
Review of the Determination for the Sixth Senedd:

Report

June 2020

The Independent Remuneration Board of the Senedd

The Independent Remuneration Board of the Senedd makes independent decisions on the pay and direct support for Members of the Senedd to attract a wide range of capable and diverse candidates and to enable those elected as Members to do their jobs effectively, ensuring value for money for the people of Wales. The Board was established by the National Assembly for Wales (Remuneration) Measure 2010.

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Chair's Foreword

Our democratically elected representatives play a hugely important role in our lives. We entrust our representatives to make decisions on our behalf which shape the world around us, now and in future, and which determine the rules by which we must live our lives. In difficult times such as those we are experiencing, we rely on them to make the difficult choices necessary to support their communities.

It is the Remuneration Board's responsibility to ensure that those elected to the Senedd are remunerated appropriately and supported to undertake this important work effectively.

This report details the Board's review of its Determination on the pay and support to be made available for Members of the Senedd in 2021-2026. The review was carried out during 2019-2020.

On 6 May 2020 the Assembly became the Senedd, reflecting its constitutional status as a national parliament for Wales.

The constitutional, economic and social environment within which the Senedd¹ undertakes its work has changed over the course of the Fifth Senedd and continues to change at pace. Members must be appropriately supported to be able to do their work effectively in this rapidly evolving landscape.

It is in this context that the Board has prepared its Determination for 2021-26. It is not the Board's responsibility to address any lack of capacity within the Senedd or make the case for more Members. But it is our responsibility to ensure Members always have at their disposal the resources needed in order to be able to do their work effectively, while taking account of value for money.

We have taken particular care in this Determination to address the aim of attracting a wide range of capable and diverse candidates to stand for election. New provisions are included in the Determination for 2021-26 to provide additional support for those that need it, such as Members with caring responsibilities and those on parental leave. Whilst diversity within

¹ On 6 May the National Assembly for Wales became the Welsh Parliament, to be commonly known as Senedd. As a result, references in this document reflect the change of name, referring to the institution as the 'Assembly' in a historic context (prior to 6 May) and 'Senedd' thereafter.

the membership of the Senedd is ultimately determined by political parties and the electorate, through the candidates nominated and subsequently elected, this Determination aims to ensure no persons feel unable to stand for election to the Senedd.

The Determination aims to provide the resources that are necessary in order to help Members fulfil their duties, whilst also ensuring value for money for the taxpayer by requiring Members to manage their resources effectively. In providing clarity on the pay and support to be available to Members of the next Senedd, and transparent financial arrangements, ensuring Members are accountable for their claims for reimbursement of costs.

The period during which this review was undertaken has been challenging at times. In particular, the Board has needed to act swiftly to ensure Members and their staff are able to continue to work safely and effectively during the current Covid-19 lockdown period, for example by allowing for spending on additional resources required. I would like to thank my fellow Board Members for their commitment and support during this difficult period.

On behalf of the Board, thank you to all those who have helped inform the preparation of this Determination by contributing to the review.

Dame Dawn Primarolo DBE PC, Chair of the Independent Remuneration Board of the Senedd

1. Executive Summary

This section provides a brief summary of the Board's review of its Determination for the 2021-26 Senedd.

1.1. The Independent Remuneration Board of the Senedd² was established in 2010 to provide objectivity and transparency to the process of determining the pay and support available to Members of the Senedd. The Board consults Members, their staff, stakeholders and the public to establish the support needed by Members in order to be able to perform their duties and a fair level of remuneration for the work Members do. On the basis of such consultation, and taking account of the current social, constitutional and economic circumstances in Wales, the Board decides on the pay and support to be made available to Members and publishes a document named the Determination to provide details of the pay and support available. A new Determination is published for every new five-year Senedd term and reviewed on an annual basis.

1.2. This report details the Board's review of the Determination for the next Senedd term i.e. 2021-2026. The Determination for 2021-2026 has been published approximately one year in advance of the next scheduled Senedd election in May 2021 in order to provide those thinking about standing for election with clarity on the pay and support that will be available to them if elected as Members of the Senedd.

1.3. The Board commenced its consideration of the Determination for the Sixth Senedd with detailed discussions with Members, their staff, trade unions and other stakeholders on the adequacy of the pay and support available at the time, with the intention of identifying any potential changes required to the Determination.

1.4. Part of the Board's statutory purpose is to make decisions which attract a wide range of capable and diverse candidates. With this in mind, the Board commissioned academic research in order to better understand the barriers to standing for election faced by particular groups and how such barriers could be removed or reduced.

² Established as the National Assembly for Wales Remuneration Board, the name of the Board changed to Independent Remuneration Board for the Senedd on 6 May 2020, as a result of the change of the Assembly's name to Welsh Parliament, commonly referred to as Senedd.

1.5. The Board then launched a three-part review of the Determination to gather the views of stakeholders on specific parts of the Determination. On the basis of this work, the Board made changes to the Determination which took effect in 2019-2020 and 2020-2021, and also developed proposals for changes to take effect in the new Senedd following the next election in May 2021. The review concluded with a public consultation on proposals for the whole package of changes to Determination for the next Senedd term, which ran from 5 February to 24 March 2020. Such proposals were also subject to an equalities impact assessment commissioned by the Board.

1.6. A key proposal for the Sixth Senedd was to retain the salaries paid to Members and additional office holders at the same levels as were provided during the Fifth Senedd. Taking account of such factors as salary increases during the Fifth Senedd, the economic context in Wales and the potential changes to Members' responsibilities in the Sixth Senedd, the Board did not feel that these merited any re-evaluation of the remuneration package at this time.

1.7. In accordance with its strategic purpose, and on the basis of the research commissioned and engagement with stakeholders, the Board also proposed to include a new chapter in the Determination to provide additional support for Members with caring responsibilities, for disability-related purposes, and for Members on parental leave. The purpose of such new provisions are to help remove or reduce barriers to elected office faced by particular groups.

1.8. A number of other proposals were also published for consultation. The Board received 12 responses to the consultation, from members of the public, stakeholders, individual Members of the Senedd, Political Parties and bodies within the Senedd i.e. the Senedd Commission and Business Committee. These were considered alongside the findings of the equalities impact assessment commissioned, to help inform the Board's decisions on changes to the Determination to take effect after the election in May 2021.

1.9. Generally, the Board's proposals were well received including the proposal to maintain Members' salaries at the same level. Strong support was expressed for the additional support proposed for Members with caring responsibilities, for disability-related purposes and for Members on parental leave. Changes to these new provisions were suggested by some respondents, including enhancement of some of the types of additional support proposed.

1.10. Having considered the comments made by respondents to the consultation, the Board decided to implement the proposals noted above on salaries and additional support for Members, with some changes reflecting the comments received. For example, the Board proposed a new care allowance that Members could use to help contribute towards the care

costs of their children or adult family members. In light of the consultation and Equality Impact Assessment the Board decided that use of this allowance should not be limited to the care costs of family members only.

1.11. Full details of the consultation findings and changes to the Determination subsequently agreed by the Board are provided in Chapter 5 of this report. The Board's final Determination for 2021-26 is forecast to cost £16.87m per annum, an increase of approximately 4.3 per cent (£700,000) in comparison to 2020-21 (£16.17m).

1.12. The Board also identified a number of changes to the Determination which will require further consideration by the next Remuneration Board which is due to take office in September 2020.

2. The Independent Remuneration Board of the Senedd

This section describes the Board's functions, remit and ways of working.

The Board's functions

2.1. The Board makes independent decisions on the pay and direct support for Members of the Senedd (Members), to attract a wide range of capable and diverse candidates and to enable those elected to do their job effectively, ensuring value for money, for the people of Wales. Full details of the Board's functions and responsibilities are set out in the **Government of Wales Act 2006** (the Act) and the **National Assembly for Wales (Remuneration) Measure 2010** (the Measure).

2.2. The Measure sets out three key objectives that the Board must seek to achieve when making a Determination. These are to:

- provide Members with a level of remuneration which reflects the complexity and importance of the functions they perform, and does not deter individuals from seeking election to the Senedd on financial grounds;
- provide Members with adequate resources to enable them to perform their functions;
- ensure probity, accountability, value for money and transparency with regards to the expenditure of public funds.

2.3. The Measure requires the Board to keep the Determination under review. To date the Board has exercised this duty by undertaking an annual review of the Determination as well as a review of the Determination for each new Senedd.

2.4. In undertaking its functions, including the preparation of a Determination, the Board is duty-bound, unless it considers it inappropriate to do so, to consult with Members of the Senedd, their staff, trade unions and such other persons as it considers appropriate.

2.5. In accordance with the Measure, the Board may make no more than one decision relating to the salaries of Members of the Senedd and one relating to the salaries of the First Minister, Welsh Ministers, Deputy Welsh Ministers and the Counsel General, for each Senedd term, except in exceptional circumstances.

The Board's guiding principles

2.6. In January 2017, the Board published its **strategy** for the current Senedd term. The strategy sets out the following clearly defined principles to underpin the Board's work:

- the financial support and remuneration for Members should support the strategic purpose of the Senedd and facilitate the work of its Members;
- decisions must be appropriate within the context of Welsh earnings and the wider financial circumstances of Wales;
- the system of financial support for Members must be robust, clear, transparent and sustainable, and represent value for money for the taxpayer.

2.7. The strategy emphasised the Board's commitment that its work would be informed by stakeholders and evidence-based, whilst retaining the independence of thought and decision-making required by the Measure:

In this strategy, we place renewed emphasis on effective engagement with stakeholders. We will continue to engage directly and frequently with Assembly Members and their staff to explain the Board's thinking and to gain feedback from those most directly affected. We will also develop productive relationships with other stakeholders, using more innovative techniques to gather evidence. The Board will maintain its evidence based approach to decision-making and will continue to explore examples of international good practice and innovation.

2.8. It is with this mindset that the Board approached its review of the Determination for the Senedd in 2021-2026. The review also provided an opportunity for the Board to explore further steps that could be taken to try to attract as wide range of capable and diverse candidates as possible for Senedd elections, in accordance with the statutory purpose noted in Paragraph 1.4 above.

3. Evolution of the Determination

This section explains how the Board's Determination has evolved over time, since the first publication in 2011

Decision-making prior to the Fifth Senedd

3.1. In the First, Second and Third Assemblies, Members' salaries, allowances and pensions were determined by the Assembly as provided in the Government of Wales Act 1998 and Government of Wales Act 2006. Prior to the Assembly's first Determination on the salaries payable to its Members it was the Secretary of State for Wales' responsibility to determine the salary levels for Assembly Members.

3.2. An **Independent Review Panel** was established by the Assembly Commission in August 2008 to look at all aspects of financial support available to Assembly Members. Following its report in July 2009, which was around the time of the expenses scandal in the UK Parliament, the Assembly agreed its recommendation that the salaries of its Members and the allowances available to them should no longer be determined by Members themselves. The **National Assembly for Wales (Remuneration) Measure 2010** was passed in order to provide independence and objectivity to the determination of Members' salaries and allowances.

3.3. The Measure establishes the Independent Remuneration Board of the Senedd³ with responsibility for deciding on the salaries and allowances for Members. The Measure provides for the Board to be appointed by the Senedd Commission but to undertake its functions without direction from the Senedd or Senedd Commission.

3.4. The Board published its first Determination in March 2011, replacing the Determinations previously made by the Assembly itself.

3.5. The Determinations made by the Board in 2011 and thereafter have evolved from the first Determination made by the Assembly. The allowances provided for since 1998 remain broadly

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the same today e.g. office cost allowances, travel expenses etc, though the amounts of money Members may claim have changed over time to reflect Members' needs and evolving role.

3.6. The Board's Determinations since 2011 have reflected the financial, social and economic circumstances at the time. For example, Members' salaries were frozen from 2010 until 2014-2015, reflecting the economic challenges faced by the UK during that period.

3.7. During the period of the Fourth Assembly (2011-2016) the previous Board undertook a detailed review of the Determination, to inform the preparation of a new Determination for the Fifth Assembly. The final **Determination for the Fifth Assembly** was published in May 2016 accompanied by a **report**. Although the decision to increase Members' salaries was not a popular decision, it was decided that it reflected the weight of the additional responsibilities Members carried in the Fifth Assembly compared to those earlier Assemblies. The previous Board also introduced a new pension scheme for Members which reduced the cost to the taxpayer and increased Member contributions making it more fit for purpose in the future.

Changes made to the Determination during the Fifth Senedd

3.8. The new Board, appointed in 2015, held its first meeting in September of that year and published its **strategy** in January 2017. One of the objectives outlined in the strategy was to "produce a Determination for the Sixth Assembly to inform all potential candidates one year before the Welsh general election which reflects the Assembly's evolving constitutional responsibilities and the wider Welsh context". Chapter 3 of this report details the work undertaken by the Board to produce a Determination for the Sixth Senedd.

3.9. The Board also committed in its strategy for 2016-2021 to ensure the Determination for the Fifth Senedd remained fit for purpose. The paragraphs below detail the main changes to the Determination made during the Fifth Senedd which have helped shape the Determination for the Sixth Senedd.

Staffing support for Members and Political Parties

3.10. The Determination sets out the allowances available to individual Members and Political Parties to cover the costs of employing staff and rules relating to the use of these allowances including the salaries that must be paid to support staff.

3.11. The Board undertook a wider review of the staffing support available for individual Members and Political Parties. The review commenced in 2017 and focused on the following:

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- 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.

