Welsh Parliament

Guidance on the Code of Conduct for Members of the Senedd

Last updated: 18 March 2026 to come into force at commencement of the Seventh Senedd

The Welsh Parliament is the democratically elected body that represents the interests of Wales and its people. Commonly known as the Senedd, it makes laws for Wales, agrees Welsh taxes and holds the Welsh Government to account.

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Preface

The Code of Conduct for Members of the Senedd (the Code) sets out the Rules and Principles which Members of the Senedd must abide by. It was agreed by the Senedd on 18 March 2026. It is a Member's personal responsibility to understand their obligations under the Code and act in a way which meets the high standards of conduct required of Members of the Senedd.

The Code's primary purpose is to help and guide Members in maintaining appropriate standards of conduct when performing their role, rather than to restrict Members in the way in which they act. A key feature in the application and enforcement of the Code is to build and maintain public trust and confidence in their elected representatives.

Members are responsible for making themselves and their staff aware of the content of the Code and all related guidance and additional information. Members and their staff are also expected to undertake training - including refresher courses. Ignorance of the Code's provisions is not a valid reason for breaching them and non-attendance may be considered relevant in matters brought before the Standards of Conduct Committee.

This guidance (published on 11 March 2026) aims to provide clarity and explanation of the Code for Members, their staff and the public. It has been agreed by the Standards of Conduct Committee and published under paragraph 5 of the Code.[1] Accordingly, it is not enforceable, but the Senedd Commissioner for Standards ('the Commissioner') may have regard to this guidance in considering complaints. It applies only to complaints governed by the Code as agreed by the Senedd on 18 March 2026, which came into effect at the commencement of the Seventh Senedd.

The purpose of the guidance is to help Members and their staff to understand their respective obligations and responsibilities under the Code. However, it cannot cover every conceivable circumstance.

Members can refer to the Senedd Commissioner for Standards their own failure to comply with the Code (or other relevant provision) but only if the failure to comply is admitted by the Member when the reference is made. It is then for the

[1] Senedd, Code of Conduct on the Standards of Conduct of Members of the Senedd (Code of Conduct), Paragraph (Para) 5.

Senedd Commissioner for Standards to make a formal finding that the matters admitted amount to a failure to comply with the Code.

This guidance also aims to help those who may wish to make a complaint about a Member understand whether or not a breach of the Code may have taken place.

Part 1: Introduction and Status of the Code

The Code's application to Members' conduct in plenary and committee meetings

The Code states that:

> "the conduct of Members during plenary sessions of the Senedd and in committees is normally dealt with by the Llywydd and the chairs of committees through application of the Senedd's Standing Orders relating to maintaining order during proceedings."[2]

This reflects that while Members must still comply with the Code in such settings, it will normally be for the Llywydd and committee chairs to address any conduct issues arising immediately. However, if in the course of dealing with such a matter, the Llywydd or a committee chair considers that the conduct of a Member requires further or fuller investigation, they may conclude that the Senedd Commissioner for Standards is better equipped to conduct such an investigation and refer the matter to the Commissioner accordingly.[3] If a person wishes to make a complaint about a Member's behaviour during a plenary session or in a committee meeting they should direct this (respectively) to the Llywydd or relevant committee chair.

The Code's application to Members' private lives.

The Code states that it:

> "applies to Members holding the public office of a Member of the Senedd at all times, including in Members' personal and private lives."[4]

This provides that the Code applies — and a complaint can be made — in relation to Members' conduct in any context, regardless of whether it relates to a Member's public or private life.

The Code also applies to Members' use of social media. During the course of the Sixth Senedd, the volume of complaints relating to the conduct of Members on

[2] Code of Conduct, Para 3

[3] The Senedd Commissioner for Standard has investigatory powers under sections 11-18 of the National Assembly for Wales Commissioner for Standards Measure 2009.

[4] Code of Conduct, Para 6.

social media increased significantly. As such the Code sets out what is expected of Members in this area, including; having sole responsibility for information released in their name – whether it is published by Members themselves, or staff acting on their behalf (Rule 20); and correcting/retracting inaccurate or misleading information either published or re-posted by them on social media (Rule 3).

Determinations by the Llywydd or a Committee Chair

The Code states that it does not apply:

> "to the Presiding Officer or a committee chair in respect of the exercise of functions conferred by an enactment, the Senedd or by Standing Orders."[5]

The Standing Orders of the Senedd provide that determinations made by the Presiding Officer or a committee chair in respect of certain matters regulated by Standing Orders – which include maintaining order during debate in Plenary sessions or in meetings of Committees – are final. Standing Orders also provide mechanisms for the removal from office by the Senedd of the Presiding Officer or a committee chair. As the Commissioner must conduct investigations in accordance with the provisions of Standing Orders, the effect of these provisions is that the Commissioner cannot investigate complaints about the decisions of the Presiding Officer or a committee chair when acting exclusively in that capacity.

[5] Code of Conduct, Para 7.

