

**National Assembly for Wales**  
Remuneration Board

Determination on Members' Pay  
and Allowances (No. 2)

July 2011



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## Interpretation

In this Determination:

“**the Act**” means the Government of Wales Act 2006;

“**Cardiff**” means any point within a five mile radius centred on the National Assembly Building at Cardiff Bay;

“**Chief Executive and Clerk**” means the Clerk of the Assembly as defined by section 26 of the Act;

“**Inner Area**” means 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 Assembly;

“**Main Home**” means the home which a Member has registered with the Members’ Business Support team;

“**Outer Area**” means the area within the boundaries of the Mid and West Wales and North Wales electoral regions as they stand at the beginning of each Assembly;

“**Salary**” means the gross amount payable to a Member before any deductions e.g. income tax and National Insurance contributions;

“**Staff**” means Assembly Members Support Staff (unless stipulated otherwise);

“**Year**” means the 12 months ending with 31 March.

All other terms have the same meaning as in the Act or, as the case may be, the Standing Orders of the Assembly.

# **Chapter 1: Introduction and principles of financial support**

## **1.1 Introduction**

- 1.1.1 This Determination is made by the National Assembly for Wales Remuneration Board (“the Remuneration Board”) under section 3 of the National Assembly for Wales (Remuneration) Measure 2010. This Determination is called the National Assembly for Wales Remuneration Board Determination (No. 2) 2011 and takes effect on 15 July 2011.
- 1.1.2 This Determination supercedes the National Assembly for Wales Remuneration Board Determination 2011.

## **1.2 Principles of financial support**

- 1.2.1 The National Assembly for Wales: Code of Conduct for Assembly Members is available online <http://www.assemblywales.org/memhome/mem-commissioner-standards/cod-ymdygiad.htm> and includes a number of general principles of personal conduct based on the seven principles identified by the Committee on Standards in Public Life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. The broad principles set out below are derived from the Code of Conduct and underpin the rules by which allowances are administered under this Determination. Assembly Members must adhere to the following principles when making claims against allowance entitlements.

## **1.3 Principles**

### **Expenditure**

- 1.3.1 Claims must only be made for expenditure necessarily incurred in order to enable performance of the Member’s duties as an Assembly Member.

### **Usage**

- 1.3.2 Claims must be accurate and must properly reflect actual usage of the resources being claimed.

## **Political parties**

- 1.3.3 Allowances will be paid or reimbursed only where the expense relates to a Member carrying out the duties of an Assembly Member. Claims must not be made for expenditure relating to party political activity.

## **Other sources**

- 1.3.4 Members must not claim against an allowance for anything that the Member is entitled to claim from any other source.

## **Personal benefit**

- 1.3.5 Members must ensure that claims do not give rise to an improper direct or indirect personal financial benefit to themselves or anyone else, including the benefit of a political organisation.

## **Openness**

- 1.3.6 Members must be committed to the principles of openness and transparency. Members will be aware of the Allowance Publication System which informs the public about expenditure incurred by Members.

## **Personal responsibility**

- 1.3.7 Individual Members have full responsibility for all expenses incurred, for making claims and maintaining records sufficient to support claims made in accordance with this Determination. However, this does not preclude the delegation to others of those activities.

## **Value for money and reasonableness**

- 1.3.8 Members must seek to ensure that any expenditure incurred provides value for money to the tax payer, represents the most sustainable and reasonable option available and does not have a negative effect on the reputation of the Assembly or its Members.
- 1.3.9 In assessing whether expenditure is reasonable in all the circumstances, regard will be given to the treatment of any similar claims. The assessment of the reasonableness of a claim will be made as against comparable costs in the locality, or within Wales, as appropriate. For example, a judgement on what is a reasonable



office rental cost will be made in the context of local office rental costs (and not, as against, say, central London office rental costs).