3.12. The review involved gathering the views of Members and their staff on these issues and undertaking a comparative exercise with the staffing support provided for members by other UK legislatures.

3.13. On the basis of this work, the Board developed proposals on which it consulted. Some of the main changes to the Determination, or policy documents related to the Determination agreed in light of this consultation included:

- In January 2019, the Board decided to adjust support staff salaries automatically every year using the Annual Survey of Hours and Earnings as measured by the Office for National Statistics. This indexation is provided for in Paragraph 7.3.1 of the Determination. The same indexation is used to adjust Members' salaries annually. Previously support staff salaries were manually adjusted when, and by amounts, deemed appropriate by the Board (taking account of the same index). As a result of this change, support staff salaries automatically increased by 1.2 per cent for the 2019-20 financial year with a consequential increase to the Political Party Support Allowance from £950,480 to £961,890.
- Budgeting Member's Staffing Expenditure Allowance at actual pay points - previously, staffing cost allowances were calculated at the "Potential Maximum Cost", whereby staff members' costs were budgeted for at the salary scale maximum for each member of staff, rather than actual costs (i.e. the actual salary scale points on which staff were employed). This ensured that both Members and Political Parties had sufficient funding within their allowances to fulfil their salary obligations over a number of years. Members and Political Parties were then able to use any underspend in their staff salary budget to cover other staffing costs, such as staff employed on fixed term contracts, work placements and internships, travel and other office related costs. Following its review of staffing support in 2017-2018, the Board changed its Determination in April 2019 so that staff salary budgets were calculated based on actual salary costs, which can benefit Members in releasing additional underspend for meeting other support needs.
- Publishing each Member's and Political Party's total annual expenditure on staff.

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- Removing the 111 hour cap on a Member's permanently employed support staff i.e. they can now employ more than three full-time equivalent staff, so long as they can meet the costs within their staffing budget.
- Increasing the flexibility of viring⁴ between different budgets but 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.
- Fixed term contracts for the purpose of providing maternity leave cover to be set at 12 months in duration.
- Introducing privilege days for support staff.
- Introducing a new compassionate leave policy for support staff.

3.14. As part of this review the Board also consulted on proposals relating to the employment of family members by Members. In light of the consultation, the Board agreed the Determination should be changed so as not to allow for the recruitment of family members from 1 April 2019. Family members employed by Members prior to this date could remain in post until dissolution of the Sixth Senedd (expected to be in May 2026).

Annual review of the Determination

3.15. As well as reviewing the Determination for each new Senedd term, the Board reviews the Determination for each new year during a Senedd term. Part of this process involves consulting Members, Political Parties and support staff on proposed changes to the Determination.

3.16. The Determination sets out the allowances available to Members to pay for the costs of establishing and maintaining offices in their constituencies or regions. For 2018-2019, the Board decided to increase this allowance by 3 per cent, in line with CPI, with an additional 2 per cent to address the additional cost demands which Members are expected to fund from their budget, such as the casework software and the extended requirements of the Official Languages Scheme.

3.17. The Determination sets limits on the amount of money Members can claim for the costs of residential accommodation, and rules relating to the use of this allowance. Based on the increased costs of renting accommodation in the Cardiff Bay area, Members living in the outer

⁴ Vire means to shift funds from one budget to another

area (i.e. the area within the boundaries of the Mid and West Wales and North Wales electoral regions) and intermediate area (i.e. the constituencies of Gower, Neath, Swansea East and Swansea West) were granted increased allowances, for 2018 and 2019 respectively.

3.18. During 2020, the Board consulted on proposals for changes to the Determination that would take effect for 2020-2021. In light of the consultation the Board decided to implement the following changes:

- Increase the residential accommodation expenditure allowance for outer area Members by 1.7 per cent to reflect the rising cost of accommodation.
- Increase the Political Party Support Allowance by 3.86 per cent to reflect salary increases. This is the overall sum to which Political Parties represented in the Senedd are entitled in order to employ staff.
- Remove restrictions on Members' ability to recruit to fixed term contracts by amending the Recruitment Policy. Such recruitment would be subject to an 18 month limit instead of the current six month limit, thereby providing greater flexibility for Members on how their staffing allowances may be spent. The Recruitment Policy will continue to state that all appointments longer than six months in duration will be subject to an open and fair recruitment process.

3.19. The Board also proposed that, for value for money reasons, it was reasonable that Members should not be able to claim back costs arising from the change of the Assembly's name to Senedd Cymru or Welsh Parliament, such as the costs of updating office signage, prior to the next Senedd election (scheduled for May 2021). This was not a matter which required any changes to the wording of the Determination.

4. Review of the Determination for 2021-26 - background

This section explains the background to the review of the Determination for the next Senedd in 2021-2026 and how the review was undertaken

Context

4.1. One of the Board's guiding principles is that its decisions must be appropriate within the Welsh context.

4.2. The Board's review of the Determination was undertaken during a period characterised by significant political volatility and uncertainty in Wales and the UK. Brexit dominated political discourse and a considerable amount of the Assembly's time was spent considering and preparing for the economic and social impacts of Brexit for Wales. Another major consideration for the Assembly was the constitutional impacts of Brexit itself including the possibility that the Assembly's powers could increase following Brexit.

4.3. Such uncertainty on the future of the UK's membership of the European Union was reflected in the changeable composition of the Senedd. During the Fifth Senedd more Members have crossed the Siambr floor to join different parties, or to sit as independent Members, than at any other time.

4.4. The Board's review of the Determination for the Sixth Senedd also took place against the backdrop of continued discussions on reform of the Welsh constitution including a potential increase in the number of Members of the Senedd. Such discussions continue and it remains unclear whether or not the Senedd will decide to enhance its size in future.

4.5. Whilst the Board's decisions during its term in office have been driven by its guiding principles (see Paragraph 2.6), the significant political and economic developments during the Fifth Senedd, in particular the evolving constitutional landscape within Wales and the UK, played an important role in shaping the Board's decisions and its Determination.

4.6. The end of the review period was dominated by the emergence of Covid-19. The Board took decisions relating to the application of the existing Determination to help Members adapt and ensure resilience during this challenging time, and to make sure any changes to Members' salaries were appropriate in the circumstances. Without doubt, the Board will need to keep reviewing the Determination in light of developments relating to Covid-19 for some time yet.

4.7. The Board's Determination for the Sixth Senedd has been designed to be fit for purpose within the current Welsh context. It will need to be kept under regular review during the Sixth Senedd to reflect the rapidly evolving constitutional and economic and social circumstances within Wales.

Purpose

4.8. In December 2018, the Board agreed to the following terms of reference for a full review of the Determination for the Sixth Senedd:

- the suitability of the level of support provided within the Determination;
- the flexibility, prescriptiveness and accessibility of the provisions;
- the probity, accountability, reasonableness and transparency of the expenditure made available.

4.9. In order to provide clarity for prospective candidates for the Senedd election in 2021 on the pay and support that would be available to them if elected, the Board committed to publish the revised Determination one year ahead of that election.

The review process

4.10. During the course of the Fifth Senedd, the Board has engaged regularly with Members, their staff, trade unions and other stakeholders on particular aspects of the Determination. Such engagement has taken place across Wales in order to be able to take account of the views of all Members and staff, regardless of their location, and also to ensure awareness and consideration of issues that may be particular to certain geographical areas, or more prevalent in particular areas.

4.11. To help inform the review of the Determination, the **Wales Governance Centre at Cardiff University** and the **Social Professions School at the London Metropolitan University** were commissioned by the Board to identify the **barriers and incentives to**

standing for election in National Assembly for Wales elections. The purpose of this work was to help the Board understand some of the deterrents to standing for election to the Senedd, including those faced by particular groups, in order to be able to remove such barriers or put measures in place to mitigate them.

4.12. The Board then decided to undertake a three-part review of the Determination, with each part focusing on different aspects of the Determination::

- Part one: Residential Accommodation Expenditure, Members' Travel and Office Cost Allowance;
- Part two: Support for Members and for Political Parties;
- Part three: Members' Remuneration and Members leaving office.

4.13. This three-part review involved gathering further evidence from Members, their staff, Political Parties and Senedd bodies such as the Senedd Commission on the issues covered by each part of the review.

4.14. In order to ensure its decisions were transparent, accountable and reflective of market conditions, the Board also took account of evidence such as:

- Members' use of the various allowances to date during the Fifth Assembly;
- Comparisons with the support made available to elected representatives in the other UK legislatures; and
- Comparisons with various other measures within the public sector in Wales, such as the support made available to other elected representatives.

4.15. Having developed proposals on the basis of the information and evidence gathered, the Board then consulted Members and support staff on suggested changes to the Determination in relation to each part of the review, in turn. Its decisions were communicated to Members and their staff by letter following completion of the various parts of the review.

4.16. On the basis of its engagement with stakeholders, information and evidence gathered, and in light of the consultations undertaken on proposed changes to the Determination, the Board decided on a number of proposed changes to the Determination which would take effect for the start of the Sixth Senedd. This led to the preparation of a draft Determination for the Sixth Senedd.

The consultation on the full draft Determination

4.17. On 5 February 2020, the Board published a draft Determination for consultation which reflected all the changes agreed by the Board in light of the three-part review. The draft Determination was published on the **Board's website**.

4.18. Two versions of the draft Determination were published. **One version** highlighted changes to the Determination proposed by the Board for 2021-2026, in order to make clear how that Determination would differ to the Determination for 2019-2020. The other was a **'clean' version** of the Determination without any changes highlighted.

4.19. Alongside the draft Determination, and to aid understanding of that document, the Board also published a **consultation document** to explain the rationale for the changes proposed to the Determination for the Sixth Senedd.

4.20. In addition, the Board issued a press release drawing attention to the consultation, to raise awareness and interest. Various articles and news items within the print and broadcast media in Wales drew attention to the consultation and the proposals within.

4.21. The Board also issued a letter to Members as well as a range of stakeholders to raise awareness of the consultation and invite responses.

4.22. During the consultation period, Board members met separately with groups representing Members and support staff. Views aired on behalf of Members and their staff during these meetings were considered by the Board alongside the written responses submitted to the consultation.

4.23. As with previous consultations undertaken, and as outlined in its strategy for 2016-2021, one of the Board's priorities has been to gain a better understanding of the incentives for, and barriers to, standing for election to the Senedd. To help meet this objective, the Board has routinely asked for views on whether its proposals could impact on people who identify as having protected characteristics as defined by the Equality Act 2020.

4.24. To help inform the Board's understanding of the implications arising from the draft Determination for individuals who identify as having protected characteristics, Diverse Cymru, a Welsh charity specialising in equality and diversity, was commissioned by the Board to undertake an Equality Impact Assessment of the draft Determination. It was asked to identify provisions in the draft Determination that could impact negatively on persons from particular groups or with specific characteristics, suggest how such provisions could be revised to avoid or

reduce such negative impacts, and how provisions could be amended in order to maximise positive effects on equalities and diversity.

4.25. 12 written responses to the consultation were received. All were received via email. Respondents included two members of the public, individual Members, Political Party Groups, bodies within the Senedd and external organisations. A full list of respondents is shown in Annexe A.

4.26. The Board considered all comments received by respondents to the consultation and from Diverse Cymru which has formed by the basis of the Board's Equality Impact Assessment (see Annexe C) . Where required, further policy and legal advice was sought by the Board to help inform its decisions on changes to be made to the Determination in response to the consultation.

4.27. Any personal data provided by respondents to the review was treated in accordance with the Board's **privacy policy** to ensure compliance with all relevant legislation on the protection of data and information.

4.28. The next section of this report details the Board's proposals for changes to the Determination to take effect in the Sixth Senedd, views expressed on those proposals, and the Board's final decisions on changes to the Determination.

5. Review of the Determination for 2021-2026 - results

This section provides a chapter by chapter summary of the Board's decisions on the changes to the Determination which will take effect in 2021, and the reasons for those decisions. This includes changes to the Determination based on the findings of the equality impact assessment conducted. The full findings of the equality impact assessment are noted in Annexe C.

Chapter 1: Introduction and principles of financial support

5.1. Chapter 1 of the Determination sets out the principles with which Members of the Senedd are expected to adhere when claiming and receiving pay and support, as well as principles that apply to the Senedd Commission when administering claims by Members for such pay and support. These principles are grounded in well-established standards in public life and reflect the expectations on Members set out in the Senedd's Code of Conduct for Members. It also includes the Board's guiding principles, which provide the basis for all its decisions on the pay and support to which Members are entitled.

5.2. Chapter 1 also explains the role of the Senedd Commission in administering Members' remuneration arrangements and the process by which Members can appeal the Commission's decisions.

The Board's proposals

5.3. The Board proposed amending the principles of financial support in this chapter (Paragraph 1.3) to reflect changes to procedures and practices during the Fifth Assembly, as well as to provide clarity on what some of the principles mean.

5.4. Two new paragraphs were proposed (Paragraphs 1.3A and 1.3B) in order to make clear the different roles of the Board and the Senedd Commission with regards to the Determination. Paragraph 1.3A outlines the principles that guide the Board's work. The Board felt the inclusion of these principles would aid transparency and understanding of the Board's decision making process. Paragraph 1.3B was proposed in order to clarify the functions of the Senedd Commission with regards to the Determination. It notes that the Senedd Commission is responsible for providing the necessary funds and oversight of them, and for the administration of expenditure. The Paragraph also emphasises the role of the Accounting Officer and the

Members' Business Support team in interpreting the Determination and providing support for Members in making eligible claims.

