

Code of Conduct on the Standards of Conduct of Members of the Senedd

This document sets out the standards of conduct expected of Members of the Senedd.

Last updated: 24 March 2021 to come into force at commencement of 6th Senedd

Owner: Committee with Responsibility for Standards

Contact: Clerk to the Committee with Responsibility for Standards



Part 1 - Introduction and Status of the Code

1. This Code of Conduct (“Code”) comprises:
 - Part 1 Introduction and status of the Code
 - Part 2 Interpretation and Overarching Principles
 - Part 3 Members’ Standards of Personal Conduct
2. The Code establishes the standards of conduct required of Members of the Senedd, and is a Code relating to the conduct of Members of the Senedd for the purposes of the National Assembly for Wales Commissioner for Standards Measure 2009. The Code was adopted by resolution of the Senedd dated 24 March 2021.
3. The conduct of Members during plenary sessions of the Senedd and in committees is normally dealt with by the Llywydd and the chairs of committees through application of the Senedd’s Standing Orders relating to maintaining order during proceedings. If, in the course of dealing with such a matter, the Llywydd or committee chair considers that the conduct requires further or fuller investigation, they may refer the matter to the Senedd Commissioner for Standards.
4. In addition to this Code, Members must comply with the Standing Orders of the Senedd, including its Standing Orders relating to the declaration and registration of financial and other interests and membership of societies. Alleged breaches of these Standing Orders can be referred to the Senedd Commissioner for Standards for investigation. For this reason, the Code does not include a specific Rule on the declaration and registration of such interests.
5. The Senedd Commission may publish from time to time guidance for the assistance of Members and their staff in complying with the Code, and the Senedd Commissioner for Standards may have regard to such guidance in considering any complaint of a failure to comply with the provisions of the Code.
6. The Code applies to Members holding the public office of a Member of the Senedd at all times, including in Members’ personal and private lives.

7. The Code does not apply:

- i. to the Presiding Officer or a committee chair in respect of the exercise of functions conferred by an enactment, the Senedd or by Standing Orders.
- ii. when a Member is acting exclusively in their capacity as First Minister, a Welsh Minister or as Counsel General and their conduct is governed by the Welsh Ministerial Code as defined in section 8(2)(a) of the Measure
- iii. in relation to the standard of service and outcomes received from a Member.

Part 2 – Interpretation and Overarching Principles

8. Members must conduct themselves in accordance with the following Principles (referred to in the Code as “the Overarching Principles”).

Selflessness

Members must take decisions solely in the public interest. They must not do so in order to gain impermissible or improper financial or other material benefits for themselves, or any other person.

Integrity

Members must not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties. Members must at all times conduct themselves in a manner which will not undermine the public's trust and confidence in the integrity of the Senedd and refrain from any action which would bring the Senedd, or its Members generally, into disrepute.

Objectivity

In carrying out their business, Members must make decisions on merit.

Accountability

Members are accountable to the public for their decisions and actions, and must submit themselves to whatever scrutiny is appropriate to the public office of Member of the Senedd.

Openness

Members must be as open as possible about all the decisions and actions that they take. They must give reasons for their decisions and restrict information only in accordance with statutory requirements, Senedd Standing Orders and Rules binding Members of the Senedd and their staff, or when the wider public interest clearly demands.

Honesty

Members must be truthful, must declare any private interests relating to their public duties and must take steps to resolve any conflicts arising in a way that protects the public interest.

Respect

Members must not behave in ways that reduce equality of opportunity, must always respect the dignity of other persons and must not engage in discriminatory or unwanted behaviour.

Leadership

Members must promote and support these Principles by leadership and example, and be willing to challenge poor behaviour wherever it occurs.

9. The Standards of Personal Conduct set out in Part 3 of this Code are to be interpreted in accordance with the Overarching Principles and a breach of the Code means a breach of any of the standards set out in part 3 of this Code.

10. In this Code:

- “bullying” means offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone, whether through persistent behaviour or a single grossly unacceptable act;
- “discrimination” includes behaviour that discriminates against any person on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, political opinion and language preference;
- “harassment” means unwanted conduct which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual and includes sexual harassment;
- “unwanted behaviour” means behaviour which is not encouraged or reciprocated by the recipient, regardless of whether it was meant to cause offence, and whether it is repeated or an isolated incident; and
- “the Measure” means the National Assembly for Wales Commissioner for Standards Measure 2009 (*nawm 4*).