- 1.3.10 It is accepted that in some instances the cheapest option for an individual item of expenditure will not necessarily be the most cost-effective or reasonable option when taken together with other factors. For example, an earlier and more expensive travel ticket might avoid the cost of an overnight stay and might therefore be the most cost-effective option overall.

## **Documentation**

- 1.3.11 Claims must be supported by documentary evidence, except where this Determination confirms that such evidence is not required.

## **1.4 Appeals process**

- 1.4.1 Any questions of entitlement to an allowance in accordance with this Determination are to be decided, in the first instance, by the Members' Business Support team, but a Member, if dissatisfied with the decision, may request that the matter be referred for a decision by the Chief Executive and Clerk. Before reaching a decision on any such question, the Chief Executive and Clerk may, if it is necessary or desirable to do so, seek clarification about the interpretation of this Determination from the Remuneration Board. In doing so, the Chief Executive and Clerk must avoid, so far as possible, disclosing the identity of the individual Member.
- 1.4.2 For the purpose of promoting certainty and consistency in the application of this Determination, the Members' Business Support team must maintain and publish a record of any question referred to the Chief Executive and Clerk under paragraph 1.4.1 of the decision reached and of the reasons for the decision. The published record must, so far as possible, exclude any information disclosing the identity of the individual Member.

## **1.5 Guidance**

- 1.5.1 Assembly Members are referred to the guidance notes issued from time to time by the Members' Business Support team. There is no intention that the guidance notes should affect the content of this Determination. Instead, the notes are intended to assist Assembly Members in understanding this Determination.

## **Chapter 2: Rules of submission of claims**

### **2.1 Part year allowances**

2.1.1 Where an allowance is specified by reference to a financial limit for a year, that limit is reduced, in relation to a Member who enters or leaves the Assembly part way through a year on a pro-rata basis. Members are not restricted to any limit for claiming on a month by month basis as long as the total they have claimed to date does not exceed the limit for the year but where that Member ceases to be a Member part way through a financial year this may result in a refund being claimed from that Member (or in the excess being offset against other entitlements) where the amount that the Member has already claimed up to the time of leaving exceeds the reduced pro-rata limit. For example, if the full year limit for a particular allowance were £4,000, and a Member had claimed £3,000 before leaving at the end of December, an excess of £1,000 would need to be recouped. A pro-rating mechanism will also be applied in the event that a change is made to a financial limit of an allowance during the course of a financial year.

### **2.2 Returning Member dies or is otherwise prevented through ill-health from taking the oath of allegiance or making the corresponding affirmation**

2.2.1 If an individual who ceases to be a Member at an ordinary election by virtue of sections 3 and 14 of the Act but who is subsequently returned at that election should die before, or be otherwise prevented through ill-health from, taking the oath of allegiance or making the corresponding affirmation required by section 23 of the Act, a Winding Up Allowance shall be available under the terms set out in chapter 10 of this Determination.

### **2.3 Rules for submission of claims**

2.3.1 The principles which underpin the reimbursement of expenses are set out in section 1.3 of this Determination. The following rules aim to support those fundamental principles.

2.3.2 Members must ensure that the relevant claim form is completed accurately and submitted in good time to the Members' Business Support team.