5.5. The Board also proposed to remove paragraphs relating to 'equalities' from Chapter 1—including details of the Equalities and Access Fund—and place this content in a new chapter (see detail on Chapter 3A). Throughout its work, the Board has sought to reduce barriers that could prevent or inhibit anyone, if elected as a Member of the Senedd, from performing their duties and fulfilling their responsibilities, or which could deter people from putting themselves forward for election.. As result, the Board proposed that the support available should be set out more clearly and more prominently within the Determination.

Views on the Board's proposals

5.6. No comments were made by respondents to the consultation on proposed changes to Chapter 1.

Equality and diversity considerations

5.7. In its Equalities Impact Assessment of the draft Determination for 2021-2026, Diverse Cymru suggested that the Board's guiding principles should take account of individuals' protected characteristics and personal circumstances, so that the Board's decisions reflect the additional costs and barriers some people may face. The Board decided to amend its guiding principles to make clear that the system of financial support for Members must be considerate of Members' personal characteristics and / or circumstances.

5.8. Diverse Cymru also suggested the principle of personal benefit outlined in Paragraph 1.3.5, which states that Members must ensure that claims do not give rise to improper personal benefit or the perception of such, could lead to Members not claiming legitimate expenses. Members' Business Support provide advice and guidance to Members on the legitimacy of claims made and provide induction for all new Members to explain the rules. Accordingly, and without evidence that Members were refraining from making claims, the Board did not feel changes were needed to the Determination in respect of Paragraph 1.3.5.

Chapter 2: Rules for submission of claims

5.9. This chapter of the Determination sets out the arrangements by which Members are able to make claims for the expenses and allowances which they are eligible to receive, and the rules relating to operation of such arrangements.

The Board's proposals

5.10. The Board proposed changes to Chapter 2 in order to provide more transparency and clarity for both Members and the public on the rules concerning claims by Members.

5.11. An additional Paragraph (2.1.2) was proposed to clarify how the allocation of the Support for Political Parties Allowance would change to reflect any changes to the membership of the Senedd, or the political parties represented by its Members, between elections. The proposed Paragraph 2.1.2 explained that the allowance available to each party would be recalculated on a pro-rata basis to reflect the number of Members of the Senedd in each party, for the remainder of the year during which a change in the membership occurs.

5.12. The Board also proposed changes to the wording of Paragraphs 2.3.2 and 2.3.7 to clarify that claims must be submitted within an agreed timescale and that Members cannot claim for late payment charges related to their expenses. In addition, the Board proposed that three quotations must be provided for items costing £750 or more, or where contractual liabilities over the lifetime of a contract would cost £750 or more. This replicates existing rules elsewhere in the Determination and should ensure better value for money for the taxpayer.

5.13. The Board also proposed amending the text in Paragraph 2.4.1 relating to Exceptional Expenses by removing references to disability or caring responsibilities on the basis that new provisions in regard of these issues were proposed for inclusion in a new Chapter 3A.

5.14. Additional text was proposed for inclusion in Paragraph 2.4.6A in order to clarify that Members making claims for exceptional expenses may be required to provide additional evidence if their circumstances had changed following annual reviews of exceptional expense claims.

Views on the Board's proposals

5.15. No comments were made by respondents to the consultation on proposed changes to Chapter 2.

Equality and diversity considerations

5.16. In its equality impact assessment, Diverse Cymru proposed that exceptions to the rule set out in Paragraph 2.3.8 that Members must submit claims for payment within three months of the end of the month to which the expenditure relates. It suggested that late claims should be accepted where the delay in making the claim was unavoidable, for reasons such as ill health, a disability or child caring responsibilities.

5.17. The Board decided not to make this change to the Determination. The wording of Paragraph 2.3.8 provides flexibility to allow for late claims and in practice, the Members' Business Support Team will consider late expenses claims where the reasons for the delay are valid. The Board's view was that including a list of specific grounds for accepting late claims might be incorrectly read as an exhaustive list, whereas in reality late claims could be accepted for a wide range of reasons.

Chapter 3: Members' remuneration

5.18. Chapter 3 of the Determination sets out the salaries and pensions payable to Members. This includes the base salary payable to each Member and the additional salaries paid to Members who hold particular offices within the Senedd e.g. Ministers. Chapter 3 also explains how Members' salaries are adjusted annually.

5.19. Section 13 of the Measure provides that, except in exceptional circumstance, the Board may make no more than one determination during each five-year Senedd term on the salaries of Members, the First Minister, Welsh Ministers, Deputy Welsh Ministers and the Counsel General. The Board is required by Section 3 of the Measure to exercise its functions with a view to providing Members with a level of remuneration which:

- fairly reflects the complexity and importance of the functions which they are expected to discharge, and
- does not, on financial grounds, deter persons with the necessary commitment and ability from seeking election to the Senedd⁵.

5.20. The salaries payable to Members and office holders are adjusted in April of each year in accordance with the change in the Annual Survey of Hours and Earnings - gross median earnings for full time employee jobs in Wales over the previous twelve months (from March to March). The salaries payable in 2020-2021 are set out below.

Member and office holder salaries (2020-2021)⁶

Office holder salaries	2020-21 Base Salary	2020-21 Additional Salary	2020-21 total salary
First Minister	£67,649	£80,334	£147,983
Welsh Minister	£67,649	£38,052	£105,701
Counsel General	£67,649	£38,052	£105,701
Deputy Minister	£67,649	£22,197	£89,846

⁵ Sections 3(2)(a)(i) and (ii).

⁶ The salaries shown are for the year 2020-2021. Salaries for the Sixth Senedd are shown in Paragraph 5.39 below.

Presiding Officer	£67,649	£43,338	£110,987
Deputy Presiding Officer	£67,649	£22,197	£89,846
Assembly Commissioners	£67,649	£13,741	£81,390
Committee chairs (higher)	£67,649	£13,741	£81,390
Committee chairs (lower)	£67,649	£9,154	£76,803
Business Committee Member	£67,649	£9,154	£76,803
Leader of a Political Group not in Government ⁷	£67,649	£13,741 + £1,057 per Member up to £38,052	Range from £84,561- £105,701

5.21. During its review, the Board considered whether these salary levels remain appropriate or should be changed. The Board considered whether the job weight had changed since the Determination for the Fifth Senedd i.e. the complexity and importance of the functions discharged by Members, the potential changes to Members' responsibilities in the Sixth Senedd, and relevant comparators in other UK parliaments.

5.22. In March 2020 the Remuneration Board considered the annual adjustment to Members' salaries normally applied each April in accordance with the median earnings in Wales identified by the Annual Survey of Hours and Earnings. The adjustment in April 2020 would have resulted in an increase of 4.4 per cent. Taking account of the significant economic impact of the COVID-19 pandemic in Wales, the Board decided to pause the annual adjustment for a period of six months. The Board wrote to Members on 31 March 2020 to explain its decision and inform them that the Determination for 2020-21 would maintain salaries at the 2019-20 level, but that the Board would keep the situation under review. The Determination for 2020-2021 was

⁷ Political Group is defined in the Standing Orders of the Assembly

subsequently published with Members' salaries kept at the same level as for 2019-2020 for the first six months.

The Board's proposals

5.23. On the basis of the evidence available, the Board proposed that the current base and additional office holder salary levels should remain unchanged for the Sixth Senedd, subject to adjustment annually in accordance with the Annual Survey of Hours and Earnings - gross median earnings for full time employee jobs in Wales over the previous twelve months. The Board proposed a technical correction to change the indexation reference point from March to March so that it was instead April to April. This reflects the period that is reported by the Office of National Statistics when carrying out the survey.

5.24. The full implications for the roles and responsibilities of Members as a result of constitutional developments such as Brexit and the work of the Commission on Justice in Wales are not yet clear. Any changes to Members' roles and responsibilities will be influenced not only by external factors, but also by the way in which the Senedd, its committees and its Members decide to respond. These factors do not, therefore, currently represent a driver for any changes to Member or office holder salaries.

5.25. The Board's view is that the current indexation arrangements remain appropriate and fair as they ensure that Members' salaries reflect changes in the average earnings in Wales, and therefore the wider financial circumstances of Wales. This is fair both to Members and offers value for money. The Board's view was shared by all respondents to the its consultation on Part 3 of the review of the Determination (Members' remuneration and Members leaving office). As such the Board proposed to maintain the current salary levels payable to Members and additional office holders, subject to annual indexation, for the duration of the Sixth Senedd.

5.26. While reviewing Member and additional office holder salaries, the Board identified an anomaly in the Determination relating to the salary entitlement of temporary or "designated" office holders.

5.27. A Counsel General designate may carry out the functions of the Counsel General when the office is vacant or the Counsel General is otherwise unable to act. Most commonly such a vacancy occurs when there is a change in First Minister, as the office of Counsel General is vacated when a new First Minister is nominated by the Senedd. It is then for the incoming First Minister to nominate a person to be appointed as Counsel General. The office of Counsel General remains vacant until such time as the First Minister's nomination for Counsel General

has been agreed by the Senedd and approved by the Queen. During the period for which the office is vacant, or during periods when the Counsel General may be otherwise unable to act, section 49(6) of the Government of Wales Act 2006 allows the First Minister to appoint a Counsel General designate to carry out the functions of the Counsel General, for up to six months. However, there is currently no provision for the payment of a salary to a Counsel General designate. The Board proposed to make provision for this in the Determination.

5.28. Likewise, in the rare circumstance of the Senedd having to appoint a First Minister designate (as per section 46(5) of the Government of Wales Act 2006), the Board believes it would be prudent to put in place a similar provision for the payment of salary. As such the Board proposed including a similar provision in the Determination for a First Minister designate as for a Counsel General designate.

5.29. Similar provisions were proposed by the Board to allow for the payment of salary to a Member elected in accordance with Standing Order 6.24 to act as a Temporary Presiding Officer and a Member appointed in accordance with Standing Order 17.22 as a Temporary Committee Chair. The proposed provisions stipulate that a Member appointed as a Temporary Committee Chair would not be eligible to receive payment of the additional office holder salary if the period during which they exercised the functions of the Committee Chair was shorter than one calendar month. This is intended to ensure that a Member appointed as a Temporary Committee Chair for a very short period only is not eligible for payment (e.g. to chair one meeting only).

5.30. The delay of one calendar month in commencing the additional salary payment for a Temporary Committee Chair was not proposed for the offices of First Minister designate, Counsel General designate or Temporary Presiding Officer. It was proposed that the payment of the additional salaries for those offices will commence on appointment or election. This reflects that a Temporary Committee Chair may not necessarily exercise the full range of responsibilities of the permanent Committee Chair. For example, they may be appointed specifically for the purpose of chairing meetings for a short period, without exercising the other responsibilities of the permanent post holder. The role of a First Minister designate, Counsel General designate or Temporary Presiding Officer is different in this regard. For these reasons, the Board considers it appropriate to delay commencement of payment of the additional office holder salary of a Temporary Committee Chair for one month, but not for a First Minister designate, Counsel General designate or Temporary Presiding Officer.

Views on the Board's proposals

5.31. All those who commented in response to the consultation on Part three of the review (Members' Remuneration and Members leaving office) on the proposals to retain Members' salaries at current levels and remunerate temporary additional office holders were supportive.

5.32. The Senedd's Business Committee noted support for the Board's proposals to remunerate a Temporary Presiding Officer and Temporary Committee Chairs. The Committee called for remuneration of a Temporary Deputy Presiding Officer also.

Key changes to the Determination considered by the Board

5.33. The Board decided not to implement the Business Committee's suggestion that the Determination should provide remuneration for the post of Temporary Deputy Presiding Officer. The Board noted that a Temporary Deputy Presiding Officer is not a post provided for in the Senedd's Standing Orders. The Board did not feel it appropriate to include provisions in the Determination to remunerate an office that does not formally exist. If the post of Temporary Deputy Presiding Officer were to be made a formal position within Standing Orders then the Board will review its decision on remuneration for this post.

5.34. On 18 March 2020, in response to the COVID-19 outbreak, the Senedd agreed changes to its Standing Orders to allow for the election of Members to two newly-created offices: a Designated Temporary Presiding Officer and an Acting Chair of Plenary. These new offices were created to provide cover at times when the Presiding Officer and Deputy Presiding Officer are unable to act or unable to chair Plenary.

5.35. The Board considered whether remuneration should be provided to the holders of these offices. Should the Designated Temporary Presiding Officer be required to act as Presiding Officer, they would automatically become the Temporary Presiding Officer for which remuneration is already provided.

5.36. The position of Acting Chair of Plenary is a temporary position established by Standing Order 34, which will cease to have effect upon dissolution of the Senedd (or when the Senedd so resolves, if sooner). An Acting Chair of Plenary is not permitted to undertake all of the functions of the Presiding Officers who normally chairs Plenary. For these reasons, the Board decided these newly-created offices should not be remunerated.

5.37. As part of its consideration of consultation responses, the Board decided that indexing Members' salaries with the median earnings in Wales as identified by the annual survey

conducted by the Office for National Statistics remains appropriate. At the same time, the Board recognised that salary adjustments in line with median earnings in Wales are prone to fluctuations and by its nature, the indicator reflects the previous year’s economic climate. It discussed whether such adjustments should be capped.