The Code's application to Ministerial roles

The Code states that it:

> "does not apply: when a Member is acting exclusively in their capacity as First Minister, a Welsh Minister or as Counsel General and their conduct is governed by the Welsh Ministerial Code as defined in section 8(2)9(a) of the Measure."[6]

This reflects that a complaint about the conduct of a Member who is exclusively acting in their capacity as a Minister (as defined in the Code) cannot be considered by the Senedd Commissioner for Standards and would have to be rejected.[7] However, such complaints may be made under a different code of conduct: the **Welsh Ministerial Code**. The Welsh Ministerial Code states that the First Minister will refer complaints regarding Ministerial conduct to an Independent Adviser for consideration and advice, unless the First Minister is satisfied that the complaints can be responded to more immediately or routinely (for example where there is an undeniable breach, or where there is no plausible case to answer or complaints are deemed vexatious or trivial in nature).

If a person has a complaint that a Welsh Government Minister has breached the Welsh Ministerial Code, they should write to the First Minister at:

Welsh Government

5th Floor

Tŷ Hywel

Cardiff Bay

CF99 1SN

PS.FirstMinister@gov.wales

[6] Code of Conduct, Para 7.

[7] The Senedd Commissioner for Standards is not authorised to express any view on matters falling under the Welsh Ministerial Code by virtue of section 8 of the National Assembly for Wales Commissioner for Standards Measure 2009.

The Code's application to Members' performance

The Code states that it does not apply:

> "in relation to the standard of service or outcomes received from a Member."[8]

This reflects that the Code does not relate to how 'effective' a Member is perceived to be in the performance of their role, whether that be in terms of the regularity with which they hold surgeries, their value as an advocate, their failure to respond to correspondence or their contributions in plenary and committees.

However, the Code does still apply in relation to Members' conduct when delivering their functions. For example, if a Member used abusive language with a member of the public in the course of conducting a surgery, a complaint could be raised as such conduct is a breach of the Code.

In extreme instances a Member ignoring wilfully, without reasonable excuse, a request for assistance might engage the Respect Principle and so Rule 1.

The Code's application to the declaration and registration of interests

The Code states that:

> "Members must comply with the Standing Orders of the Senedd, including its Standing Orders relating to the declaration and registration of financial and other interests and membership of societies…For this reason, the Code does not include a specific Rule on the declaration and registration of such interests."[9]

For reference, Standing Orders require that Members must register in the Register of Members' Interests all relevant interests (as defined in the **Annex to Standing Order 2**). This is in order to make publicly available what interests might reasonably be thought to influence their actions. Standing Orders also provide for the Recording of the Employment of Family Members with the Support of

[8] Code of Conduct, Para 7.

[9] Code of Conduct, Para 4.

Commission Funds, Recording Time Involved in Registrable Activities and Recording of Membership of Societies.[10]

Detailed guidance on the requirements of such Standing Orders is set out in:

- **Guidance for Members of the Senedd on the registration, declaration and recording of financial and other interests**; and
- **Guidance for Members of the Senedd on the recording of the employment of family members with the support of Commission funds**.

Complaints relating to the declaration or registration of interests should be submitted to the Commissioner for Standards in the first instance. These complaints are retrospective in nature and may require a full investigation, which falls within the Commissioner's remit. The Commissioner may refer the matter to the Llywydd or the relevant Committee Chair if appropriate.

[10] Senedd, Standing Orders 3, 4 and 5.

Part 2: Interpretation and Overarching Principles

The relationship of the Code's Principles and Rules

The Code sets out a number of Overarching Principles which express in general terms how Members must behave. Each Principle (Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, Respect, Leadership) is accompanied by text, to illustrate conduct which that Principle entails. This guidance provides additional commentary on the interpretation and application of the Principles.

The Principles inform the specific Rules of conduct set out in Part 3. For example, a failure to uphold the Principle of Respect[11] is likely to be synonymous with a Member breaching one or more of the following Rules:

- Rule 4: Members must not act or behave in a manner that brings the Senedd or its Members generally, into disrepute.
- Rule 5: Members must not engage in unwanted behaviour, harassment, bullying, or discrimination.
- Rule 6: Members must uphold the criminal law. A Member will be regarded as having failed to uphold the criminal law only if they are convicted of, or admit formally, an offence.
- Rule 7: Members must not subject anyone to personal attack — in any communication (whether verbal, in writing or any form of electronic or other medium) — in a manner that would be considered excessive or abusive by a reasonable and impartial person, having regard to the context in which the remarks were made.[12]

In addition, Rule 1 requires Members to uphold the Principles, so it is possible that conduct that does not breach one of the other Rules may still be found to

[11] Code of Conduct, Para 8: "Members must always behave in ways that promote equality of opportunity, respect the dignity of other persons and not engage in discriminatory or unwanted behaviour"

[12] Code of Conduct, Para 12.

breach one or more of the Overarching Principles, and for this to be in breach of Rule 1.