- 2.3.3 Items costing £750 or more, or any contractual liability with a lifetime value of £750 or more, must be referred to the Members' Business Support team for approval before any cost is incurred or contract entered into. For example, a three year rental agreement/lease of a piece of office machinery with an annual cost of £500 must be referred as its lifetime value is £1,500.
- 2.3.4 Claims must be accompanied by original invoices and/or receipts (as appropriate). Such invoices and/or receipts must be addressed either to the Member or their staff. In the event that an invoice or receipt is addressed to another person, documentary proof must be produced to satisfy the Members' Business Support team that the expenditure relates solely to the performance of the Member's duties as an Assembly Member.
- 2.3.5 Members are not required to provide supporting invoices and/or receipts for the reimbursement of costs associated with mileage claims for use of private vehicles. However, such sums will only be paid where the Member demonstrates that the travel was undertaken to enable the performance of the Member's duties as an Assembly Member.
- 2.3.6 Original invoices and/or receipts must be submitted in support of all other travel related claims. In accordance with the principles set out in paragraphs 1.3.8 1.3.9 and 1.3.10 and in section 5.2, Members are expected to travel by the most cost effective means. Members will be expected to provide to the Members' Business Support team justification for any claim for travel which that team considers falls outside of these principles.
- 2.3.7 Failure to provide the necessary documentation and/or original receipts may result in a delay or refusal of reimbursement.
- 2.3.8 Claims must be submitted within three months of the end of the month to which the expenditure relates, unless an alternative timescale is given by the Members' Business Support team (e.g. at the end of the financial year) or a reasonable justification can be provided by the Member. This is especially important if a direct payment to a supplier is required, so that the payment can be made to the supplier in accordance with Assembly Commission policy. Late submission of a claim (after the three month cut-off), without adequate reason, may be disallowed. The adequacy of reasons for late claims will be assessed by the Members' Business

Support team, who may refer cases of doubt, or those where novel or contentious issues are involved, to the Chief Executive and Clerk for decision.

- 2.3.9 Special time limits will be notified to Members at the end of each financial year to enable the Assembly Commission to comply with requirements for the completion and audit of its annual accounts. This may result in a shorter deadline for claims. Claims not submitted in accordance with these revised time limits may be refused or may be charged to allowances for the following financial year at the absolute discretion of the Chief Executive and Clerk.
- 2.3.10 Any question of entitlement to an allowance is to be decided, in the first instance, by the Members' Business Support team, but a Member, if dissatisfied with the decision, may request that the matter be referred for a decision by the Chief Executive and Clerk in accordance with the procedure set out in paragraph 1.4.1.

## Chapter 3: Members' salaries

### 3.1 Amount payable

3.1.1 The annual salary payable to Members shall be £53,852, together with an additional office holder's salary if the Member<sup>1</sup> holds one of the offices listed in paragraphs 3.1.3 and 3.1.4. A Member's salary does not become payable until he or she has taken the oath of allegiance or has made the affirmation required by law in accordance with section 23 of the Act.

3.1.2 Members who are also Members of Parliament or Members of the European Parliament will have their Assembly salary reduced, in accordance with section 21 of the Act, by an amount equal to two thirds of the basic salary which that Member would otherwise be entitled to receive.

3.1.3 Members who hold any of the following offices are entitled to receive an additional annual salary<sup>2</sup> as follows:

Office	Office Holder's Additional Salary
First Minister	£80,870
Deputy First Minister/Welsh Minister/Counsel General (if Assembly Member)/Presiding Officer/	£41,949
Deputy Minister/Deputy Presiding Officer	£26,385
Assembly Commissioners	£12,420
* Chairs of the following committees: <ul style="list-style-type: none"><li>- Children and Young People Committee;</li><li>- Environment and Sustainability Committee;</li><li>- Health and Social Care Committee;</li></ul>	£12,420

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<sup>1</sup> In accordance with the Act, certain office holder salaries remain payable throughout a period of dissolution and beyond even though the office holder's term of office as a Member has ended by reason of dissolution. For the purposes of entitlements under this part of the Determination, the definition of 'Member' should be read to include those who remain as office holders, even though they have ceased to be a Member by reason of dissolution.

<sup>2</sup> Notwithstanding the date on which this Determination takes effect, the payment of additional office holder salaries will be backdated to the date of appointment to the relevant office in the Fourth Assembly.