5.38. In its response to the consultation, the Plaid Cymru Group asked that “any pay increases as a result of the annual indexation arrangements should be brought into line with the arrangements for other public servants and public sector workers”. The Board considers that the Annual Survey of Hours and Earnings remains an appropriate indicator and reflects the wider Welsh economy. It is conscious, as is the case in 2020-21 that the indicator may at times be out of step with the current economic conditions. The Measure restricts the Board from making more than one decision in relation to Members’ and office holder salaries which is to have effect during each term of the Senedd unless there are exceptional circumstances which make it just and reasonable to make a further decision. A decision on indexation of salaries has been made for the Sixth Senedd, so the Board could only revisit that decision if it is of the opinion that exceptional circumstances exist that make it just and reasonable to make a further decision to take effect during the Sixth Senedd. The Board considers that this provides sufficient leeway to revisit Members’ salaries during the Sixth Senedd if circumstances are such that it would be deemed reasonable to do so.

5.39. The following list of remunerated offices within the Sixth Senedd are reflective of the decisions taken by the Board following the review⁸:

Additional office holder salaries	2021-22 Base Salary	2021-22 Additional Salary	2021-22 Total salary
First Minister	£70,626	£83,869	£154,494
Welsh Minister	£70,626	£39,762	£110,352
Counsel General	£70,626	£39,762	£110,352
Deputy Minister	£70,626	£23,174	£93,799
Presiding Officer	£70,626	£45,245	£115,870

⁸ These figures assume Members’ salaries will be adjusted in October 2020 in accordance with gross median earnings in Wales as identified by the Annual Survey of Hours and Earnings conducted by the Office for National Statistics. Such salaries are also subject to adjustment in the same way in April 2021.

Additional office holder salaries	2021-22 Base Salary	2021-22 Additional Salary	2021-22 Total salary
Deputy Presiding Officer	£70,626	£23,174	£93,799
Senedd Commissioner	£70,626	£14,346	£84,971
Committee chair (higher)	£70,626	£14,346	£84,971
Committee chair (lower)	£70,626	£9,557	£80,182
Business Committee Member	£70,626	£9,557	£80,182
Leader of a Political Group not in Government ⁹	£70,626	£14,346 + £1,104 per Member up to £39,726	Range from £88,284 - £110,352¹⁰

⁹ Political Group is defined in the Senedd's Standing Orders.

¹⁰ The salary of a Leader of a Political Group not in Government is capped at the salary payable to a Welsh Minister

Chapter 3A: Additional support

5.40. The Board proposed inserting a new chapter into the Determination setting out the additional support available to Members with particular characteristics or responsibilities. Chapter 3A sets out the additional support to be available during the Sixth Senedd for Members with disabilities, those with caring responsibilities and those on parental leave. Some of the provisions in this new chapter are existing provisions which have been moved from other chapters in the Determination. Others are new provisions proposed by the Board for 2021-2026.

5.41. The purpose of the provisions in this new chapter is to remove or reduce barriers to standing for election to the Senedd faced by people with particular characteristics or responsibilities, and to attract a more diverse range of potential candidates. All cost reimbursements set out in this chapter will be met from central funds.¹¹

The Board's proposals

5.42. The Board proposed making additional resources available to support disabled Members and support staff, and to help Members engage with disabled constituents. Such resources would be used to meet the costs of any 'reasonable adjustment' required, for example adjustments to office accommodation. Previously, Members could apply for such additional support via the Senedd Commission's Equality and Access Fund. The new provisions in the Determination on support with disabilities are intended to replace this Fund.

5.43. The Board strongly supports the principle of removing barriers that might otherwise prevent parents and guardians, people planning a family, or people with other caring responsibilities from standing for election to the Senedd.

5.44. The Board explored the care allowances available to other elected representatives, most notably the allowance provided by the Independent Remuneration Panel for Wales for local authority members: members of principal councils, National Park Authorities and Fire and Rescue Authorities are eligible for the reimbursement of care costs up to a maximum amount of £403 per month.

¹¹ Central funds means funding provided through the Determination but which are not part of any of the specific allowances available to Members or Political Parties under this Determination.

5.45. In the new Section 3A.3 of the Determination, the Board proposed that Members of the Senedd should be able to claim a limited contribution to help towards the cost of care for dependent children or other relatives who rely on the Member for their care, where such care is required in order to enable Members to perform their duties. The Senedd's Standing Orders set out that the weekly business timetable should normally seek to avoid timetabling business before 9am or after 6pm on any working day. This relates to having regard to the family and constituency or region responsibilities of Members. The new provisions proposed specified that care costs may be reimbursed only where incurred outside 9am – 6pm on working days, following the guidance provided in Standing Orders. Whilst the expectations of weekly business hours set out in the Standing Orders may not accurately reflect the hours routinely worked by Members in recent times, it is considered the most useful guide available for the purpose of setting parameters on the use of this support.

5.46. It was proposed that each Member would be entitled to claim up to a maximum contribution of £297 per month for the care costs of children or adult dependants in their care. Claims could only be made for the reimbursement of the costs of registered care providers and on the production of supporting evidence such as proof of registration of the care provider and receipts for the care provided. These requirements were considered appropriate by the Board on the grounds of safeguarding and probity of expenditure.

5.47. Paragraph 3A.4 of the draft Determination published for consultation outlined the support the Board wished to make available to Members who choose to take a form of parental leave i.e. maternity leave, paternity leave or adoptive leave. Such support could take the form of either an additional staff member or additional resource as required, as the specific arrangements might vary according to the Member's needs.

5.48. The Board also proposed that the details of any claims made by Members for the reimbursement of costs related to disabilities or caring for others should be published on an anonymised, aggregate basis for each type of claim, rather than being attributed to individual Members. It was felt this approach to publishing the details of claims would help reduce concerns or stigma Members may feel about accessing legitimate additional support needed whilst still providing transparency on the use of public funds.

Views on the Board's proposals

5.49. The provisions set out in the proposed new Chapter 3A attracted more attention than any other proposals put forward by the Board.

5.50. Generally the Board's proposals were strongly supported by contributors to the review. The Board's intention to make it easier for those with particular characteristics or responsibilities to serve as Members of the Senedd was well received as was the insertion of a new chapter into the Determination to set out in one place the additional support to be made available to such persons.

5.51. Two members of the public expressed their dissatisfaction at the proposal to allow Members to claim a contribution towards care costs. The basis of their opposition to the proposal was that Members of the Senedd are better paid than other workers who are not able to claim back the costs of caring for dependants.

5.52. Conversely, Chwarae Teg, a charity promoting gender equality in Wales, supported the proposal on the reimbursement of care costs but felt the Board should go further by allowing Members to claim back care costs incurred during the Senedd's sitting time or travel time, rather than outside of the Senedd's normal working hours only.

5.53. Three respondents to the consultation emphasised that the barriers to standing for election faced by those with childcaring responsibilities are not necessarily financial. They highlighted the lack of childcare provision in some areas, in particular within the Senedd's vicinity and especially outside of normal working hours. Suggestions included that the Board should work with the Senedd Commission and employers in the Cardiff Bay area to explore the potential to jointly procure flexible and affordable childcare that Members could use. It was also suggested that creche provision should be established in the Senedd.

5.54. Women's Equality Network Wales argued the Remuneration Board should allow for 'locum Members' as cover for Members on parental leave, instead of an additional member of staff who could not participate in Senedd proceedings, in order to avoid the potential for Members on parental leave having to attend the Senedd in order to vote. The same organisation suggested Members on parental leave should be allowed to vote by proxy.

5.55. During the review period, the Senedd's Business Committee decided to allow Members on parental leave to vote in Senedd proceedings by proxy i.e. their votes could be cast on their behalf by other Members at times during which the Member is on parental leave. The Board noted that this move would complement the Board's proposals to reduce barriers to standing for election to the Senedd.

5.56. The Board's proposal to publish anonymised details of claims made in accordance with Chapter 3A was supported by Chwarae Teg which noted that "making clear where expenses

have been incurred due to reasonable adjustments, caring responsibilities or parental leave could alleviate the pressure some members may feel to keep claims as low as possible and foregoing the support they need as a result”.

Key changes to the Determination considered by the Board

5.57. In light of the clear support expressed for its proposals on additional support for Members, the Board agreed to implement its proposals.

5.58. On its proposals relating to claims for childcare costs, the Board considered the suggestion that the provision should be extended so as to be applicable during the Senedd’s sitting time and Members’ travel time. However, the Board felt that this would undermine the purpose of the provision. The purpose was to acknowledge that the role of a Member is different to most other professions, in terms of the number of non-family friendly hours worked, and provide a contribution towards childcare costs during such hours. The Board did not feel there is a strong argument for reimbursing Members’ childcare costs incurred at other times. The Board also decided to make clear in the Determination that the childcare costs incurred during recess would not be reimbursed as this was not clear in the draft Determination consulted upon.

5.59. Acknowledging that claims for childcare costs could be limited by the lack of flexible childcare provision within the vicinity of the Senedd noted by some respondents, the Board agreed to write to the Senedd Commission to invite the Commission to consider the evidence received on this issue.

5.60. The Board did not agree with the suggestion that cover should be available for a Member on parental leave in the form of a ‘locum Member’. The Government of Wales Act and the Senedd’s rules and procedures do not allow for persons other than democratically elected Members to undertake the functions of a Member in formal Senedd proceedings. Any change to this would require a change of law and be a matter for the Senedd itself. Having considered the evidence submitted, the Board’s view is that an additional member of staff to help with the workload of a Member on parental leave is the most suitable form of cover to be provided for in the Determination. The purpose of such an additional staff member would be to assist with the management of the Member’s work and does not cover party political or elected responsibilities.

5.61. Chwarae Teg highlighted that smaller childcare providers may not always provide receipts in the form required by the draft Determination to accompany claims for the reimbursement of

childcare costs. However, the Board's view is that it is reasonable to expect that registered care providers are able to produce receipts. The proposed provisions make no specific requirements on the format of such receipts. The Board decided to uphold the requirement for such receipts to accompany claims by Members.

5.62. One respondent argued the claims for childcare costs should be made available to Members' support staff as well as Members. Although acknowledging that support staff may be required to work late in support of their employing Member, the Board did not feel there was sufficient evidence at this time to make claims for childcare costs available to Members' staff.

5.63. Specific comments were received on the proposed provisions to provide additional support for Members on parental leave. Chwarae Teg suggested the definition of parental leave should include shared parental leave, in addition to maternity, paternity and adoptive leave. However, due to their employment status, Members of the Senedd are not eligible for shared parental leave and it was not considered appropriate to offer an entitlement to a type of leave that was equivalent to shared parental leave.

Equality and diversity considerations

5.64. In light of its equality impact assessment, Diverse Cymru recommended the definition of 'dependants' for the purpose of the care allowance should not be limited to family members only, on the basis that a Member or potential candidate may routinely provide care for adults other than family members. The Board considered how 'other dependants' are defined in other contexts. On the basis that the support available in other contexts is not usually limited to care for family members only, the Board decided to extend the provision to allow for the reimbursement of the costs of care for adults who are not family members. The final version of the Determination for the Sixth Senedd allows Members to claim for the care costs of adults who live with the Member, with some limitations, or a person who reasonably relies on the Member for their care or the arrangement of their care.

5.65. Diverse Cymru also suggested as part of its equalities impact assessment that some flexibility should be applied to the requirement that Members wishing to claim additional support whilst on parental leave should inform the Senedd Commission of their intention to take parental leave in advance of their leaving date. It was noted that Members may not always be able to provide advance notice of the need to take parental leave. However, the Board felt the wording of the relevant provisions in the Determination already provides sufficient flexibility with regards this requirement where appropriate to do so.

5.66. Both the equality impact assessment and the Welsh Labour Group suggested the Determination should be reworded to reflect the social model of disability rather than the medical model reflected in the consultation documentation. The medical model places the focus on the personal characteristics which do not allow a person to undertake certain activities i.e. health conditions or impairments. The social model places the focus on the societal barriers which prevent a person with particular health conditions or impairments from undertaking certain activities. Diverse Cymru, in its assessment, noted the benefits of the social model of disability which include removing stigma associated with particular physical or mental characteristics. The Board agreed with this recommendation and reworded its Determination to reflect the social model of disability.

Chapter 4: Residential accommodation expenditure

5.67. Chapter 4 sets out the allowances available to Members to meet the costs of accommodation required in order to perform their duties as Members in the Senedd, their constituencies or regions or other locations. For the purpose of the Determination, Members' main residencies are considered to be located in one of three areas:

- an inner area (the area within the boundaries of the South Wales West, South Wales Central and South Wales East electoral regions as they stand at the beginning of each Senedd, with the exception of those constituencies located in the intermediate area);
- an intermediate area (the constituencies of Gower, Neath, Swansea East and Swansea West); or
- the outer area (the boundaries of the Mid and West Wales and North Wales electoral regions).

5.68. The residential accommodation allowances available to Members largely depend on which of these areas their main place of residence is located within. This arrangement reflects that some Members need to stay overnight in Cardiff Bay and either rent accommodation close to the Senedd or stay in a hotel in order to undertake their duties, whilst others will not need to do so because of the proximity of their main residence to the Senedd (except in exceptional circumstances). Chapter 4 also provides allowances to meet the costs of overnight accommodation incurred by Members whilst conducting business other than in the Senedd or their constituencies or regions.

The Board's proposals

5.69. During the first and second Assemblies, Members were entitled to claim for the reimbursement of mortgage interest payments and the costs of essential repairs on second properties purchased in order to enable them to perform their duties.