The Principle of Selflessness

The Code states that Members:

> "must take decisions solely in the public interest. They must not do so in order to gain impermissible or improper financial or other material benefits for themselves, or any other person."[13]

The Senedd's Standing Orders set out rules on declaring relevant and registerable interests,[14] and that Members are barred from voting in relation to any interest which is required to be registered or declared where the decision is likely to give rise to a direct financial advantage to the Member which is greater than that accruing to the electorate generally (except in terms of a committee chair utilising a casting vote[15]).

This approach may usefully be applied in relation to any other decisions taken by Members in the course of their public duties, or in the interaction of their public and private lives. Further information can be found at **Guidance for Members of the Senedd on the registration, declaration and recording of financial and other interests.**

The Principle of Integrity

The Code states that:

> "Members must not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties."[16]

The interpretation of Members' official duties is wide-ranging and means any activity in relation to business in the Senedd and constituency business arising

[13] Code of Conduct, Para 8

[14] In particular, Standing Orders 2.9, 13.8A, 13.8B, 17.24A and 17.24B.

[15] This vote is still permissible, because a committee chair has extremely limited discretion on how the casting vote is used- it must be used either to enable further discussion of an issue, or if no further discussion is possible to maintain status quo in whatever situation a vote has been called upon.

[16] Code of Conduct, Para 8

from their election as a Member. It includes, for example, undertaking casework, voting, deliberating on the content of committee reports, raising questions, promoting matters (including on social media), etc. Such decisions must not be taken in return for payment or other material benefit.

The Code also states that:

> "Members must at all times conduct themselves in a manner which will not undermine the public's trust and confidence in the integrity of the Senedd and refrain from any action which would bring the Senedd, or its Members generally, into disrepute."[17]

The issue of bringing the Senedd into disrepute is also addressed in the Code specifically by Rule 4:

> "Members must not act or behave in a manner that brings the Senedd or its Members generally, into disrepute."[18]

The Principle of Objectivity

The Code states that:

> "In carrying out their business, Members should make decisions on merit."[19]

This includes, for example, decisions in relation to making public appointments, or in relation to recommending individuals for awards, honours, or other benefits.

The Principle of Accountability

The Code states that:

> "Members are accountable to the public for their decisions and actions, and must submit themselves to whatever scrutiny is appropriate to the public office of Member of the Senedd."[20]

The nature of such scrutiny is potentially wide-ranging and may vary in relation to different circumstances. It would, for example, include enabling the

[17] Code of Conduct, Para 8

[18] Code of Conduct, Para 12

[19] Code of Conduct, Para 8

[20] Code of Conduct, Para 8

publication of expense claims and keeping appropriate records as required by any rules. It may also include co-operation with any investigations that relate to Members' decisions and actions (for example by the Senedd Commissioner for Standards, Senedd Committees, Senedd Commission, etc.).

The Principle of Openness

The Code states that:

> "Members must be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only in accordance with statutory requirements, Senedd Standing Orders and Rules binding Members of the Senedd and their staff, or when the wider public interest clearly demands."[21]

The Principle of Openness does not provide for unjustified disclosure of confidential and/or protectively marked information. Members must follow Rules 15 and 16 in relation to requests for information and disclosure of information.

The Principle of Honesty

The Code states that:

> "Members must be truthful, must declare any private interests relating to their public duties and must take steps to resolve any conflicts arising in a way that protects the public interest."[22]

Members must not make statements which they know — or ought to have known — to be false. Members may be held to account through the standards procedure for making false statements, for not taking reasonable and prudent steps to check the correctness of statements and assertions and for not taking timely and appropriate steps to rectify inaccuracies or mistakes. This is reflected in Rules 2 and 3 of the Code.

Guidance on the requirement that Members declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest is set out at **Guidance for Members on the registration, declaration and recording of financial and other interests**.

[21] Code of Conduct, Para 8

[22] Code of Conduct, Para 8

In the seventh report to the Sixth Senedd, the Commissioner provided some clarification about the principle of honesty and the approach to making decisions on what a Member "ought to have known" to be false.[23]

The Commissioner stated

> "If a statement breaches [the Honesty Principle], it must be dishonest. Dishonesty is normally defined as including some element of deceit, fraud or moral turpitude. Whilst all dishonest statements are incorrect not all incorrect statements are dishonest.

The supporting text to the Honesty Principle requires that Members be truthful. In my opinion given the context that must be interpreted as meaning no more that Members must be honest and not dishonest.

The Principle of Respect

The Code states that:

> "Members must not behave in ways that reduce equality of opportunity, must always respect the dignity of other persons and must not engage in discriminatory or unwanted behaviour."[24]

The Code defines discrimination as including:

> "behaviour that discriminates against any person on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, political opinion and language preference."[25]

This requirement relates to all forms of unlawful discrimination, including:

- direct discrimination: treating people differently on the grounds set out in the definition;
- indirect discrimination: treatment which does not appear to differentiate between people (on the grounds set out in the definition), but which disproportionately disadvantages them; and

[23] Standards - Final Report EN.pdf - All Documents

[24] Code of Conduct, Para 8

[25] Code of Conduct, Para 10

- victimisation: treating a person less favourably because they have complained of discrimination, brought proceedings for discrimination, or been involved in complaining about or bringing proceedings for discrimination.