<ul style="list-style-type: none"> <li>- Communities, Equality and Local Government Committee;</li> <li>- Enterprise and Business Committee;</li> <li>- Constitutional and Legislative Affairs Committee;</li> <li>- Finance Committee ;</li> <li>- Public Accounts Committee.</li> </ul>	
<p>* Chairs of the following committees:</p> <ul style="list-style-type: none"> <li>- Petitions Committee;</li> <li>- Standards of Conduct Committee.</li> </ul>	£8,280
<p>Leader of a political group without an executive role</p> <ul style="list-style-type: none"> <li>- The additional office holder's salary is to be calculated as follows: a base level of £12,420 plus an additional £1,000 for every Member of the group to a maximum salary of £41,949</li> </ul>	
<p>Business Managers of political groups</p> <ul style="list-style-type: none"> <li>- The additional office holder's salary is to be calculated as follows: a base level of £6,210 plus an additional £250 for every Member of the group to a maximum salary of £12,420</li> </ul>	

*\* These salaries may be the subject of review by the Remuneration Board in accordance with section 3 of the National Assembly for Wales (Remuneration Measure 2010).*

3.1.4 A Member who holds more than one of the offices specified in paragraph 3.1.3 is only entitled to receive an additional office-holder's salary in respect of one of those offices, namely the higher or, as the case may be, the highest paid of those offices.

### **3.2 Counsel General who is not an Assembly Member**

3.2.1 A Counsel General appointed under section 49 of the Act but who is not an Assembly Member is entitled to receive salary at the same level as the total salary payable under paragraphs 3.1.1 to 3.1.3 to a Counsel General who is an Assembly Member.

### **3.3 Payment of salaries**

3.3.1 Salaries are paid monthly in arrears on the last working day of each month. Payment is made direct to the Member's account by electronic transfer (Bankers Automated Clearing Services - BACS).

## **Chapter 4: Residential Accommodation Expenditure**

### **4.1 Part 1 - purpose**

- 4.1.1 Payments under this section are for the purpose of reimbursing Members for additional expense which they necessarily incur in staying overnight away from their main homes in connection with the performance of their role as Assembly Members.
- 4.1.2 Parts 2 and 3 of the section relate to the expense of staying overnight in Cardiff in connection with the performance of their role as Assembly Members. Part 2 applies to Members whose main homes are located within the inner area and Part 3 to Members whose main homes are located in the outer area.
- 4.1.3 Part 4 of the section applies to all Members and relates to the expense of staying overnight in connection with the performance of their role as Assembly Members at locations other than their main homes or any accommodation whose expense is reimbursed under Part 2.

### **4.2 Part 2 - Members whose main homes are located within the inner area**

- 4.2.1 Members may claim the expense of up to 20 overnight stays in Cardiff in each year. The maximum amount that may be claimed for each night is the same as the maximum that may be claimed under Part 4.

### **4.3 Part 3- Members whose main homes are located within the outer area**

- 4.3.1 Members may claim under Option A, Option B, Option C or (where applicable) Option D. Claims may not be made under more than one Option in relation to the same period but a Member may at any time notify the Members' Business Support team in writing of a change of option and the date when it is to take effect, which must be not less than a calendar month after the date when notice is given.

#### **Option A – expense of renting furnished property**

- 4.3.2 The property in relation to which the claim is made:
  - a) must be in Cardiff;

- b) must have been rented through the agency of a letting agency nominated for the purpose by the Members' Business Support team;
- c) must not be sublet;
- d) must only provide accommodation that is proportionate to the Member's reasonable needs.

4.3.3 The expenses to be reimbursed in relation to the property are:

- a) rent (plus any management charge or ground rent) up to a maximum of £8,400<sup>3</sup> in each year in respect of any one property (irrespective of how many Assembly Members reside there);
- b) council tax (subject to paragraph 4.3.4);
- c) utility bills (i.e. gas, electricity, water and sewerage, telephone);
- d) broadband subscription;
- e) television licence;
- f) insurance.

4.3.4 If the property is in council tax Band G, H or I, the amount of council tax which will be reimbursed is that which would have been payable had the property been in Band F.