5.70. In 2011, the Board decided Members should no longer be entitled to claim for the reimbursement of such costs. Transitional arrangements were put in place which allowed Members who had purchased a second home before the Third Assembly to continue to receive the reimbursement of mortgage interest payments until the end of their period in office. No end date for such transitional arrangements was specified in the Determination. In Part one of its review (Residential Accommodation Expenditure, Members' Travel and Office Cost Allowance),

the Board proposed such transitional arrangements should be ended on dissolution of the Fifth Senedd. Having considered responses to its consultation on Part one of the review, the Board amended its proposal so that such transitional arrangements would cease on dissolution of the Sixth Senedd.

5.71. The Board also proposed that all refunds from rental agreements, including returned rental deposit bonds reimbursed to Members, must be repaid to the Senedd Commission.

5.72. Minor changes to Chapter 4 of the Determination were proposed by the Board to confirm that the costs of any security measures recommended for Members by the Senedd Commission's Security Team will be funded by the Determination.

Views on the Board's proposals

5.73. In response to the consultation of the full draft Determination, the Welsh Conservative Group opposed the proposal to end mortgage interest payments for Members. Arguments for retaining such payments put forward by the Group included that if implemented, the cessation of such payments would increase the cost to the taxpayer. This was because paying the mortgage interest payments of some Members could be cheaper than paying rental costs they would otherwise incur. Another argument put forward was that "A number of Assembly Members with children living a long way from home chose to purchase properties to provide some security and stability to their accommodation arrangements for them and their dependents."

5.74. The Board's proposal on the repayment of refunds received from rental agreements was supported by all those who commented on it.

5.75. The Welsh Labour Group questioned the appropriateness of the arrangements in place to determine Members' eligibility for payments from the Residential Accommodation Allowance, and requested the Board undertake a wholesale review of current arrangements as they did not agree they are "fit for purpose". They called for the eligibility criteria to be based upon actual distance to work from the main home or travel time:

We believe that travel to work time should be measured by the start and finish times of journeys and that this would better reflect the actual need for accommodation support. Reforming the system in this way would offer a fairer, more transparent and workable basis for determining the level of Residential Accommodation Expenditure support [...]As demonstrated by the evidence we provided on Member travel times in our response to the consultation on part

one of the Determination, many Members in the 'Intermediate' and 'Inner' areas are currently working 12-13 hour days when travel to work times are taken into account. The workload and time pressures on Members in these travel areas are only likely to increase as the Senedd gains extra responsibilities. We believe that this worsening situation is not sustainable, particularly for those with families and caring responsibilities.

5.76. A Member of the Senedd responding as an individual to the consultation on the full draft Determination also raised concerns about the current allowances for residential accommodation. The Member felt that the arrangements should allow for Members who represent intermediate or outer areas but whose main residences are in Cardiff, to claim for the reimbursement of residential accommodation expenditure in their constituencies or regions. Currently, Members representing constituencies or regions within the intermediate or outer areas can claim back the costs of renting a property in Cardiff, but not the costs of renting a property in their constituency or region if their main residence in Cardiff (i.e. they would not claim for the costs of staying in Cardiff). The Member felt current arrangements may be discriminating against women on the basis that it is normally female Members who may choose to move their family to Cardiff or would need to rent accommodation in the constituency or region, as opposed to staying in a hotel, in order to be able to care for dependants whilst in the constituency or region.

Key changes to the Determination considered by the Board

5.77. Following consideration of the arguments put forward, the Board remains of the view that the payment of Members' mortgage interest should be ended. This is in order to ensure appropriate use of taxpayers' money and to avoid any risk of improper financial benefit by Members on properties that are paid for in part by public funds. The Board believes that extending such payments until the end of the Sixth Senedd provides fairness for the limited number of long-standing Members still claiming this allowance.

5.78. The Board agreed that refunds received from Members' rental agreements should be repaid to the Senedd Commission.

5.79. The Board considered the comments made in respect of the current system for determining eligibility for reimbursement of residential accommodation expenditure. The Board undertook a thorough analysis of the distances travelled by Members during its consideration of the issue under Part one of the review (Residential Accommodation Expenditure, Members' Travel and Office Cost Allowance) and concluded at that time that the current system was the

best solution within the current electoral boundaries. Following this review, the Residential Accommodation Allowance for Members residing in the intermediate area was raised from £3,200 to £6,840. This change means those Members who are eligible are now able to stay in Cardiff for two nights a week if required, rather than one. The Board considers that this will meet the concerns raised, by giving Members' flexibility on days where they need to work longer hours.

5.80. In respect of the call to allow Members residing in Cardiff to claim reimbursement of rental costs of properties in their constituency or region, the Board concluded that current arrangements are not discriminatory and do not breach equality laws. It did agree however that the question raised is worthy of further discussion and is one that the next Board may wish to consider.

Equality and diversity considerations

5.81. Paragraph 4.4.2 of the Determination sets out the conditions that must be met in order for a Member living in the outer area to be allowed to claim reimbursement of the rental costs of a furnished property in the Cardiff area. One such condition is that the property for which rental costs are claimed must provide for the Member's reasonable needs only e.g. such a property should not be larger in size than is necessary in order to meet the Member's requirements. In light of its equality impact assessment, Diverse Cymru suggested this paragraph should be revised to make clear that 'reasonable requirements' could include a Member's accessibility requirements or requirements arising from caring for dependants. In practice, Members' Business Support would consider accessibility requirements to constitute 'reasonable requirements'. The Board decided against listing specific types of 'reasonable requirements' due to the risk that any such list could be deemed exhaustive.

Chapter 5: Members' travel

5.82. This chapter of the Determination sets out the travel expenses for which Members may be reimbursed, including travel undertaken by Members' partners and children under the age of 18. Provisions are included relating to:

- travel within Wales, referred to as 'normal travel';
- travel within the UK outside of Wales, referred to as 'extended travel';
- travel within the European Union outside of the UK, referred to as 'travel within the European Union';
- travel outside of the European Union, referred to as 'international travel'.

The Board's proposals

5.83. The Board felt the current provisions for Members' travel work well and proposed limited changes only.

5.84. Some provisions within Chapter 4 are based on the UK's membership of the EU and may no longer be appropriate following the UK's departure from the EU. The Board proposed revisiting the provisions in place for travel within the European Union at the end of the transition period for the UK's departure from the EU, rather than revise them during the transition period. Such provisions will continue to provide appropriate travel arrangements for Members up to the end of the transition period. A significant amount of devolved policy areas may require regular engagement with the EU by Members until that time.

5.85. The Board also proposed to address an anomaly with regards to Members' travel for committee purposes. The payment of Member's travel costs incurred during committee business is a matter for the Senedd Commission, not the Board. The Board, therefore, proposed changes to Chapter 4 to reflect this practice. This change will help make clear to Members and support staff who funds each type of Members' business travel.

Views on the Board's proposals

5.86. In response to the Board's consultation on Part one of its review of the Determination (Residential Accommodation Expenditure, Members' Travel and Office Cost Allowance), the majority of those who commented on proposals relating to Members' travel allowances supported the proposals.

5.87. The Determination allows Members to claim reimbursement of the cost of up to 12 single public transport journeys by family members between Cardiff and the Member's constituency or region. The purpose of this allowance is to enable a spouse, civil partner or child under the age of 18 to visit a Member staying in Cardiff for work purposes. The equality impact assessment queried whether flexibility could be applied to the rules set out in Paragraph 5.18.1. For instance, whether Members should be allowed to claim reimbursement of the cost of more than 12 single journeys in exceptional circumstances, for example where a disabled spouse or child needs to accompany the Member to Cardiff for reasons associated with their disability. Another example given was that some Members may require someone who is not their partner or child to travel with them for health reasons, for example a carer. A similar question was raised in relation to Paragraph 5.21 of the Determination which sets out the maximum number of public transport journeys by Members' staff for which reimbursement may be claimed.

Key changes to the Determination considered by the Board

5.88. The new Chapter 3A of the Determination will allow Members to claim the reimbursement of costs incurred due to the need for additional support in respect of health conditions or impairments. This includes seeking reimbursement of the costs which are generally provided for in other chapters of the Determination, including additional travel costs. The costs of any journeys beyond the limits set out in Chapter 5, undertaken due to a health condition or impairment of a Member, a Members' family member or staff member, could be claimed for under the new Chapter 3A. The Board considers that this is clear in the wording of the draft Determination consulted upon and therefore did not feel any further changes were required.

5.89. The Plaid Cymru Group argued for clarification that expenses incurred by staff during a recall of the Senedd will be reimbursed on the same basis as that of Members. The Board felt that in practice, claims for such expenses would be permitted and that advice provided by Members' Business Support should make this clear.

Equality and diversity considerations

5.90. The equality impact assessment suggested the Board should consider including a clear statement in Chapter 5 to acknowledge that whilst travel by car or taxi may not always be the most cost effective means of travel, it may be the only feasible mode of transport for some disabled people and should therefore be allowed for in the Determination. The Board agreed and decided to include a new general principle in Chapter 5 to make clear that cost effective travel means the cheapest method or class of travel that is appropriate to a disabled Members' requirements.

Chapter 6: Office and constituent liaison fund

5.91. This chapter of the Determination sets out the allowances available to Members for the purpose of establishing and maintaining offices in their constituency or region. Such offices are key to a Member's ability to engage effectively with individuals and organisations.

The Board's proposals

5.92. The Board proposed a number of changes to this chapter. The first was to change the chapter title from "Office Costs" to "Office and Constituent Liaison Fund" as it was felt this better reflects the purpose of the allowances provided for in this chapter.

5.93. The Board proposed a new Paragraph 6A.1 making changes to the principles with which Members must adhere when acquiring office accommodation. The new principles require Members who choose to fund a constituency or regional office from the Determination to ensure their office(s) uphold the reputation of the Assembly, are safe and secure, and are open and welcoming to all who wish to use them. Members will also be expected to follow a formal procedure for acquiring an office and ensure that all leases, contracts and other relevant documents related to this allowance comply with the law. This proposal would address recommendations in relation to office accommodation made by the Senedd's Standards of Conduct Committee in November 2018. The Board believes that a significant majority of Members already comply with these rules but that their formalisation could ensure better value for money.

5.94. The Board proposed an amendment to Paragraph 6.2.1 to clarify that claims for this allowance can only be made in respect of office costs and the costs of engaging with constituents, and must take into account the principle noted in Chapter 1 of the Determination that claims may not be made for the reimbursement of expenditure relating to party political activity. This insertion replaced the long list of examples of activities for which the costs could be claimed back which was previously included in Paragraph 6.2.1.

5.95. The Board proposed the inclusion of additional text in Paragraphs 6.2.2 and 6.2.3 to clarify that office items costing £100 or more paid for from the Determination remain the property of the Senedd Commission, and that three quotations must be obtained and submitted for items costing £750 or more. This would provide consistency with provisions elsewhere in the Determination.

5.96. The changes put forward by the Board included renaming the “supply of office furniture” allowance provided for in Paragraph 6.3 as an “Office start up allowance”, in order to better reflect its purpose.

5.97. Changes were also proposed to Paragraph 6.4.5 relating to the acquisition of Information and Communications Technology (ICT) equipment. The proposed changes provide greater clarity on the process Members are expected to follow in order to purchase ICT equipment.

5.98. The Board sought feedback on proposed changes to Sections 6.5 and 6.6 relating to office security, and health and safety, respectively. The proposed changes confirm that any costs arising beyond the limits currently outlined in those sections would be met from central funds, rather than from the individual Member’s allowance. This would aid transparency and understanding on how such allowances are funded.

5.99. In addition, the Board proposed stricter obligations in respect of renting office accommodation. Such obligations would require a Member who wishes to rent an office within their constituency or region to meet requirements such as obtaining valuation and legal advice on the desired office space, before any claims can be made for the reimbursement of the rental costs of the office.

Views on the Board’s proposals

5.100. Concerns were expressed in response to the proposals relating to the Office Cost Allowance put forward by the Board in Part one of its review of the Determination (Residential Accommodation Expenditure, Members’ Travel and Office Cost Allowance). Such concerns related more to the specific wording of the changes proposed by the Board than the substance of the proposed changes. Generally, the Board’s proposals including the introduction of stricter requirements on Members when acquiring rented office accommodation were welcomed by respondents to the consultation on Part one of the review.

5.101. In response to the Board’s consultation on the full draft Determination, one Member noted opposition to the new principles on acquiring office accommodation proposed by the Board. They argued Members should be provided flexibility to set up and run their constituency or regional office as they see fit.

5.102. The Senedd Commission noted that it may be helpful to Members, as well as to officials administering claims, to have greater clarity regarding the two areas of funding within the draft Determination which provide for support to engage with constituents. Certain provisions in Chapter 6 provide allowances to pay for engagement with constituents. The same is true of the

Policy, Research and Communication Fund provided for in Chapter 7 (Staffing Support for Members). The Commission highlighted the potential for overlap in the purposes of these provisions and called for greater clarity.

Key changes to the Determination considered by the Board

5.103. The Board is of the view that the new principles proposed on office accommodation are appropriate in order to achieve the twin aims of ensuring suitable accommodation for Members and value for money.

5.104. The Board agreed with the Senedd Commission that the potential for overlap in the purposes of the different provisions relating to Members' engagement with constituents should be addressed. Additional wording has therefore been inserted in Chapter 7 in respect of the Policy, Research and Communication Fund, to make clear that whilst this Fund may be used to procure external work to create content aimed at constituents, the Fund may not be used to pay for the costs of disseminating such information. This provides a clear distinction between the purposes of the different provisions in question. The Board agreed the effectiveness of these changes to the wording of the Determination should be reviewed in due course.

