legislatures.

6.5. While the terms and conditions on offer to support staff are favourable in comparison to many other workplaces, the Board believes it can do more. As such the Board is proposing to enhance the terms and conditions of support staff further by introducing a privilege day policy and formalising the arrangements for compassion leave. This will ensure that all staff are able to be supported if such unfortunate incidents arise.

6.6. The Board's proposal to introduce privilege days would mean an additional four days leave for support staff. The Board is clear that it would be up to the employing Member to determine when these privilege days can be taken however each Political Party may wish to decide as a collective when these should be taken.

6.7. The Board's proposal to introduce a new compassionate leave policy will ensure that all support staff can request compassionate leave in the event of any tragic and unforeseen circumstances. While the Board is aware that many Members allow such leave within their offices, formalising the policy will ensure that all staff are treated equally.

**Proposal 4. The Board would welcome your views on its proposal to introduce privilege days for support staff as outlined.**

**Proposal 5. The Board would welcome your views on its proposal to introduce a new compassionate leave policy for support staff.**

## 7. Career progression and learning opportunities

---

7.1. While there are no provisions within the Determination for career progression aside from salary progression, the Assembly Commission does provide learning and development opportunities to support staff, as do all of the UK legislatures.

### Consideration of evidence

7.2. The Board considered the provisions for the career development of support staff in the National Assembly against the provisions in place in other UK legislatures. While all UK legislatures offer opportunities for career progression and learning opportunities, it is offered in different ways. The Assembly Commission has a designated team in place to deliver and coordinate the learning and development programme of support and is demand led while other legislatures have allocated funding per Member for staff training.

7.3. Both Members and support staff were broadly supportive of the learning opportunities offered to support staff. However, both groups queried whether accredited courses could be provided to support staff to support their career development.

7.4. The feedback received on the opportunities for career progression was not conclusive, with a similar number of Members and support staff stating there are opportunities for progression as those who said there was no opportunity to do so. The Board also noted that for others, career progression was not of importance, while some viewed it as part of a pathway towards standing for election. Both Members and support staff noted that the narrow staffing structure within the offices was a contributing factor to limited career progression.

### Conclusion

7.5. The Board considered the options available to it with regards to career progression and learning opportunities. The Board is of the view that while career progression may continue to be an issue for some, there was insufficient evidence from the review to support any changes. The Board agreed that the learning opportunities in place for support staff were sufficient and agreed that it would work with the Assembly Commission to re-emphasise the offer that is currently in place for support staff.

## 8. Staff travel

---

8.1. The Board's Determination includes a provision which entitles each Member to claim up to 18 return journeys on public transport for their staff between their constituency/region and Cardiff Bay.

8.2. The 18 journeys allowance is funded centrally and any staff travel beyond this is funded from the Member's staffing allowance. The provision of 18 journeys has been in place since the inception of the Assembly and is based on the premise that two members of staff from the office would need to travel to Cardiff at least once a month during term time (nine months in total).

### Consideration of evidence

8.3. During the course of its review, the Board considered the usage made by Members' offices of the current allowance. During 2016/17 the Board noted that not a single Member office used its entire allocation in relation to this allowance.

8.4. During the review, both Members and support staff were asked if their support staff/they are required to travel between the constituency/regional office and Cardiff Bay. Of the eight Members who responded to the question, seven noted that their support staff are required to travel between the constituency or region and Cardiff Bay for work. Almost three quarters of support staff who responded indicated that they are required to travel between the offices for work. In addition, while a fifth stated they travel weekly, over a half of staff noted that they rarely undertook this journey.

### Conclusion

8.5. The Board is aware that the use of this allowance varies from office to office as the need to travel between offices is dependent on a number of matters including the role of support staff in supporting the Member. In addition, while some Members and staff note that usage of the allowance is quite heavy, it seems that the number of journeys allowed for is adequate for many users. As such the Board agreed to maintain this provision as it currently stands.

## 9. Representative groups

---

9.1. There are no formal provisions within the Determination regarding representation for support staff. However, the Board regularly engages with the Assembly Member support staff Representative Group. The group is formed of a member of support staff from each political group represented in the Assembly as well as the trade unions that represent support staff. There is no formal nomination procedure to join the group.

9.2. In addition, support staff also have access to HR procedural support and advice through the MBS team.

### Consideration of evidence

9.3. During its review, the Board considered what representation and support is available to support staff in the other UK legislatures. At the UK Parliament, there is a HR support service available to Members but there is nothing specific for support staff though there is trade union representation. The Scottish Parliament provides an information only service to support staff. In Northern Ireland there is no official service, though signposting does take place.

9.4. The majority of Members and support staff who engaged with the Board during this review were of the view that support staff have adequate representation in their role. However, due to the small size of offices, and the distance of the regional/constituency offices from the face-to-face support accessible in Cardiff, a number of support staff were concerned as to how they would be able to raise issues or concerns should they arise.

### Conclusion

9.5. The Board is aware of the current work being undertaken at the Assembly with regards to dignity and respect at work, of which the Board is an active participant. As such, the Board has resolved to work on those matters separately from this review to ensure that the work receives the attention it requires (please see section two of this document). However, in light of the evidence that has been considered the Board has agreed that it will work with the Representative Group to ensure that those staff not based in Cardiff Bay can engage with the Board in the same manner as those based in Tŷ Hywel.