**Option B – expenses in relation to a home in Cardiff provided at the Member's own expense.**

4.3.5 The property in relation to which the claim is made:

- a) must be in Cardiff;
- b) must not be the Member's main home;
- c) must not be sublet.

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<sup>3</sup>This figure represents a full year's maximum entitlement and will be pro-rated for the 2011/12 financial year in relation to all Members returned to the Fourth Assembly. For example, for those Members returned on 5 May 2011, the maximum entitlement to 31 March 2012 will be £7,592.



4.3.6 The expenses to be reimbursed are the same as those listed in paragraph 4.3.3b) to f) (and subject to paragraph 4.3.4).

#### **Option C – expenses in relation to other overnight accommodation**

4.3.7 The cost of overnight stays in Cardiff may, with the prior written approval of the Members' Business Support team be claimed as an alternative to Options A or B. The maximum amount that may be claimed for each night is the same as the maximum that may be claimed under paragraph 4.4.5 b) but the maximum that may be claimed in each year under this Part is £8,400<sup>4</sup>.

#### **Option D – transitional**

4.3.8 This Option is only applicable to Members who:

- a) were Assembly Members immediately before the dissolution of the Third Assembly;
- b) have not ceased to be Assembly Members since (other than solely by reason of that, or another, dissolution);
- c) have at no time opted to make claims under Options A, B or C;
- d) were, immediately before the dissolution of the Third Assembly, either claiming reimbursement of rent or mortgage interest on a home in Cardiff under Part 3.3 (Higher Level Additional Cost Allowance) of Section 3 of the Determination then in force;
- e) continue to satisfy the conditions on which entitlement to reimbursement under that Part were based; and
- f) there has been no change, since that dissolution, in the terms on which the home in question is being rented or, as the case may be, in the terms of repayment of the mortgage debt. For these purposes a rent increase under a contractual rent review or a variation in mortgage interest in accordance with the terms of the mortgage agreement are not to be regarded as changes in those terms.

4.3.9 A Member to whom paragraph 4.3.8 applies:

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<sup>4</sup> See 3 above

- a) may continue to be reimbursed the rent or mortgage interest on the property, (plus, in either case, any management charge or ground rent), subject to a maximum of £8,400<sup>5</sup> in each year in respect of the property (irrespective of how many Assembly Members reside there);
- b) may, in addition, be reimbursed the same expenses as those listed in paragraph 4.3.3 b) to f) (and subject to paragraph 4.3.4);
- c) where mortgage interest is claimed must, at least once in any twelve month period, submit a statement of interest paid in order that any adjustment in interest rates may be accounted for.

#### **4.4 Part 4 - other overnight accommodation outside Cardiff**

- 4.4.1 If it is necessary for a Member, in connection with the performance of their role as an Assembly Member, to stay overnight, other than at the Member's main home or in accommodation whose expense is reimbursable under Part 3, the expense of doing so may be reimbursed in accordance with this Part.
- 4.4.2 Members whose main homes are located within the inner area and who are able to claim the cost of a stay under paragraph 4.2.1 (or who could have done so had they not already claimed the expense of the maximum 20 overnight stays under that paragraph) may not claim the cost of that stay under this Part.
- 4.4.3 Subject to paragraph 4.4.8, no claim may be made under this Part unless the Member has:
  - a) in the case of an overnight stay outside Wales, received the prior written approval of the Members' Business Support team to incur the expense of the accommodation in question. The Member must, when seeking approval, provide the Members' Business Support team with such information as it reasonably requires for the purpose of considering whether approval should be given;

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<sup>5</sup> As 3 above.