5.105. The Senedd Commission suggested a slight change to the wording of Paragraph 6.2.2 to make clear that all office items paid for by the Determination remain the property of the Senedd Commission, regardless of their cost. The Board agreed to amend this paragraph as suggested.

5.106. In respect of Section 6.4 (Approved suppliers of office equipment and stationery), the Plaid Cymru Group argued that Members should be able to use the central stationery allowance to purchase items from local office suppliers rather than from suppliers approved by the Senedd Commission only. The Senedd Commission currently holds the budget which funds the stationery requirements of Members. The Board is currently in discussions with the Senedd Commission about transferring this budget from the Commission's budget to form part of the budget for the Determination for the Sixth Senedd. The Board decided the issue raised should be considered as and when the budget is transferred from the Commission to the Determination and that no changes should be made to the Determination at this point in time. Should any budgets be transferred, any new provisions or changes to the Determination would be subject to public consultation.

Equality and diversity considerations

5.107. The equality impact assessment outlined the principle on the accessibility of a Member's office accommodation, to which Members must adhere when acquiring an office, should be a

stand-alone principle due to its importance, rather than included in a wider principle also relating to the security of an office. The Board agreed and separated the two principles.

5.108. The equality impact assessment also suggested the Determination should allow for 'reasonable adjustments' to office accommodation such as the creation of a prayer room or quiet room where required. The same assessment suggested Chapter 6 should allow for the reimbursement of translation and interpretation costs incurred for the purpose of engaging with constituents. The Board's view is that the provisions in Chapter 6 are sufficiently broad so as to allow for the reimbursement of all such costs, and that the particular purposes for which this allowance may be used should not be listed due to the risk that any such list could be read as exhaustive. Rather, the Board asked Members' Business Support to make clear in its advice to Members that the Office Cost Allowance may be used for such purposes. The costs of engaging with constituents via a sign language interpreter could be claimed for under the new Chapter 3A on additional support for Members.

Chapter 7: Staffing support for Members

5.109. The Determination provides allowances for individual Members and Political Parties to cover the costs of employing staff. Chapter 7 of the Determination sets out the allowances available to individual Members to pay for staff, and rules on the use of these allowances.

Summary of the Board's proposals

5.110. During the Fifth Senedd, the Board has sought to introduce more flexibility for Members in their roles as employers to help address their capacity concerns and ability to attract candidates for positions advertised (see paragraphs 3.8 - 3.19 for further details).

5.111. As part of its review of the Determination the Board proposed further changes to the provisions on staffing support for Members.

5.112. A new Paragraph 7.1.1A was proposed which clarifies that each Member is an employer and that the Board provides standardised pay, terms and conditions for all support staff. The purpose of this new paragraph is to provide greater clarity on the respective roles of Members and the Board in the employment of support staff.

5.113. In the Board's view, Members should have discretion to spend their staffing allowances in a way which best suit their individual needs as elected representatives. Accordingly, the Board proposed that Members should be responsible for deciding the starting salary of their support staff, within the pay scales determined by the Board. The Board has also set out that in exercising this discretion, Members must follow the Board's guidance on starting salary criteria (see Paragraph 7.2 of the Determination). Such flexibility to decide on starting salaries did not exist previously, rather a case had to be made to the Senedd Commission for doing so.

5.114. The Board believes the provision of work experience opportunities within political offices is important in order to open up access to politics, particularly for those who would not normally see politics as a feasible career option. At the same time, such opportunities must be conducted properly to avoid any potential risk of exploitation. The Board proposed a rule requiring Members to abide by a new Unpaid Placement Policy when providing unpaid placements in their offices, such as internships. Such a policy will ensure that the purpose and conditions of such placements are agreed by both parties involved. Additional text was proposed in Chapter 7 that all work placements of four weeks or more in duration should be remunerated at the equivalent of the band three salary on the salary scale for support staff, as a minimum, apart from those organised through educational institutions.

5.115.As noted in Paragraph 3.13 above, the Board took steps during the Fifth Senedd to prevent the recruitment by Members of members of their own family after 1 April 2019. In Paragraph 7.6.2 of the Determination, the Board proposed additional text to clarify that support staff who are family members, and who were recruited prior to 1 April 2019, will continue to receive incremental and annual pay rises in the interest of fairness.

5.116. On the basis of discussions with support staff and the Board's comparison of the Determination with employment practices elsewhere, a change was proposed to Paragraph 7.10.2 to confirm that support staff can request one advance of their pay per year, in accordance with payroll guidance from the Senedd Commission.

5.117.The Board also proposed an amendment to the Temporary Staffing Allowance set out in Paragraph 7.12 of the Determination. The amendment clarifies that where a Member makes a claim for Temporary Staffing Allowance in respect of a permanent member of staff being absent from work due to illness, the Member must follow due process to record the absence as set out in the Sickness Absence Procedure for short or long term absences (Paragraph 7.12.3). Again, this would help bring Members' employment practices into line with established good practice and ensure probity and value for money.

5.118.Members have access to a Policy, Communications and Research Fund that may be used to seek expert advice or assistance on issues relating to their work. The Board felt there is insufficient information outlined in the Determination on this Fund and its purpose. It therefore proposed to introduce a series of conditions on the use of the Fund, (derived from the Board's current policy underpinning the usage of the Fund, which is published separately to the Determination) set out in Paragraph 7.14. This will help ensure the fund is used appropriately and not for purposes provided for by other allowances to which Members are eligible.

5.119.Other proposals for changes to Chapter 7 include provision for support staff to receive time off for public duties and enhanced eligibility for a 100 per cent uplift of statutory redundancy pay when support staff are made redundant (see Paragraph 7.13 of the Determination).

Views on the Board's proposals

5.120.Generally the Board's proposals on Members' staff support were well received.

5.121.In response to the consultation on Part two of the review (Support for Members and for Political Parties), those who commented on the proposals to provide Members with greater

flexibility to decide on the salaries for their staff, within the agreed salary scales, supported the proposals.

5.122.In response to the same consultation some concerns were expressed on the intention to provide a 100 per cent uplift in redundancy payments. In particular, concern was noted about such an uplift having to be paid from Members' existing allowances for staff salaries. Also, in response to the consultation on the full draft Determination, the Plaid Cymru Group suggested additional criteria for eligibility for the uplift in redundancy payment, for example staff becoming unemployed due to a Member's illness.

5.123.Some questions were raised about the Board's proposals relating to work placements i.e. that placements of four weeks or more should be remunerated. Addressing such concerns in Part one of the review (Residential Accommodation Expenditure, Members' Travel and Office Cost Allowance), the Board reiterated that the relevant proposals did not apply to placements arranged via higher education institutions.

5.124.The Welsh Labour Group made clear its view that the Board should reconsider the support staff budgets available to Members and Political Party Groups and the salaries available for support staff. The Group argued that the work of Members of the Senedd is comparable to the work of Members of Parliament in terms of the scope and nature of their responsibilities, but that Members of Parliament have far greater staffing budgets and their support staff are paid considerably higher salaries.

5.125.During the course of the Board's consultation on the full draft Determination, in March 2020, the Speaker of the House of Commons announced that Members of Parliament' staffing budgets would be increased by a combined sum of £20m for 2020-2021, with each Member receiving an additional £4,000 to fund staff training, health and welfare costs. The Welsh Labour Group referred to this increase in arguing for an increase to the support staff budgets available Members of the Senedd and support staff salary levels. The Plaid Cymru Group also argued for increased support staff salaries.

Key changes to the Determination considered by the Board

5.126.Between October 2017 and July 2019 the Board undertook a detailed review of the pay and career structure of Members' support staff.¹² The staffing allowances of individual Members, Political Party Groups and support staff salaries were considered as part of that review. The

¹² <http://senedd.assembly.wales/documents/s91061/Review%20of%20Staffing%20Support.pdf>

findings of that review helped inform the preparation of the provisions in the draft Determination for the Sixth Senedd. The Board was not minded to undertake a further review of the staffing allowances and support staff salaries so soon after the review completed in 2019.

5.127. The Board noted that the staffing allowances of Members of the UK Parliament are considerably higher than the allowances provided for by the Determination. However, average salaries in London are considerably higher than in Wales which will account for at least some of the difference in these allowances. The staffing allowances provided for Members of the Senedd are higher than those available to Members of the Scottish Parliament and Members of the Northern Ireland Assembly, which may provide a fairer comparison taking into account workload, responsibilities and salary levels.

5.128. The Board also noted that in addition to the allowances provided to them specifically for the purpose of paying staff salaries, Members of the Senedd are permitted to transfer up to 25 per cent of their office cost allowance and any underspend in their Policy, Research and Communications Fund to their respective Staffing Expenditure Allowances to spend on staff salaries (as outlined in the viring provisions outlined in Section 6.8 of the Determination). This type of viring provision is not available to elected Members in either Holyrood or Westminster.

5.129. Having considered this issue the Board decided not to make changes to Members' staffing allowances and support staff salaries beyond the annual adjustments provided for by the indexing with gross median earnings in Wales.

5.130. At the same time, the Board acknowledged that a review of staffing allowances and support staff salaries is likely to be required if the Senedd decides to increase its number of Members. A Senedd committee is currently considering whether the number of Members should be increased, and is expected to report later this year.

5.131. On the 100 per cent uplift in redundancy payments, the Board's view is that the criteria for eligibility set out in Paragraph 7.13.4 of the draft Determination are sufficiently broad to allow for an uplift in a wide range of circumstances where a Member stands down unexpectedly. Some of the additional circumstances suggested by respondents in which an uplift should be provided for were circumstances in which support staff voluntarily give up their jobs, including support staff leaving their jobs because they no longer wish to work for a particular Member. The Board's view is that an uplift should not be provided for where a support staff decides to leave their job and that the uplift should be provided only for involuntary redundancies.

5.132.In response to the consultation on the full draft Determination, Chwarae Teg argued that in light of the Board's decision that work placements of four weeks or longer should be remunerated, staffing budgets should be increased accordingly, in order to avoid discouraging Members from offering such opportunities due to the consequences on their staffing budgets. However, in accordance with the Board's proposals, those on work placements of four weeks or more must be remunerated, effectively becoming additional members of staff to undertake work on behalf of the employing Member. The Board was not persuaded that Members' staffing allowances should be increased for this purpose.

5.133.The Plaid Cymru Group said it is unclear whether Members' support staff who travel to Cardiff from a constituency or region are entitled to claim for the reimbursement of overnight accommodation, and if so whether there is a limit to the amount that may be claimed (as there is for claiming travel costs). The Board decided this issue requires detailed consideration which could not be completed within the time available for this Board. It was therefore decided this should be noted as an issue the next Board may wish to consider, following its appointment later this year.

Equality and diversity considerations

5.134.Paragraph 7.12.2 of the Determination sets out circumstances in which Members are able to apply for a Temporary Staffing Allowance, typically where a permanent post holder is unable to work for various reasons. The equality impact assessment suggested the Board should consider including carers leave, disability-related absence or leave and extended compassionate leave as additional reasons to allow Temporary Staffing Allowance to be claimed. The Board agreed to make changes to the Determination to allow for Temporary Staffing Allowance to be claimed as cover for a member of support staff absent from work due extended compassionate leave. Cover for support staff absent due to a disability-related absence would be permitted under existing provisions in the Determination. Members' support staff are not currently eligible for carers leave. The Board felt this issue may warrant consideration by the next Board following its appointment.

Chapter 8: Support for Political Parties

5.135.Chapter 8 details the financial support provided to Political Parties, primarily for the purpose of employing staff, to assist them with their work in the Senedd. The financial support provided to Political Parties for this purpose pays the salaries of staff employed by the group leader, not staff employed by individual Members which are paid from individual Members' staffing budgets. However, those Members who are not part of a political party group in the Senedd also receive a small additional allowance which is used to enhance their staffing allowance. The allowance available to parties may also be used to pay staff travel costs and the cost of acquiring office equipment.

5.136.Chapter 8 sets out salary scales for staff employed by the group leader. They may employ staff in any combination of the bands in those scales as long as the combined salaries of all support staff payable in one financial year does not exceed the total allowance available to that party. The formula for calculating the total allowance available for each party represented in the Senedd is set out in Chapter 8, as are the allowances themselves.

5.137.To a large extent, the provisions in Chapter 8 on the role of the employer, fixed term appointments, starting salaries, and time off for public duties and arrangements for redundancy uplifts mirror those in Chapter 7 that are applicable to Members' support staff.

Summary of the Board's proposals

5.138.Only a limited number of significant changes to Chapter 8 were proposed by the Board for consultation.

5.139.The Board suggested that Political Parties should be required to obtain three quotes for expenditure on office items of £750 or more, and contractual liabilities of £750 or more. This proposal is aimed at ensuring better value for money for the taxpayer in the procurement of such items.

5.140.It was also proposed that any Members employing party support staff, i.e. party leaders, should have discretion to determine the starting salaries of staff, within the established pay scales. This would mirror the same change proposed in Chapter 7 in respect of support staff employed by individual Members.

5.141.As proposed in respect of individual Members' support staff, the Board suggested that parties' support staff should be entitled to a 100 per cent uplift in statutory redundancy pay if they were made redundant due to an office restructure or if the party on behalf of which they

were employed lost the requisite number of Members to form a party group (only Political Parties with three Members or more in the Senedd are eligible to receive the allowances made available to parties by the Determination).