The Code's requirement that Members must respect the dignity of other persons,[26] is nuanced by the right to freedom of expression, which is enshrined in Article 10.1 of the European Convention on Human Rights ('the Convention'). Case law on freedom of expression under Article 10 in the context of statements by elected representatives has previously been summarised in Heesom v Public Service Ombudsman for Wales:

> ii) Article 10 protects not only the substance of what is said, but also the form in which it is conveyed. Therefore, in the political context, a degree of the immoderate, offensive, shocking, disturbing, exaggerated, provocative, polemical, colourful, emotive, non-rational and aggressive, that would not be acceptable outside that context, is tolerated… Whilst, in a political context, article 10 protects the right to make incorrect but honestly made statements, it does not protect statements which the publisher knows to be false.
>
> iii) Politicians have enhanced protection as to what they say in the political arena; but Strasbourg also recognises that, because they are public servants engaged in politics, who voluntarily enter that arena and have the right and ability to respond to commentators (any response, too, having the advantage of enhanced protection), politicians are subject to "wider limits of acceptable criticism". They are expected and required to have thicker skins and have more tolerance to comment that ordinary citizens.
>
> iv) Enhanced protection therefore applies, not only to politicians, but also to those who comment upon politics and politicians, notably the press; because the right protects, more broadly, the public interest in a democracy of open discussion of matters of public concern. Thus, so far as freedom of speech is concerned, many of the cases concern the protection of, not a politician's right, but the right of those who criticise politicians.

[26] Code of Conduct, Para 8

v) The protection goes to "political expression"; but that is a broad concept in this context. It is not limited to expressions of or critiques of political views, but rather extends to all matters of public administration and public concern including comments about the adequacy or inadequacy of performance of public duties by others. The cases are careful not unduly to restrict the concept; although gratuitous personal comments do not fall within it. (emphasis added)

vi) The cases draw a distinction between fact on the one hand, and comment on matters of public interest involving value judgment on the other. As the latter is unsusceptible of proof, comments in the political context amounting to value judgments are tolerated even if untrue, so long as they have some – any – factual basis. What amounts to a value judgment as opposed to fact will be generously construed in favour of the former; and, even where something expressed is not a value judgment but a statement of fact (e.g. that a council has not consulted on a project), that will be tolerated if what is expressed is said in good faith and there is some reasonable (even if incorrect) factual basis for saying it, "reasonableness" here taking account of the political context in which the thing was said.

vii) As article 10(2) expressly recognises, the right to freedom of speech brings with it duties and responsibilities. In most instances, where the State seeks to impose a restriction on the right under article 10(2), the determinative question is whether the restriction is "necessary in a democratic society". This requires the restriction to respond to a "pressing social need", for relevant and sufficient reasons; and to be proportionate to the legitimate aim pursued by the State.

viii) As with all Convention rights that are not absolute, the State has a margin of appreciation in how protects the right of freedom of expression and how it restricts that right. However, that margin must be construed narrowly in this context: "There is little scope under article 10(2) of the Convention for restrictions on political speech or on debate on questions of public interest.

> ix) Similarly, because of the importance of freedom of expression in the political arena, any interference with that right (either of politicians or in criticism of them) calls for the closest scrutiny by the court.[27]

As such, the Principle of Respect does not mean Members cannot participate in robust debate with political opponents or others. Criticism of opposing ideas and opinions is part of democratic debate, but this should not transcend into personal abuse.

This nuance is reflected in Rule 7, which requires that:

> "Members must not subject anyone to personal attack — in any communication (whether verbal, in writing or any form of electronic or other medium) — in a manner that would be considered excessive or abusive by a reasonable and impartial person, having regard to the context in which the remarks were made."[28]

It may be noted that the Code defines bullying as:

> "offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone, whether through persistent behaviour or a single grossly unacceptable act."[29]

This would not include actions such as a Member robustly challenging or questioning policy, scrutinising performance, or otherwise performing their role of holding the Welsh Government to account.

Bullying can take place both 'face to face' and through print and electronic media. The standards of behaviour expected are the same, regardless of how a Member is expressing themselves.

The Principle of Leadership

The Code states that:

[27] Heesom v Public Services Ombudsman for Wales, [2014] EWHC 1504 (Admin) per Hickinbottom J, Para 38, http://www.bailii.org/ew/cases/EWHC/Admin/2014/1504.html

[28] Code of Conduct, Para 12

[29] Code of Conduct, Para 10

> "Members must promote and support these Principles by leadership and example, and be willing to challenge poor behaviour wherever it occurs."[30]

Members must uphold the Principles and comply with the Code when challenging poor behaviour.

