

Fifth report to the Sixth Senedd under Standing Order 22.9

October 2022



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About the Committee

The Committee was established on 23 June 2021. Its remit can be found at:
www.senedd.wales/SeneddStandards

Current Committee membership:



**Committee Chair:
Vikki Howells MS**
Welsh Labour



Natasha Asghar MS
Welsh Conservatives



John Griffiths MS
Welsh Labour



Peredur Owen Griffiths MS
Plaid Cymru

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1. Introduction

1. The terms of reference of the Standards of Conduct Committee (the Committee) are set out in Standing Order 22.1. In accordance with functions set out in Standing Order 22.2 the Committee must:

"investigate, report on and, if appropriate, recommend action in respect of any complaint referred to it by the Commissioner for Standards..."

2. This report is made to the Senedd under Standing Order 22.9 and paragraph 8.1 of the Procedure for Dealing with Complaints against Members of the Senedd (the Procedure) which was in force at the time the complaint was made¹.

3. This report sets out the details of the complaint and the way in which the Committee arrived at its recommendation.

4. The Procedure requires the Committee to anonymise reports from the Commissioner for Standards (the Commissioner) in those cases where a complaint has been ruled admissible but no breach has been found.

5. As the Committee has found that there was no breach of the Code of Conduct this report has been anonymised in line with the requirement of the Procedure. The Committee concluded in this instance full anonymity was only achievable by producing a summary of, rather than redacting, the Commissioner's report, which is contained within this report.

¹ The Procedure for Dealing with Complaints against Members of the Senedd was updated and revised in July 2022. This complaint was made to the Commissioner in May 2022.

2. The Complaint

6. The Standards of Conduct Committee received a report from the Commissioner for Standards relating to a referral from the Clerk of the Senedd to the Commissioner with regards misuse of Senedd resources.

7. The complaint relates to two election leaflets for the Local Elections on 5 May 2022 which invited recipients to contact three candidates using the Member's Senedd email address, the postal address of the Member's Senedd regional office or the telephone number of that office.

8. The Commissioner found that the complaint received was admissible but, having undertaken an investigation, that there was no breach of the Code of Conduct.

9. The Commissioner found:

"... There was no evidence of any increase in the telephone usage in the office or the number of postal communications received in the months before the elections.

... In March 2022 there was an increase of 76%, compared with the average of the previous three months, in the number of emails received by the Member's Senedd email address and an increase of 58% in the number of emails sent from that address."

10. The Commissioner's report notes that the 'Member provided a plausible explanation of the significant increase in email usage', which related to the publication of the Member's annual report in March 2022.

11. The Commissioner's reasoned opinion states that he has:

"...no doubt that the contact details were included in the leaflets in contemplation that someone would use them to make contact about matters relating to the council elections. Nor do I have any doubt that the dealing with any such contact by the Member's staff, or by anyone else whilst in the regional office would have contravened either of both of Rules 3 and 4 of the old Resource Rules and so Rule 8."

But that he had:

"...to deal with the referral on the basis of the available evidence. There is no evidence that even a single contact was made as a result of the leaflets. Nor

was there any evidence that any of the Member's staff carried out work that was not connected with his duties as a Member whilst they were being paid out of Commission resources or used any equipment provided out of Commission resources improperly. ... Accordingly, I have to conclude that there was no contravention of the old Resource Rules and that the Member did not breach Rule 8 of the Code or any other relevant provision"

Consequentially, the Commissioner dismissed the complaint.

The Committee considered the facts found in the Commissioner's report and agreed with the Commissioner's finding that there had been no breach of the provisions of the Code of Conduct relating to the use of Senedd resources.

3. Matters of General principle

12. The Commissioner commented in his report that:

"In the absence of 'insider' information it will always be very difficult to prove to the required standard that a Member has breached Rule 8. Whilst I note that the Guidance on Rule 3 (The employment of staff funded by Commission resources) of the new Rules and Guidance on the Use of Senedd Resources recommends that Members 'consider the processes they need to put in place to ensure that their staff only undertake work in connection with the Member's duties' it continues to be my view that there should be a requirement for Member's to keep accurate records of hours worked by each staff member. Paragraph 9 of the new Resource Rules makes provision for additional provisions during election periods. I recommend that consideration be given to imposing such a duty in the period leading up to any election."

13. The Committee notes the Commissioner's comments, and that this is a matter for the Chief Executive and Clerk, who is responsible for issuing these rules.

14. The Member concerned, highlighted in correspondence with the Commissioner that it may have been useful to have received training around the requirements on Members during an election period. The Committee notes that it is Members responsibility to understand the requirements of the Code and associated Rules and that Members receive a range of training including on the Code and associated rules, particularly during induction, at the start of the Senedd. The Committee is of the view that an increase in training throughout the course of the Senedd on the rules governing Members would be beneficial, particularly prior to an election period to reinforce Members responsibilities, The Committee has raised this matter with the Chief Executive and Clerk.

15. Through the course of this inquiry, the Commissioner asked a number of support staff for information relating to this complaint. The Commissioner noted that two did not respond (although one did respond after the final report). The Committee would like to remind all Members of the requirement of rule 24 in the Code of Conduct that:

"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."