5.142. The final change proposed in this chapter was to Paragraph 8.7A which clarifies the purposes for which the policy and research allowance available to parties may be used. The previous Determination referred to this allowance as the “Policy Research and Communications Fund”. For Political Parties, there is no such dedicated fund; instead they may use any underspend within their staff salary budgets to commission policy research work. The guidance on the use of this allowance specifies that it cannot be used by Political Parties for communications purposes. It was therefore proposed the relevant section in the Determination should be renamed “Policy and Research”, for clarity. The Board also proposed the inclusion of a list of specific purposes for which such underspend may be used.

Views on the Board’s proposals

5.143. In response to the Board’s consultation on Part two of the review (Support for Members and for Political Parties), those who commented on changes to Chapter 8 supported the idea that party leaders should be given some discretion to determine the starting salaries of support staff. As noted above in relation to Chapter 7, some felt that guidance should be provided on the circumstances in which it would be appropriate to provide a starting salary above the lowest in the relevant pay scale.

5.144. Not all respondents to the consultation were supportive of a 100 per cent uplift in staff redundancy payments. Others suggested additional circumstances in which the uplift should be granted.

5.145. In response to the proposal to provide greater clarity on the use of staffing underspends for policy and research purposes, the Welsh Conservative Group noted the following:

Although clarification is welcome on what the Political Party Groups can spend their remaining staffing budget on, the Welsh Conservative Group is concerned that changes to this Fund (PRCF) may have an adverse impact on its work. Notably, the Welsh Conservative Group attends national and regional events to engage with stakeholders and assist it in undertaking research and policy work. Such activities help to promote the work of the Assembly, educate the public about devolved responsibilities and require communication materials and signs

etc. to be printed. The Group does not believe that this work should be curtailed if the Fund is changed.

Key changes to the Determination considered by the Board

5.146.The changes to Section 8.7A proposed by the Board are intended only to provide greater clarity on the purpose of parties' policy and research allowance. Whilst policy and research work may be funded from an underspend in parties' staffing budgets, parties' communications work may not be funded in this way. The Board's proposed changes to Section 8.7A seek only to make this clearer. The scope of what may otherwise be funded from this allowance has not changed. The Board decided to implement the proposed change to the title of this allowance.

5.147.The Plaid Cymru Group argued for greater employment protections for party support staff, in particular, better protection against any potential loss of employment resulting from changes in the political leadership of parties. The Board's view is that, in such circumstances, party support staff are offered employment protections by the Transfer of Undertakings (Protection of Employment) Regulations, commonly referred to as TUPE. As such the Board did not feel that the Determination should be amended in respect of this issue.

5.148.For the 2020-2021 Determination, the Board changed its method for deciding on the total amount of the Political Parties' Support Allowance. Recognising that this allowance comprises two different elements, one providing for support staff salaries and the other staff travel costs and office equipment, the Board decided the former element should be adjusted annually in line with the Survey of Hours and Earnings, whilst the latter should be adjusted annually in line with the Consumer Price Index. The Board will review this allowance annually during the Sixth Senedd.

Chapter 9: Members leaving office

5.150. This Chapter sets out the financial support available to Members of the Senedd who have lost their seat in the Senedd, for example, following an election loss, or after being forced to retire. This includes a Winding Up Allowance to enable such persons to complete any work in progress before they had lost their seat, a Resettlement Grant and an Ill Health Retirement Grant.

Summary of the Board's proposals

5.151. The Board proposed slight amendments only to this chapter.

5.152. A change to Paragraph 9.1.2 was proposed to clarify the date on which a Member who stands unsuccessfully for re-election ceases to be a Member, as outlined in the Government of Wales Act 2006.

5.153. In reviewing provisions in this chapter, the Board also considered the benefit that comes from consolidating the provisions concerning Resettlement Grants into one paragraph. As such, it proposed that the element of Resettlement Grant available to office holders (under Paragraph 9.6 of the previous Determination) is moved to Paragraph 9.3.5.

5.154. Previously, Chapter 4 of the Determination set out transitional arrangements which applied to a limited number of long-standing Members. As the Board had previously decided to end such transitional arrangements it proposed to remove the references to such arrangements in this chapter.

Views on the Board's proposals

5.155. No comments were received on the Board's proposed changes to Chapter 9 during the review.

Key changes to the Determination considered by the Board

5.156. The Board agreed the proposed changes to Chapter 9.

Other issues raised during the course of the review

5.157. During the course of the review various issues were raised for consideration by the Board which did not relate specifically to any of the proposed changes to the Determination.

5.158. In response to the consultation on Part One of its review (Residential Accommodation Expenditure, Office Costs Allowance, Members' travel and Equality), one respondent called for additional support for Members situated in areas with high office rental costs. However, the Board was unable to identify any particular pattern in terms of office rental costs across Wales which could be accounted for within the relevant provisions in the Determination. The Board would consider applications for additional support via the exceptional expenses provision to meet higher than usual office rental costs.

5.159. Another issue raised was that Members should be able to pay office and residential bills via direct debit. However, as this is an administrative issue, it is not a matter for the Board to determine how such bills should be paid.

5.160. In a letter to the Board, the Acting Senedd Standards Commissioner asked the Board to consider the inclusion of a requirement in the Determination for support staff to record their hours of work. The Commissioner is of the view that this would discourage support staff from undertaking non-Assembly work (i.e. work on behalf of their political party) during working hours paid for under the Determination. This would provide a clear distinction between work undertaken to support the discharging of the duties of Members of the Senedd and party political activity. The Board felt that the rules were clear that the Determination did not allow for resources, which includes staff time, to be used for party political activity. It did not feel that there were further steps that could be taken to address potential breaches of this important rule through the Determination, but agreed to discuss the matter further with the Acting Standards Commissioner and Senedd Commission.

5.161. Women's Equality Network Wales suggested that the Welsh Government should establish an Access to Elected Office Fund to provide financial assistance to those who need it in order to be able to stand in Senedd elections and other elections. They suggested that such a fund should support disabled and Black and Minority Ethnic women and women on low incomes to stand for election. Women's Equality Network Wales requested that the Board should discuss this issue with the Welsh Government. As this is not an issue directly related to the Determination the Board did not consider this issue in detail.

6. The costs of the Determination for the Senedd in 2021-2026

6.1. The Board’s Determination for 2021-2026 is forecast to cost £16.87m in 2021-2022. This is an increase of approximately 4.3 per cent (£700,000) in comparison to 2020-2021 (the last full year of the Fifth Senedd), the majority of which is down to forecast salary increases. An outline of where the additional costs fall are shown in the table below. Annual costs in subsequent years would be increased subject to a future Board implementing annual increments or changes to pay and allowances.

6.2. Staff budgets have historically been set at the maximum possible cost. However, expenditure patterns in the Fifth Senedd have indicated that costs tend to be lower, mainly due to support staff vacancies. During the Fifth Senedd a vacancy provision was introduced to reduce the total staff budget to an amount that more closely reflects actual expenditure. Whilst the Sixth Senedd may follow a different pattern, it is reasonable to expect that Members will take time to recruit to their staff following the election, so a vacancy provision of £1m has been included to reduce the budget provided for ‘support staff’ in the first year. This will be reviewed following the election and adjusted in subsequent years as appropriate.

Estimated costs of the Determination in the final year of the Fifth Senedd and the first year of the Sixth Senedd

	2020-21 (estimates)	2021-22 (estimates)
Members' salaries and oncosts	£6,544,000 ¹³	£6,740,000
Support staff salaries and on costs	£8,791,000	£9,054,000
Allowances and office costs	£1,831,000	£2,070,000
Vacancy and churn provision	(£1,000,000)	(£1,000,000)
Total	£16,165,000	£16,865,000¹⁴

¹³ This estimated figure is based on the application of the annual adjustment of Members’ salaries in accordance with gross median earnings in Wales for a full year between April 2020 and March 2021. This figure does not reflect the Board’s decision in March 2020 to delay the application of this adjustment.

¹⁴ The total figure shown here is accurate. It does not reflect exactly the total of the individual figures shown above because those figures have been rounded to the nearest £1,000. The total figure shown here is the total of those individual figures unrounded, itself then rounded to the nearest £1,000.

6.3. An outline of any new costs outlined and how they apply to the different chapters of the draft Determination can be found below.

Chapter 3: Members' remuneration

6.4. The Board believes that there may be some minimal additional costs as a result of changes made to this chapter. In particular, the Board's decision to remunerate the holders of temporary additional posts could lead to some additional costs should appointments to such positions be made during the Sixth Senedd i.e. First Minister designate, Counsel General designate, Temporary Presiding Officer and Temporary Committee Chair. The nature and length of such appointments are, by their nature, unpredictable and have rarely arisen historically. A nominal estimate of £13,741 is therefore included in the figures i.e. the cost of remunerating a Temporary Committee Chair for one period of 12 months during the Sixth Senedd.

6.5. It is estimated that the total combined annual cost of Members' and additional office holders' salaries and oncosts at the start of the Sixth Senedd will be approximately £6.74m. This is an increase of 3 per cent¹⁵ on the estimated total cost for 2020-2021 (£6.54m).

Chapter 3A: Additional support

6.6. The costs of the changes to this chapter will be entirely dependent on the number of Members who make claims for additional support. However, the Board has made some assumptions based on historical data and has estimated that the annual costs of this chapter will amount to approximately £83,000.

6.7. This is broken down as follows:

- A sum of £5,000 for the additional support in relation to disabilities. This is £1,000 higher than the £4,000 that was previously set aside for the Equality and Access Fund;
- An additional £28,500 for the contribution towards care costs;

¹⁵ This estimated percentage change is subject to change following the publication of the Annual Survey of Hours and Earnings figure on gross median earnings in Wales during 2019-2020, due to be published in October 2020.

- An additional £49,533 for providing additional resource for Members on parental leave. This estimated figure is based on the appointment of one additional member of staff per annum at the highest pay grade for a Senior Advisor.

Chapter 7: Staffing Support for Members and Chapter 8: Support for Political Parties

6.8. No cost increases are anticipated as a result of the changes made to these chapters. It is estimated that costs related to meeting Members' and Political Parties' staffing requirements will be approximately £9.05m in 2021-2022 (the first year in which such changes will apply). This is 3 per cent higher than the estimated cost of this provision in 2020-2021 (£8.8m), a result of increased salaries in line with the estimated Annual Survey of Hours and Earnings index. For the purpose of the cost estimates, based on historical trends, it is assumed that the Annual Survey of Hours and Earnings salary adjustment for 2021-2022 (based on gross median salaries in Wales in 2019-2020) will be 3 per cent. This is an estimated percentage change and is subject to change following the publication of the Annual Survey of Hours and Earnings figure for 2019-2020, due to be published in October 2020.

7. A forward look

7.1. In light of its detailed review of the Determination for 2021-2026, including regular engagement with Members, their staff and stakeholders and the various consultations undertaken, the Board is confident the Determination it has published is fit for purpose. The changes to the Determination agreed for 2021-2026 are grounded in the Welsh context, for example, in how the salaries of Members and their staff are adjusted annually. This is reflective of today's economic, political and social circumstances, and will provide such additional support as is required in order to reduce barriers to standing for election to the Senedd.

7.2. At the same time, the Senedd operates in a rapidly changing environment and there is no doubt that the new Board to be appointed later this year will need to review and revise the Determination regularly in order to ensure that it remains appropriate. In particular, the new Board will need to ensure that the Determination remains fit for purpose for a national parliament whose powers and responsibilities may change significantly in a post-Brexit Wales in which this Determination applies.

7.3. The Board has highlighted in this report areas which will require further consideration by the new Board ahead of the Sixth Senedd. Its recommendations for areas of further work will be shared with the new Board.

7.4. Any recommendations arising from the work undertaken by the Committee on Senedd Electoral Reform may have consequences for the Determination and will certainly require consideration by the Board. Whilst any potential increase to the size of the Senedd is not possible until 2026 at the very earliest, the work needed by the Board to prepare for such will be considerable and time-consuming, and will need to be commenced as soon as possible.

7.5. Whilst the current Board has made considerable efforts to reduce barriers to standing for election to the Senedd for persons with particular characteristics, from particular backgrounds or with certain responsibilities, it is more than likely that the new Board will wish to consider what more could be done in this respect. It is in all of our interests that the membership of Wales' national parliament, with responsibility for so many aspects of everyday life in Wales, is truly reflective of the varied communities it serves.

Annexe A: Acknowledgements

Throughout the Board's review, and in accordance with Section 2 of the National Assembly for Wales (Remuneration) Measure 2010, the Board consulted with a range of stakeholders. The Board is very grateful to all Members of the Senedd, their staff, the Llywydd and Senedd Commission, and members of the public for sharing their views with the Board. The Board wishes to extend a particular vote of thanks to the following individuals for engaging with the review:

Member Representative Group: Vikki Howells MS and Mike Hedges MS (Welsh Labour), Rhun ap Iorwerth MS (Plaid Cymru), Nick Ramsay MS (Welsh Conservatives) and Caroline Jones MS (Brexit Party).

Support staff Representative Group: Anthony Cooper, Ash Lister, Charlotte Knight and Luke Young (all Welsh Labour), James Radcliffe and Steffan Bryn (both Plaid Cymru), Paul Smith (Welsh Conservatives) and Mark Major (Brexit Party).

Commissioned advice: Dr Huw Pritchard and Professor Roger Scully (Wales Governance Centre at Cardiff University), Professor Diana Stirbu (London Metropolitan University), Diverse Cymru.