- b) in the case of an overnight stay outside the UK, received the approval referred to in paragraph a) before making arrangements to travel.
- 4.4.4 Where the need for an overnight stay is in connection with the business of an Assembly committee, the references in paragraph 4.4.3 to the Members' Business Support team are to be read as references to the officials of the relevant committee instead.
- 4.4.5 Except with the prior written approval of the Members' Business Support team, which will only be given in exceptional circumstances, the maximum nightly amount for hotel accommodation that may be claimed (inclusive of breakfast and parking) is:
- a) £150 if the hotel is in London or Brussels;
  - b) £95 elsewhere.
- 4.4.6 A Member who stays overnight at a hotel may, in addition to the cost of the accommodation, be reimbursed the cost of an evening meal for the Member, subject to a maximum of £20 per night. The amount claimed may not include the cost of any alcoholic drinks.
- 4.4.7 Where, instead of staying at a hotel, a Member stays overnight with a friend or relative, the Member may claim a flat rate of £25 per night.
- 4.4.8 A claim which is made without the requirements of paragraph 4.4.3 having been complied with may be reimbursed if:
- a) it was not reasonably practicable to comply with those requirements;
  - b) the Member provides the Members' Business Support team with a written explanation of why it was not reasonably practicable to comply with those requirements; and
  - c) the claim is approved by the Chief Executive and Clerk.

## Chapter 5: Members' travel

### 5.1 Introduction

- 5.1.1 This section deals with travel on Assembly business by Assembly Members within Wales (referred to as 'normal travel'), elsewhere in the UK but outside of Wales (referred to as 'extended travel') and to the European Union<sup>6</sup>. It also deals with travel undertaken by Members' partners and children, and staff.
- 5.1.2 Subject to the general principles in section 5.2 and paragraph 5.4.2, a Member may travel by road, rail, air or sea on the journeys specified in paragraphs 5.3.1 and 5.3.2 at the expense of the Assembly provided that the journey is necessarily undertaken to enable the performance of the Member's duties as an Assembly Member, and therefore meets one of the following criteria:
- it is for a stated Assembly reason;
  - it is related to a matter currently before the Assembly or one of its committees on which the Member serves;
  - it is pertinent to a constituent or has general relevance in his or her constituency or region.
- 5.1.3 A Member may only claim reimbursement for any journey to the extent that it is not reimbursed by another source, even though a particular journey may cover business on behalf of the Assembly and other organisations.
- 5.1.4 Notwithstanding the references to 'Members' in section 5.2 and paragraph 5.4.2 below, the general principles set out in those paragraphs apply to travel undertaken by any staff of a Member and the general principles set out in section 5.2 apply to travel undertaken by a partner or any child of a Member.

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<sup>6</sup> Although the rules contained in this Determination only apply directly to the categories of travel for which allowances may be claimed under the Determination (as defined in paragraph 5.1.1) Members are reminded that the standards of financial probity set out in Section 1 of the Determination and the general principles referred to in section 5.2, are of general application to costs incurred by Members which are to be met from public funds. They should therefore be observed by Members wherever they make arrangements, or influence arrangements made on their behalf, for travel whose cost is to be met from public funds.

## **5.2 General principles**

- 5.2.1 Members are expected to travel by the most cost effective means, taking into account the actual cost of the travel and the cost of any overnight stay expenses. However, the time involved in a journey may also be taken into account and where benefits from savings in a journey time can be demonstrated, it may be possible to claim at a higher rate of reimbursement. A Member who, in the opinion of the Chief Executive and Clerk, does not travel by the most cost effective means may have the amount of his or her claim abated by an appropriate amount.
- 5.2.2 Members are expected to seek the most cost effective travel ticket for the particular journey, travel method and class of travel they are making, taking account of any discounts available. In addition, Members holding senior rail cards or having access to other concessionary fares should use these.
- 5.2.3 Members should have regard to the Assembly Travel Plan, including the Green Dragon Scheme, which is aimed at encouraging Members of the Assembly, their staff and staff of the Assembly Commission to use public transport, bicycles or communal transport for travel into and from work and on business.