Circumstances and context may be particularly important in considering the requirement to challenge poor behaviour. For example, if a Member were present while another Member made attacks that were personal, racist, sexist (etc.), towards a member of staff or the public, it would normally be anticipated that the Member would directly challenge such behaviour. However, if the Member had cause to be concerned that directly intervening in a particular situation would compromise their personal safety, a reasonable response might be to bring it to another person's attention, in order to address the situation.

[30] Code of Conduct, Para 8

Part 3- Members' Standards of Personal Conduct

Rule 1

54. The Code states at **Rule 1** that:

> "Members must uphold the Overarching Principles."[31]

Rule 1 should be relied upon in making a complaint only where there is no more appropriate rule. In making a complaint about the conduct of a Member the other specific rules should be considered in the first instance.

If the complaint is nevertheless framed under Rule 1 then it should, like all complaints, set out the specific conduct complained of, and should be supported by evidence of the alleged contravention.

Rule 2 and 3

The Code states at **Rule 2** that:

> "Members must
>
> (a) act truthfully; and
>
> (b)must not make deliberately misleading statements."[32]

55. The Code states at **Rule 3** that:

> Members must correct the record at the earliest opportunity where they have made a statement that is incorrect or calculated to mislead.

These rules relate to the honesty of Members.

A white lie (e.g. claiming to be 'fine' when a Member is actually tired) or some other minor lack of truthfulness, would not be regarded as a breach of this Rule. Equally, while Members are expected to reasonably fact-check and verify their assertions, it is inevitable that sometimes 'incorrect, but honestly-made,' statements will occur. For instance, a Member might inadvertently misquote a

[31] Code of Conduct, Para 12

[32] Code of Conduct, Para 12

financial figure ("£60,000" rather than "£600,000"). Provided the Member has corrected the error at the earliest opportunity, complaints of such nature are likely to be considered frivolous or vexatious.

Corrections or retractions need to be of similar prominence to the initial incorrect statement. For example, if the statement was made via a post on social media, Members should consider whether to delete the post in its entirety, or whether a correction should be made to the original post, or within a thread if it is still an active conversation (or both). Member's may seek advice from the Standards Commissioner on whether their proposed rectification is sufficient

Amongst other things, the substantiveness of the consequences of a lie or a deliberately misleading statement are likely to be a factor in the determination of a sanction for such behaviour.

In terms of assessing whether a statement is misleading, consideration would be given to whether the comment would be regarded as misleading by a reasonable and impartial person having regard to the context in which the comment was made

Rule 4

The Code states at **Rule 4** that:

> "Members must not act or behave in a manner that brings the Senedd, or its Members generally, into disrepute."[33]

This gives particular effect to the Principle of Integrity. The interpretation of matters that may bring the Senedd into disrepute, in the mind of a reasonable and impartial person, is potentially wide-ranging. Previous examples have included uses of inappropriate and/or abusive language and/or imagery, physical and verbal aggression, criminal conviction and a lack of adequate care and oversight in the use of Senedd resources.

Rule 5

The Code states at **Rule 5** that:

[33] Code of Conduct, Para 12

> "Members must not engage in unwanted behaviour, harassment, bullying, or discrimination."[34]

Definitions of unwanted behaviour, harassment, bullying, and discrimination are set out in paragraph 10 of the Code. This Rule gives particular effect to the Principle of Respect.

Rule 6

The Code states at **Rule 6** that:

> "Members must uphold the criminal law. A Member will be regarded as having failed to uphold the criminal law only if they are convicted of, or admit formally, an offence."[35]

It may be noted that findings of inappropriate behaviour can in themselves also constitute criminal offences, such as criminal harassment, common assault, or sexual assault.

This Rule also covers other instances where criminal law has been breached: for example, if a Member is convicted or cautioned for a public order offence Previous Breaches of this Rule include for contempt of court and driving offences. The Rule applies to conviction or caution for any criminal offence including road traffic offences -it does not cover matters such as receipt of a penalty notice for parking fines.

In the event that there is not a charge or caution, then a Member will not be considered to have breached this Rule.

Rule 7

The Code states at **Rule 7** that Members:

> "must not subject anyone to personal attack — in any communication (whether verbal, in writing or any form of electronic or other medium) — in a manner that would be considered excessive or abusive by a reasonable and impartial person, having regard to the context in which the remarks were made."[36]

[34] Code of Conduct, Para 12

[35] Code of Conduct, Para 12

[36] Code of Conduct, Para 12

As previously noted, in relation to the Principle of Respect, there are circumstances in which a 'personal attack' will not be considered to be a breach of the Code, because it is not considered excessive or abusive within a political context. However, political context is not 'carte blanche' for any form of personal attack.

The purpose of this Rule is to address cases of egregious attack, and gives effect to the Principle of Respect. The application of the Rule has to be balanced against the strong protection of the right to freedom of expression under article 10 of the European Convention on Human Rights.