Senedd Commission: Elin Jones MS (Llywydd), Douglas Bain (Acting Standards Commissioner), Manon Antoniazzi (Chief Executive and Clerk) Commission staff: Llew Williams (Clerk to the Board), Ruth Hatton (Deputy Clerk to the Board), Jo Adams, Anna Daniel, Daniel Collier, Carys Evans, Huw Gapper, Craig Griffiths, Martin Jennings, Nia Morgan.

The Board also wishes to thank the following bodies and organisations for submitting formal responses to the consultations undertaken by the Board in the course of this review:

Chwarae Teg
Paid Cymru Group support staff
Plaid Cymru Group
Senedd Business Committee
Senedd Commission
Senedd Standards of Conduct Committee
Welsh Conservatives Group
Welsh Labour Group
Welsh Labour Group support staff

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Women's Equality Network Wales

In accordance with the privacy policy published as part of the consultation on the draft Determination, individuals who responded to the consultations are not named here. The Board thanks all such individuals for contributing to the review.

Annexe B: Board membership

Dame Dawn Primarolo (Chair)



Dame Dawn Primarolo, DBE, is a British Labour Party politician who was the Member of Parliament for Bristol South from 1987 until 2015, when she stood down. She was Minister of State for Children, Young People and Families at the Department for Children, Schools and Families from June 2009 to May 2010 and a Deputy Speaker of the House of Commons from 2010. She was appointed Dame Commander of the Order of the British Empire (DBE) for political service.

Born in London, Dawn was raised in Crawley, West Sussex.

Returning to London in 1973 for work, she joined the Labour Party whilst employed as a legal secretary in an east London Law Centre. She moved to Bristol in 1974 and her son, Luke, was born in 1978. As a mature student and single parent she studied a BA (Hons) in social science at Bristol Polytechnic, following which she conducted Ph.D. research into women and housing.

Dawn was first elected to Parliament at the 1987 general election and has held the following positions:

- 1992–1994: Opposition Spokesman for Health
- 1994–1997: Opposition Spokesman for the Treasury
- 1997–1999: Financial Secretary to the Treasury
- 1999–2007: Paymaster General
- 2007–2009: Minister of State for Public Health
- 2009–2010: Minister of State Children and Young People
- Dawn was conferred a Peerage of the United Kingdom for Life in August 2015.

Trevor Reaney



Trevor Reaney served as Clerk and Chief Executive to the Northern Ireland Assembly from August 2008 until his retirement in June 2016. Trevor began his career in the hospitality industry and has held a number of management positions in both the private and public sectors. Before joining the Assembly, Trevor served as Chief Executive of the Northern Ireland Policing Board from January 2004 and, prior to that, he held the post of Chief Executive of Craigavon Borough Council from 1996 to 2003.

Trevor now undertakes freelance consultancy work and is involved with a number of organisations:

- Board Member of the Security Industry Authority
- Member of the Police and National Crime Agency Pay Review Body
- Trustee of Tree Aid (an international development charity)

Michael Redhouse



Michael Redhouse is currently Principal of EMES Consulting, which he founded in 2002, helping many major organisations with their remuneration and benefits issues. Michael graduated in mathematics from the Open University, and his career included spells as a Partner at Ernst and Young, and as Employment Policy Director at Diageo. Michael served as a Trustee of the APEX Trust, which supports offenders returning to work, and as Chair of Trustees of St. Luke's Hospice in Harrow.

Michael is a Member of the School Teachers' Review Body (STRB), which looks into pay, professional duties and working time of school teachers in England and Wales and reports to the Secretary of State.

Dame Jane Roberts



Jane is Research Fellow in Public Leadership at The Open University Business School. Jane was Leader of the London Borough of Camden Council from 2000 to 2005 following which she has served in a range of non-executive roles including as Chair of the Councillors Commission for the Department of Communities and Local Government, Chair of Parenting UK, a member of the Ofsted board, Chair of New Local Government Network and currently Chair of the charity, Living Streets. She is also a member of the Advisory Group of the Welsh Centre for Public Policy. Jane was appointed a DBE in 2004. Professionally, she is a medical doctor and is an Honorary Consultant Child and Adolescent Psychiatrist with experience of senior healthcare management in the NHS.

Jane has published a number of academic articles in paediatrics, psychiatry and politics. She co-edited 'The Politics of Attachment' (1996) with Sebastian Kraemer and is the author of 'Losing Political Office' (2017).

Ronnie Alexander (July 2017 onwards)



Ronnie is a former Chief Environmental Health Officer for Welsh Government. He is a Consumer Advocate for the Consumer Council for Water and is a member of the Welsh Food Advisory Committee. In addition, Ronnie is a Non-Executive Director for Estyn, Independent Chair of the Standards Committee at Blaenau Gwent County Borough Council and has membership of the Standards Committees for the South Wales Fire and Rescue Service and the Vale of Glamorgan Council. He also chairs the Independent Remuneration Panel on Members Allowances for Bath and North East Somerset Council and is a Panel Member for

Bristol City Council.

Ronnie had a civil service career spanning over 20 years when the issues of climate change and sustainability were particular interests. Prior to that, he worked for a number of local authorities in Northern Ireland and England in areas such as enforcement and strategic support services.

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He has a considerable track record of engaging with the public, professionals and politicians at all levels to influence policy.

Ronnie's appointment to the Board was confirmed by the Assembly Commission in June 2017. He took up the position in July 2017.

Annexe C: The findings of the equality impact assessment

The equality impact assessment on the draft Determination for 2021-2026, undertaken by Diverse Cymru, raised a number of issues for consideration by the Board. The table below details the issues raised and the Board's response. Many of these issues are also noted in Section 5 of this report.

Determination reference	Issue raised	Outcome
General	Legal language can be a barrier to people's understanding of documents. The language used in the Determination should be simplified as much as possible.	The wording of the Determination was reviewed and revised accordingly. The Board acknowledged that a more thorough review of the wording of the Determination could be undertaken in future to ensure the wording is as accessible as possible.
General	Consideration should be given to how this determination impacts on increasing access to office and increasing the diversity (in terms of all protected characteristics) of candidates and Members ... there may be more that can be done to meet different people's requirements.	The Board has agreed significant changes to the Determination for these purposes, for example the additional support set out in the new Chapter 3A aimed at reducing barriers to elected office, and new provisions on work placements with Members or Political Parties that will provide work experience opportunities in the political environment. At the same time, the Board acknowledged that perhaps more could be done in this area and agreed to raise this as an issue for consideration by

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		the next Board, to be appointed in 2020.
General	The Determination document should be as accessible as possible.	The Board made specific changes to the Determination including the insertion of hyperlinks to other documents referenced and the removal of acronyms.
Interpretation	The definition of 'family member' in the Senedd's Standing Orders, referenced in the Determination, includes gender-specific terminology that should be changed to non-binary terminology.	The Board agreed to share these comments for consideration by the Business Committee.
Interpretation	The use of the term 'Cardiff Area' to describe the geographical area within a five mile radius of the Senedd could lead to confusion, because some areas of Cardiff are beyond five miles from the Senedd.	This is true, however the use of the term 'Cardiff Area' has not given rise to any issues to date and the Board therefore decided to retain the use of this term in the Determination.
Chapter 1 - Introduction and principles of financial support	The Board's guiding principles should take account of individuals' protected characteristics and personal circumstances, so that the Board's decisions reflect the additional costs and barriers some people may face.	The Board decided to amend its guiding principles to make clear that the system of financial support for Members must be considerate of Members' personal characteristics and / or circumstances.

<p>Chapter 1 - Introduction and principles of financial support</p>	<p>The principle of personal benefit outlined in Paragraph 1.3.5 of the Determination, which states that Members must ensure that claims do not give rise to improper personal benefit or the perception of such, could lead to Members not claiming legitimate expenses.</p>	<p>The Members' Business Support Team provides advice and guidance to Members on the legitimacy of claims made. Accordingly, and without evidence that Members were refraining from making claims, the Board did not feel changes were needed to the Determination in respect of Paragraph 1.3.5.</p>
<p>Chapter 2 - Rules for submission of claims</p>	<p>An exception should be made to the rule set out in Paragraph 2.3.8 of the Determination that Members must submit claims for payment within three months of the end of the month to which the expenditure relates. Late claims should be accepted where the delay in making the claim was unavoidable, for reasons such as ill health, a disability or child caring responsibilities.</p>	<p>The wording of Paragraph 2.3.8 provides flexibility to allow for late claims and in practice, the Members' Business Support Team will consider late expenses claims where the reasons for the delay are valid. The Board's view was that including a list of specific grounds for accepting late claims might be incorrectly read as an exhaustive list, whereas in reality late claims could be accepted for a wide range of reasons. The Board decided not to make this change to the Determination.</p>
<p>Chapter 3A – Additional support</p>	<p>The definition of 'dependants' for the purpose of the care allowance should not be limited to family members only, on the basis that a Member or potential candidate may routinely provide care for adults other than family members.</p>	<p>The Board considered how 'other dependants' are defined in other contexts. On the basis that the support available in other contexts is not usually limited to care for family members only, the Board decided to extend the provision to allow for the reimbursement of the costs of</p>

		care for adults who are not family members. The final version of the Determination for the Sixth Senedd allows Members to claim for the care costs of adults who live with the Member, with some limitations, or a person who reasonably relies on the Member for their care or the arrangement of their care.
Chapter 3A – Additional support	Flexibility should be applied to the requirement that Members wishing to claim additional support whilst on parental leave should inform the Senedd Commission of their intention to take parental leave in advance of their leaving date. Members may not always be able to provide advance notice of the need to take parental leave.	The Board felt the wording of the relevant provisions in the Determination already provides sufficient flexibility to disregard this requirement where appropriate to do so.
Chapter 3A – Additional support	The Determination should be reworded to reflect the social model of disability rather than the medical model reflected in the consultation documentation. The medical model places the focus on the personal characteristics which do not allow a person to undertake certain activities i.e. health conditions or impairments. The social model places the focus on the societal barriers which prevent a person with particular health	The Board agreed with this recommendation and reworded its Determination to reflect the social model of disability.

	conditions or impairments from undertaking certain activities.	
Chapter 3A – Additional support	It would be helpful to clarify the range of workers and settings that could be covered by the term ‘registered care provider’. Currently it reads as if only certain providers would be accepted, which presents a barrier for many people.	The Board agreed to insert into the Determination the names of the organisations with which care providers in Wales are required to register. Any providers registered with these organisations will be considered ‘registered care providers’.
Chapter 4 - Residential accommodation expenditure	Paragraph 4.4.2 of the Determination sets out the conditions that must be met in order for a Member living in the outer area to be allowed to claim reimbursement of the rental costs of a furnished property in the Cardiff area. One such condition is that the property for which rental costs are claimed must provide for the Member’s reasonable needs only e.g. such a property should not be larger in size than is necessary in order to meet the Member’s requirements. This paragraph should be revised to make clear that ‘reasonable requirements’ could include a Member’s accessibility requirements or requirements arising from caring for dependants.	In practice, Members’ Business Support would consider accessibility requirements to constitute ‘reasonable requirements’. The Board decided against listing specific types of ‘reasonable requirements’ due to the risk that any such list could be deemed exhaustive.

<p>Chapter 5 - Members' travel</p>	<p>The Board should consider including a clear statement in Chapter 5 to acknowledge that whilst travel by car or taxi may not always be the most cost effective means of travel, it may be the only feasible mode of transport for some disabled people and should therefore be allowed for in the Determination.</p>	<p>The Board agreed and decided to include a new general principle in Chapter 5 to make clear that cost effective travel means the cheapest method or class of travel that is appropriate to a disabled Members' requirements.</p>
<p>Chapter 6 - Office and constituent liaison fund</p>	<p>The principle on the accessibility of a Member's office accommodation, to which Members must adhere when acquiring an office, should be a stand-alone principle due to its importance, rather than included in a wider principle also relating to the security of an office.</p>	<p>The Board agreed and separated the two principles.</p>
<p>Chapter 6 - Office and constituent liaison fund</p>	<p>The Determination should allow for 'reasonable adjustments' to office accommodation such as the creation of a prayer room or quiet room where required. It should allow for the reimbursement of translation and interpretation costs incurred for the purpose of engaging with constituents.</p>	<p>The Board's view is that the provisions in Chapter 6 are sufficiently broad so as to allow for the reimbursement of all such costs, and that the particular purposes for which this allowance may be used should not be listed due to the risk that any such list could be read as exhaustive. Rather, the Board asked Members' Business Support to make clear in its advice to Members that the Office Cost Allowance may be used for such purposes. The costs of engaging with</p>

		<p>constituents via a sign language interpreter could be claimed for under the new Chapter 3A on additional support for Members.</p>
<p>Chapter 7 - Staffing support for Members</p>	<p>Paragraph 7.12.2 of the Determination sets out circumstances in which Members are able to apply for a Temporary Staffing Allowance, typically where a permanent post holder is unable to work for various reasons. The equality impact assessment suggested the Board should consider including carers leave, disability-related absence or leave and extended compassionate leave as additional reasons to allow Temporary Staffing Allowance to be claimed.</p>	<p>The Board agreed to make changes to the Determination to allow for Temporary Staffing Allowance to be claimed as cover for a member of support staff absent from work due to a disability-related absence or extended compassionate leave. Members' support staff are not currently eligible for carers leave. The Board felt this issue may warrant consideration by the next Board following its appointment.</p>