### **Normal travel – within Wales**

## **5.3 Normal travel – general principles**

- 5.3.1 Subject to the general principles in section 5.2 and paragraph 5.4.2, a Member is entitled to travel at the expense of the Assembly when travelling to enable the performance of the Member's duties as an Assembly Member by any reasonable route.
- 5.3.2 Members may also claim for travel between their home, the Assembly and constituency or regional offices.
- 5.3.3 Members may not claim for the refund of any parking charges levied by the Assembly Commission for the provision of parking facilities at/near Tŷ Hywel.

## **5.4 Travel by road**

- 5.4.1 Subject to paragraphs 5.2.1 and 5.2.3, a Member may undertake normal travel by car and claim a mileage allowance based on the actual mileage travelled.

5.4.2 Before embarking on any road travel subject to paragraph 5.4.1, a Member should consider both the feasibility of car sharing with another Member, staff member or a member of Assembly Commission staff and/or of using any approved external car sharing scheme of which the Assembly is a registered member, with the aim of travelling in the most sustainable way appropriate. Full guidance on existing car share initiatives is available from the Members' Business Support team.

## **5.5 Mileage rates**

5.5.1 Travel by car, motor cycle and bicycle will be paid at the HM Revenue & Customs approved mileage rates.

5.5.2 Where a Member shares a journey with another Member, a member of staff (whether their own or another Member's) or a member of Assembly Commission staff in his or her own vehicle on official business, subject to paragraphs 5.2.1 and 5.2.3, he or she shall be entitled to claim a supplement for each passenger per mile, in accordance with HM Revenue & Customs approved mileage rates. More information may be found at:

<http://www.hmrc.gov.uk/paye/rates-thresholds.htm#6>

## **5.6 Allowable return journeys**

5.6.1 When a Member uses a vehicle for travel from the main home to the nearest suitable railway station or airport and it is necessary to return the vehicle to the main home, the cost of the return journey may be claimed. A similar return journey is allowed where the Member is driven to his or her constituency or region from the main home and then travels on to Cardiff by public transport.

## **5.7 Travel by taxi**

5.7.1 Subject to paragraphs 5.2.1, 5.2.3, 5.4.2, 5.7.2 and 5.7.3, if a Member undertakes normal travel by taxi to enable the performance of the Member's duties as an Assembly Member he or she is entitled to claim reimbursement not exceeding the higher rate of the motor mileage allowance specified in paragraph 5.5.1.

5.7.2 If it was not reasonably practicable for the Member to travel other than by taxi, they are entitled to claim the actual level of expense incurred by them.

5.7.3 In any event the maximum amount that a Member can claim by way of reimbursement under this allowance is the actual level of expense incurred by them.

## **5.8 Travel by hire car**

5.8.1 Subject to paragraphs 5.2.1, 5.2.3 and 5.4.2, the expense incurred in using hire cars will only be reimbursed in exceptional circumstances and with the prior approval of the Members' Business Support team. Where such travel is undertaken, the Member is entitled to claim the actual level of expense incurred by them.

## **5.9 Rail travel**

5.9.1 Subject to paragraphs 5.2.1, 5.2.2 and 5.2.3, Members are entitled to claim the actual level of expense incurred by them. In order to demonstrate financial responsibility, Members are expected to choose Standard class travel unless they are able to satisfy the Members' Business Support team that there is a demonstrable need to do otherwise.

## **5.10 Travel by air**

5.10.1 Subject to paragraphs 5.2.1 and 5.2.2, a Member is entitled to claim the cost of travel by scheduled air transport for normal travel. A Member is entitled to claim the cost of travel by private or chartered aircraft for normal travel arrangements up to a maximum cost of the journey had it been made by scheduled air transport.