The application of the Rule takes account of the approach adopted in the case of Calver, R (On the Application Of) v Adjudication Panel for Wales, where it was stated that:

> "the more egregious the conduct, the easier it is likely to be for the panel, and for the court, to undertake the balancing that is required and justifiably to conclude that what was said or done falls within one of the exceptions to freedom of expression under common law, statute or the Convention. If the conduct is less egregious, it is likely to be more difficult to do this."[37]

Rule 8

The Code states at **Rule 8** that Members:

> "must resolve any conflict that arises between their private interests and the public interest at once, and in favour of the public interest."[38]

Detailed guidance for Members of the Senedd on the registration, declaration and recording of financial and other interests is accessible at **Guidance for Members on the registration, declaration and recording of financial and other interests**.

Rule 9

The Code states at **Rule 9** that:

[37] Calver, R (On the Application Of) v The Adjudication Panel for Wales (Rev 2) [2012] EWHC 1172 (Admin) (03 May 2012), Para 49, http://www.bailii.org/ew/cases/EWHC/Admin/2012/1172.html

[38] Code of Conduct, Para 12

> "Members must comply with the rules made from time to time by the Clerk and Chief Executive of the Senedd as Principal Accounting Officer of the Senedd Commission on the use of resources provided to Members by the Senedd Commission."[39]

These are currently set out at **Rules and Guidance on the Use of Senedd Resources.**

In particular, it may be noted that Members are accountable for the use of any resources made available to them, including use by any persons they allow to access such resources.

Rule 10

The Code states at Rule 10 that Members must:

> "not misuse payments or resources made available to them under a determination of the Independent Remuneration Board of the Senedd."[40]

Members are entitled to resources to employ staff and run offices in their constituencies so that they can deal with issues and cases raised by the people they represent. They are also entitled to be reimbursed for expenses incurred when it has been necessary to stay away from their main home overnight when carrying out official Senedd duties.

The rules surrounding what Members are entitled to claim for are contained within the Independent Remuneration Board of the Senedd's Determination on Members' Pay, Staffing and Business Support, accessible at **Members pay and expenses**.

Members may not claim for costs for the employment of a family member Further information can be found at **Guidance for Members of the Senedd on the recording of the employment of family members with the support of commission funds**.

[39] Code of Conduct, Para 12

[40] Code of Conduct, Para 12

Rule 11

The Code states at **Rule 11** that

> Members must act as responsible employers.

The Determination on Members' Pay, Staffing and Business Support provides Members of the Senedd with funding for the employment of staff. Each Member is an individual employer and is responsible for the staff employed in their office, with each Senedd Member's office effectively being an individual workplace.

It is incumbent on Members therefore that they put in place arrangements for their staff in accordance with the Determination, all relevant legislation and good employment practice e.g. as set out in the ACAS codes of practice and providing staff with a staff handbook.

Staff employed by Members of the Senedd should be treated with dignity and respect.

This Rule is not intended to provide and additional or alternative means of resolving employment disputes or grievances for which the existing avenues of redress must be used.

The Rule does place an obligation on Members to operate to standards that comply with their legal duties as employers and follow widely accepted good employment practice.

In addition to maintaining necessary and appropriate employment policies a responsible employer will, for example, and where possible, attend training offered to Members and related to their role as the employer of their staff.

Reasonable variations and differences between employment practices and styles and management and team leadership will not be grounds for a complaint under this Rule.

Where a complainant is made under this Rule, the complainant will be expected to produce evidence of the employment policies and practices which they consider should be followed by a responsible employer and which they allege have not been followed or adopted in the circumstances of the complaint"

Rule 12

The Code states at **Rule 12** that Members must:

> "not accept any financial inducement, gift, hospitality or other benefit as an incentive or reward for carrying out their functions as a Member of the Senedd, for influencing proceedings in the Senedd, or which might otherwise appear to a reasonable and impartial person to influence, or potentially influence, their actions as a Member, save to the extent that acceptance is in accordance with provision made in Standing Orders."[41]

This is the 'no paid advocacy rule' and also includes 'payment in kind,' whereby a person might offer the Member a non-financial favour in return for influencing proceedings in the Senedd, or otherwise carrying out their functions as a Member of the Senedd (e.g. meeting with a Minister to discuss a particular issue). Proceedings in the Senedd include voting on any piece of legislation, raising any question in committee or plenary, or otherwise promoting any matter. Detailed guidance for Members of the Senedd on the registration, declaration and recording of financial and other interests is accessible at **Guidance for Members on the registration, declaration and recording of financial and other interests**.

Rule 13

The Code states at **Rule 13** that:

> "Members must not use or attempt to use their position as a Member to confer an advantage or preferential treatment for either themselves or any other person, or to avoid disadvantage or create disadvantage for someone else."[42]

This does not mean that a Member cannot highlight the particular situation of an individual, as a means to illustrate a wider issue of public policy.