# Part 2: Discipline Procedure and Grievance Procedure

---

## Background

10.1. The Remuneration Board remains committed to the principle of an inclusive Assembly, free from harassment. Given the representations made during the consultation period and following the formal adoption of the **Dignity and Respect policy** by the National Assembly in May 2018, the Board committed to review all appropriate documents and policies within its remit in order to support cultural change. To ensure that inappropriate behaviour is appropriately dealt with, the following documents and policies which fall within the Board's remit are being reviewed:

- support staff Code of Conduct;
- support staff Disciplinary Procedure;
- support staff Grievance Procedure.

10.2. Issues of harassment, bullying and inappropriate behaviour relating to support staff are dealt with according to the processes outlined in the Grievance and Disciplinary Procedures. As such, the Board has agreed that these documents need to be reviewed immediately to ensure they are up to date and align with the Dignity and Respect policy.

10.3. The Board has already consulted informally with support staff representatives and this feedback was considered as part of the initial review. The Board is now consulting on proposals for amendments to the two procedures as outlined in the two sections below.

10.4. The Board has agreed to await the outcome of the review of **Code of Conduct for Assembly Members** by the **Standards of Conduct Committee**, which is anticipated to be completed by Spring 2019, before reviewing the support staff Code of Conduct. This would allow for any potential changes to be replicated across both codes, should those changes be appropriate. In addition, the Board noted that the support staff handbook may also need to be reviewed after this date to ensure that appropriate support and guidance is signposted.

# 11. Grievance Procedure

---

## Consistency and clarity with the Dignity and Respect policy

11.1. The Dignity and Respect policy highlights the complaint routes when a member of support staff has alleged that they've been subjected to inappropriate behaviour. There are a range of routes and support mechanisms available and are detailed within the policy. However, should support staff wish to raise a formal complaint on matters not included in the Dignity and Respect policy then they should primarily do so as outlined in the Grievance Procedure. The Board proposes to amend the Procedure to reflect this change.

## Independence

11.2. The Board agreed that it would be more appropriate that all other complaints that are made against Members are investigated by someone independent of the Assembly. In order to achieve this the Board is proposing that the matter be raised with Members Business Support (MBS) who will identify a Grievance Officer independent of the Assembly to investigate.

11.3. The Board has also agreed to provide a central capped budget to support this proposal.

11.4. It should be noted that where a grievance is against a Member, it will be necessary for the independent Grievance Officer to produce a report and make recommendations to the employing Member. It would be appropriate in these cases for the Appeals Officer to be a person independent of the Assembly.

## Employee Assistance Programme

11.5. The Board agreed that referencing the Employee Assistance Programme to inform support staff of the welfare support available would be appropriate as part of the procedure.

## Complaints against support staff employed by a family member

11.6. Under the current arrangements, any complaints regarding family members are directed to the employing Member. The Board received feedback which noted that if a complaint involved a family member there would be questions over the impartiality of the investigative process. As such, if a grievance is raised and it involves a family member, the Board is proposing that a person independent of the Assembly conducts such investigations and make recommendations to the Member.

## Right to be accompanied

11.7. The Board believes that meetings related to grievances can be a daunting prospect. In order to assist support staff with this, the Board is seeking to introduce a provision that will allow support staff to be accompanied at such meetings providing they fulfil the criteria outlined within the procedure.

**Proposal 6. The Board is proposing to amend the Grievance Procedure as outlined in this section.**

## 12. Disciplinary Procedure

---

### Clarity with the Dignity and Respect policy

12.1. The Board is proposing to revise the Disciplinary Procedure to include reference to the Dignity and Respect policy to reinforce that behaviour found in breach of that policy will be dealt with according to the Disciplinary Procedures.

### Independence

12.2. In order to ensure that there is consistency in the approach to dealing with investigations which involve support staff who are also family members the Board believes it to be more appropriate for a person independent of the Assembly to conduct the investigation. Therefore, the Board is proposing to introduce an amendment to the procedure to reflect this.

### Right to be accompanied at the investigatory stage of the disciplinary procedure

12.3. As it currently stands, support staff only have the right to accompaniment at a disciplinary meeting where it could result in disciplinary action. However the Board is of the view that support staff should have the right to be accompanied in investigation meetings and all disciplinary meetings providing they fulfil the criteria outlined within the procedure. The Board is proposing to amend the procedure to include the right to be accompanied as outlined.

### Wording

12.4. Section 6.8 of the current Disciplinary Procedure cites "gross insubordination" as an example of gross misconduct. The Board agreed with the feedback received which noted that the phrase is out of date and out of kilter with the spirit of the Dignity and Respect policy. The Board believes this phrase should be removed from the Procedure.

### Employee Assistance Programme

12.5. As outlined previously outlined the Board has agreed that referencing the EAP to inform support staff of the welfare support available would be appropriate as part of the Procedure.

**Proposal 7. The Board is proposing to amend the Disciplinary Procedure as outlined in this part.**