11. In interpreting and applying the definitions of "bullying", harassment", "discrimination" and "unwanted behaviour":

- the intention of the person complained about is irrelevant.
- the test is whether a reasonable and impartial person would consider the conduct would fall within one of the definitions having regard to the context of the behaviour complained about.
- the respective rights under the Human Rights Act 1998 of both the person complained about and the person subject to the conduct in question must be respected.

Part 3 – Members’ Standards of Personal Conduct

12. Members must abide by the following Rules of conduct:

Rule 1

Members must uphold the Overarching Principles.

Rule 2

Members must act truthfully.

Rule 3

Members must not act or behave in a manner that brings the Senedd or its Members generally, into disrepute.

Rule 4

Members must not engage in unwanted behaviour, harassment, bullying, or discrimination.

Rule 5

Members must uphold the criminal law. A Member will be regarded as having failed to uphold the criminal law only if they are convicted of, or admit formally, an offence.

Rule 6

Members must not subject anyone to personal attack — in any communication (whether verbal, in writing or any form of electronic or other medium) — in a manner that would be considered excessive or abusive by a reasonable and impartial person, having regard to the context in which the remarks were made.

Rule 7

Members must resolve any conflict that arises between their private interests and the public interest at once, and in favour of the public interest.

Rule 8

Members must comply with the rules made from time to time by the Clerk and Chief Executive of the Senedd as Principal Accounting Officer of the Senedd Commission on the use of resources provided to Members by the Senedd Commission.

Rule 9

Members must not misuse payments, allowances or resources made available to them under a determination of the Independent Remuneration Board of the Senedd.

Rule 10

Members must not accept any financial inducement, gift, hospitality or other benefit as an incentive or reward for carrying out their functions as a Member of the Senedd, for influencing proceedings in the Senedd, or which might otherwise appear to a reasonable and impartial person to influence, or potentially influence, their actions as a Member, save to the extent that acceptance is in accordance with provision made in Standing Orders.

Rule 11

Members must not use or attempt to use their position as a Member to confer an advantage or preferential treatment for either themselves or any other person, or to avoid disadvantage or create disadvantage for someone else.

Rule 12

Members must be open and transparent with other Members, officials of the Senedd Commission and officials of any other public body or authority, in disclosing any activities undertaken in relation to, or undertaken on behalf of, an individual or organisation with which a Member has a financial relationship, including activities which may not be a matter of public record such as informal meetings and functions.

Rule 13

Members must not act in a way which improperly interferes, or is intended or is likely to improperly interfere, with the performance by the Senedd or a Senedd committee of its functions, or the performance of their duties by a Member, any Member's staff or officials and staff of the Senedd Commission, or the duties of the Senedd Commissioner for Standards.

Rule 14

Members must not engage in behaviour that could reasonably be perceived as applying pressure to individuals to:

- i. compromise the political impartiality of the Senedd Commission or Civil Service;
- ii. breach the Senedd Commission Staff Code of Conduct;
- iii. breach the Civil Service Code;
- iv. breach the Support Staff Code of Conduct; nor
- v. handle requests for information other than as indicated by the Senedd Code of Practice on Public Access to Information.

Rule 15

Members must, in relation to the disclosure of information:

- i. 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;
- ii. 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
- iii. not prevent any person from gaining access to information as permitted by law.

Rule 16

Members must not encourage another Member to contravene any of these Standards of Personal Conduct, including the Rules in relation to standards complaints and investigations.

Rule 17

Members must co-operate at all times with the Senedd Commissioner for Standards in the conduct of any investigation and any subsequent consideration of the complaint by the Senedd Standards of Conduct Committee.

Rule 18

Members must comply with the procedures for the investigation of complaints against Members.

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.

Rule 20

Members must not lobby a member of the Senedd Standards of Conduct Committee, or the Senedd Commissioner for Standards, or their staff, in a manner calculated or intended to improperly influence their consideration of whether a breach of the Code of Conduct has occurred, or in relation to the imposition of a sanction.

Rule 21

Members must not seek to influence, encourage, 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.

Rule 22

Members must not misrepresent any recommendation made by the Senedd Standards of Conduct Committee in relation to any complaint it has considered, or any findings or report of the Senedd Commissioner for Standards.

Rule 23

Members must not make frivolous, vexatious or manifestly unfounded complaints to the Senedd Commissioner for Standards.

Rule 24

Members must 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.