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[41] Code of Conduct, Para 12. Standing Order 2.8 also sets out that a Member must not advocate or initiate any cause or matter on behalf of any body or individual in any Senedd proceedings, or urge any other Member to advocate or initiate any cause or matter in any such proceedings, in return for any payment or benefit in kind, direct or indirect, which the Member, or to the Member's knowledge his or her partner or any dependent child of the Member, has received or expects to receive.

[42] Code of Conduct, Para 12

Rule 14

The Code states at **Rule 14** that

> "Members must be open and transparent with other Members, officials of the Senedd Commission and officials of any other public body or authority, in disclosing any activities undertaken in relation to, or undertaken on behalf of, an individual or organisation with which a Member has a relationship that the Member would be required under Standing Orders to register or declare in Senedd proceedings."

This rule relates to Members undertaking actions outside of Senedd proceedings when Members are corresponding or otherwise dealing with other Members, Ministers officials of the Senedd Commission , Civil Servants and officials of any other public body or authority or corporations, then they must mention any interests held related to in the subject matter.

The rules for declaring relevant or registrable interests in Senedd proceedings are set out in the Standing Orders. However a Member's role extends beyond the proceedings of the Senedd. This rule therefore requires that a declaration is made .when a Member makes any oral or written representations and they are acting in their capacity as a Member of the Senedd in a matter where they also have a personal interest.

In considering whether a declaration is required, Members may wish to consider the requirements for declaring interests set out in Standing orders 2.7 and 13.8A/17.24A and in the guidance on registration and declarations of interests.

This rule would not cover matters such as personal correspondence, as these do not relate to a Member's official role.

Rule 15

The Code states at **Rule 15** that:

> "Members must not act in a way which improperly interferes, or is intended or is likely to improperly interfere, with the performance by the Senedd or a Senedd committee of its functions, or the performance of their duties by a Member, any Member's staff or

officials and staff of the Senedd Commission, or the duties of the Senedd Commissioner for Standards or the Commissioner's staff."[43]

For example, this would include leaking confidential briefing notes from a committee or a draft committee report (which would also engage Rule 16, as such documents are protectively marked).

Rule 16

The Code states at **Rule 16** that:

> "Members must not engage in behaviour that could reasonably be perceived as applying pressure to individuals to:
>
> i) compromise the political impartiality of the Senedd Commission or Civil Service;
>
> ii) breach the Senedd Commission Staff Code of Conduct;
>
> iii) breach the Civil Service Code;
>
> iv) breach the Support Staff Code of Conduct; nor
>
> v) handle requests for information other than as indicated by the Senedd Code of Practice on Public Access to Information."[44]

It is not anticipated that Members will be familiar with these Codes in detail, and officials will ultimately have responsibility for determining whether a particular request or behaviour from a Member could compromise their political impartiality. However, where an official has indicated that a relevant Code or their political impartiality would prevent them from doing something (or require them to do something), a Member must not apply pressure to influence their decision or otherwise induce a change of position.

Rule 17

The Code states at **Rule 17** that:

> "Members must, in relation to the disclosure of information:

[43] Code of Conduct, Para 12

[44] Code of Conduct, Para 12

> (i) that is confidential or otherwise protectively marked, only disclose it when authorised to do so by the person or authority controlling the information or when disclosure is required or permitted by law;
>
> (ii) only use information received in confidence in their capacity as a Member of the Senedd and not use, or attempt to use, such information for the purposes of financial or any other personal advantage; and
>
> iii) not prevent any person from gaining access to information as permitted by law."[45]

Members should be aware that any information that they process may be released to individuals or into the wider public domain in accordance with legislation and the Senedd Code of Practice on Public Access to Information.

The requirements set out in Rule 16 also apply after a Member ceases to be a Member of the Senedd.

Rule 18

The Code states at **Rule 18** that:

> "Members must not encourage another Member to 'contravene any provision of this Code, including the Rules in relation to standards complaints and investigations."[46]

The determination of whether a Member encouraged another will be based upon whether an impartial and reasonable person would perceive their behaviour as directly encouraging a contravention, regardless of whether the Code is specifically referenced. Subject to context and circumstances, indirect encouragement is less likely to be considered a breach of the Code.

Rule 19

The Code states at **Rule 19** that:

[45] Code of Conduct, Para 12

[46] Code of Conduct, Para 12

> "Members must take reasonable measures to ensure that their staff, when acting on their behalf, also uphold and act in accordance with these Rules and the Overarching Principles."[47]

To achieve this, it is anticipated that Members will encourage, or require, their staff to undertake training — including refresher courses. However, Members are ultimately responsible for making themselves and their staff aware of the content of the Code and all related guidance and additional information. Ignorance of the Code's provisions is not a valid reason for breaching them.

It is not permissible for a Member to seek to bypass the Code, by asking their staff to undertake actions that the Code would prevent them from undertaking themselves.

"To comply with this Rule Members must ensure that their staff are made aware of, understand and comply with the provisions of the Code of Conduct and other relevant provisions. Before authorising a staff member to act on their behalf Members must satisfy themselves that the individual has the appropriate skills and knowledge. How to do so is up to the Member, but appropriate actions might include –

- staff undertaking training including refresher training;
- audit of staff work to check for compliance;
- investigation of any alleged staff misconduct; and
- taking action, including disciplinary action when appropriate, following an investigation.

