

Remuneration of the Acting Commissioner for Standards

September 2020

This report sets out a proposal to alter the remuneration of the Acting Commissioner for Standards, to bring it in line with that received by the former Commissioner for Standards.

Background

1. The Acting Standards Commissioner (“Acting Commissioner”), Douglas Bain was appointed by the National Assembly for Wales on 13 November 2019. The motion to appoint him established the remuneration for the Acting Commissioner as a per diem of £392 (pro-rata for part of a day) and did not include a retainer. Mr Bain’s terms and conditions do not make any reference to an increase or an annual increment. These were the same terms as for his previous temporary appointment in November 2018.
2. The previous Standards Commissioner, Sir Roderick Evans (in office 1 December 2016 – 11 November 2019) was paid an annual retainer of £5,522 and a per diem of £412 in 2019-2020. His pay was linked to the Group 5 of the Judicial Salaries pay scales.

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3. Since the appointment of the Acting Commissioner in November 2019, the length, role and responsibilities of the temporary appointment have become clearer as the Standards of Conduct Committee has agreed its work programme and wishes to review the role of the Standards Commissioner ahead of appointing



a permanent Commissioner. It is anticipated that the Acting Commissioner will be in post until at least early 2021.

4. The Committee therefore considers it appropriate that the remuneration of the Acting Commissioner reflects the role and responsibility of running the Standards Commissioner's office, as opposed to a short term appointment to consider a particular matter. There has been a delay in bringing this proposal forward due to the ongoing Covid -19 pandemic.

5. It is proposed that the Acting Commissioner's pay is amended to bring it in line with that of the previous post holder, with effect from 7 October 2020, which would be:

- an annual retainer of £5,632.44 (to be paid monthly), and a daily rate of £420.24 (or pro-rata for part of a day) for activities that relate directly to the role and responsibilities of the post plus reasonable expenses¹.

6. It is proposed that annual percentage increases to the Acting Commissioner's pay will be linked to percentage increases to the Judicial Salaries pay scales (Group 5) and any reviews to the pay scale will apply. In previous years, the decision on the annual uplift to Judicial Salaries has been announced during the summer/autumn term and backdated accordingly to the 1 April of that year.

7. It is proposed that the Acting Commissioner is also paid: a single payment of £6,742.99; and the nominal amount of £28.24 per diem (pro rata for part of a day) for the hours worked from 1 September until 6 October 2020. This is the equivalent to the additional earnings he would have received had he been put on the same pay scale as the previous Commissioner upon appointment in November 2019. The intention of this payment is to recognise that the Acting Commissioner has been undertaking the equivalent role and responsibility of Commissioner for Standards.

8. Under the National Assembly for Wales Commissioner for Standards Measure 2009, the decision to vary the terms of appointment of the Acting Standards Commissioner requires the approval of the Senedd.

9. The full proposal is set out in Annex A.

¹ The sum paid to the former Commissioner was subject to an uplift in April 2020.

10. The Committee intends to make recommendations to the delegated authority on the terms of appointment (including the methods of remuneration) of the Standards Commissioner prior to the recruitment of a permanent post holder.

Recommendation 1. The Standards of Conduct Committee recommends that the Senedd agree the proposal set out at Annex A to vary the pay of the Acting Commissioner for Standards.

Annex A:

Proposal to alter the Acting Commissioner's Pay:

With effect from 7 October 2020, the Standards of Conduct Committee recommends that the Welsh Parliament agrees to modify the terms of appointment of the acting Commissioner, in accordance with section 4(4)(d) of the National Assembly for Wales Commissioner for Standards Measure 2009, as follows-

- The acting Commissioner is to be paid a retainer of £5,632.44 per annum (to be paid monthly on a pro rata basis).
- The acting Commissioner's daily rate is to be increased to £420.24 (or pro-rata for part of a day).
- Any increase to Group 5 of the Judicial Salaries pay scales will apply to the acting Commissioner's daily rate and retainer.
- The acting Commissioner is to be paid a single payment of £6,742.99; and the nominal amount of £28.24 per diem (pro rata for part of a day) for the hours worked from 1 September until 6 October 2020.
- The acting Commissioner is to continue to be paid reasonable expenses.

All other terms of the acting Commissioner's appointment remain unaffected.