Members should maintain a record of actions taken so that it is available to the Standards Commissioner in the event of an investigation of breach of this Rule.

Rule 20

The Code states at Rule 20 that

> Members must accept and will be held responsible for anything published in their name irrespective of whether it was published by the Members or their staff

[47] Code of Conduct, Para 12

Members may choose to utilise their staff resources as appropriate and it is for the Member to decide the autonomy given to their staff to act on their behalf. However, when members of staff are acting explicitly in the name of the Member and it appears to the public as if it were the Member themselves (for example posting on a social media account in the Member's name), then the Member is responsible for ensuring that any such actions are in accordance with the Code.[48]

It may be prudent for Members to indicate when posts are being made by Support Staff on your behalf to allow for greater transparency.

Rules associated with the Senedd's Standards regime (Rules 21 - 27)

Any allegations of non-compliance with the Code will follow the process set out in the Procedure for Dealing with Complaints against Members of the Senedd,[49] as approved by the Senedd's Committee on Standards of Conduct.

Information on the role of the Senedd Commissioner for Standards, including contact details can be found at **The Senedd Commissioner for Standards**.

Rules 21-27 cover the conduct of Members in relation to the Code and the Standards process. Members must engage with the process and cannot seek to delay or undermine it. These Rules have a key role in upholding public trust in the process, and a failure to uphold them may aggravate any sanctions applied in relation to particular complaints.

The Code states at Rule 21 that:

> "Members must co-operate at all times with the Senedd Commissioner for Standards in the consideration of a complaint and any subsequent consideration of a complaint by the Senedd Standards of Conduct Committee."[50]

It is not permissible, for example, for a Member to refuse an informal request for interview with the Senedd Commissioner for Standards, ask other persons to not co-operate with an investigation, destroy or otherwise refuse to provide papers,

[48] Standards - MERGED EN.pdf - All Documents

[49] Last updated in July 2013.

[50] Code of Conduct, Para 12

e-mails, or any other documentation which the Commissioner asks the Member to provide.

Notably, sections 11, 12 and 15 of the National Assembly for Wales Commissioner for Standards measure 2009 give the Senedd Commissioner for Standards powers to require any person to attend before the Commissioner to give evidence, or to produce documents (in any form) relevant to an investigation. The Senedd Commissioner for Standards can enforce these powers by formal notice (including notice to a Member). Failure to obey such a notice without reasonable excuse constitutes a criminal offence punishable by up to six months imprisonment, or a level 5 fine (unlimited), or both.

The Code states at Rule 23 that:

> "Members must not disclose details in relation to:
>
> i any consideration of a complaint by the Senedd Commissioner for Standards except when authorised to do so, by law; the Senedd Commissioner for Standards or other investigatory authority until either the Senedd Commissioner for Standards, or the Senedd Standards of Conduct Committee (if complaint is sent to the Committee) has concluded the matter. Nor
>
> ii the proceedings of the Senedd's Standards of Conduct Committee in relation to a complaint, unless authorised by law or by the Committee to do so, until the Committee's deliberations are concluded or the report of the Committee is published"[51]

This would include, for example, any account of interviews that they may have had with the Senedd Commissioner for Standards, any detail of the Commissioner's report, any account of giving evidence to the Senedd Standards of Conduct Committee, etc.

This rule only applies while the consideration of a complaint is ongoing. Once a final decision has been made either by the Commissioner, or the Committee depending on whether it is referred to the Committee, Members can disclose information as appropriate, while being mindful of a complainant's rights to privacy. In practical terms, this may mean not explicitly talking about complaints unless specifically asked about them.

[51] Code of Conduct, Para 12

The Code states at Rule 24 that:

> "Members must not lobby a member of the Senedd Standards of Conduct Committee, or the Senedd Commissioner for Standards, or their staff, in a manner calculated or intended to improperly influence their consideration of whether a breach of the Code of Conduct has occurred, or in relation to the imposition of a sanction."[52]

This includes direct lobbying through conversations, e-mails, etc. It could potentially also include indirect lobbying- for example, making comments on social or mainstream media that were calculated to influence such consideration.

The Code states at Rule 25 that:

> "Members must not seek to influence, encourage, induce or attempt to induce, a person making a complaint in an investigation to withdraw or amend their complaint, or any witness or other person participating in a complaint to withdraw or alter their evidence."[53]

Section 15(1)(d) of the Measure makes it an offence for a person to intentionally alter, suppress, conceal, or destroy any document that they have been required to produce to the Commissioner for Standards. The requirements apply to this rule. The term document relates to anything that may be considered evidence support a complaint e.g. social media posts/emails

In combination with Rule 19, this also precludes a Member seeking such via their staff.

[52] Code of Conduct, Para 12

[53] Code of Conduct, Para 12