## **Extended travel – elsewhere in the UK**

### **5.11 Extended travel**

5.11.1 A Member may travel outside of Wales but within the UK at public expense to enable the performance of the Member's duties as an Assembly Member, provided that the reason for the journey meets one of the criteria under 5.1.2 and only where the journey to which the claim relates has been agreed in advance with the Members' Business Support team. The acceptability of any other claims for extended travel allowance not so agreed will be at the discretion of the Chief Executive and Clerk. In all other respects, the levels of allowance and the general principles and conditions subject to

which claims for normal travel are paid will apply to claims for extended travel.

## **Travel to European Union institutions etc.**

### **5.12 Entitlement**

- 5.12.1 In any financial year, each Assembly Member is entitled to make up to four return journeys between Wales and any other member state, or region, of the European Union on Assembly related business.
- 5.12.2 The principal purpose of the visit must be undertaken for purposes in connection with the performance of his or her role as an Assembly Member.
- 5.12.3 Subject to paragraphs 5.2.1 and 5.2.2, a Member is entitled to claim the actual cost to him or her of travel expenses incurred and an entitlement to a subsistence allowance subject to the following maxima:
- the cost of the cheapest, suitable and available return air fare to one of the destinations set out in paragraph 5.12.1; plus
  - two nights' accommodation, meals and incidental travel.
- 5.12.4 A Member not travelling by air may claim actual travelling costs within the maximum set in paragraph 5.12.3 above.

### **5.13 Application**

- 5.13.1 In advance of the journey, Members must submit to the Members' Business Support team a statement of the visit's purpose, location and duration and the persons or organisations to be met. A Member is entitled to claim this allowance only where the journey to which the claim relates has been agreed in advance by the Members' Business Support team. The acceptability of any other claims for this allowance not so agreed will be at the discretion of the Chief Executive and Clerk.

### **5.14 Travel to regional parliaments, councils or assemblies**

- 5.14.1 A Member may apply to the Chief Executive and Clerk for permission to form a delegation to visit a regional parliament, regional council or regional assembly within the European Union. The application must show clearly the likely benefits of the visit to



the business or interests of the National Assembly for Wales and clearly indicate the people or organisations to be visited. Any visit made under this paragraph shall be in place of a visit that might otherwise be made under paragraph 5.12.1.

## **Travel on committee business**

### **5.15 Travel on committee business**

- 5.15.1 When travelling on committee business a Member must comply with rules and principles set out in sections 5.2 to 5.10. Notwithstanding that sections 5.3 to 5.10 are stated to apply to travel within Wales (i.e. to 'normal travel'), for the purposes of travel by Assembly Members on committee business those rules will apply irrespective of the destination of travel undertaken. The following principles also apply to a Member who travels on committee business.
- 5.15.2 A Member may travel at public expense in connection with the performance of his or her role as a member of an Assembly committee in Wales, elsewhere in the UK or anywhere overseas, to the extent that the expenditure is not reimbursed by another source.
- 5.15.3 A Member is entitled to claim reimbursement of costs incurred in undertaking travel on committee business provided that the activity to which the claim relates has been agreed in advance by the committee. Whenever possible arrangements should be made by the clerking team or the Members' Business Support team so as to ensure as far as is practicable that the general principles for travel (such as those in section 5.2) are adhered to. For example, to take advantage of any available group booking discounts.
- 5.15.4 The acceptability of any other claims for committee business travel not agreed in accordance with paragraph 5.15.3 above will be at the discretion of the Chief Executive and Clerk.
- 5.15.5 Mileage travelled in connection with committee business will not count against the limits specified by HM Revenue & Customs as the maximum amount that can be exempted from tax.

## **Recall of Assembly or committee**

### **5.16 Recall of Assembly or committee**

- 5.16.1 A Member is entitled to claim any travel costs incurred by him/her which are necessarily attributable to him/her in undertaking travel to enable him or her to attend a plenary meeting of the Assembly summoned to consider a matter of urgent public importance in accordance with Standing Order 12.3.
- 5.16.2 A Member is entitled to claim any travel costs incurred by him/her which are necessarily attributable to him or her in undertaking travel to enable him or her to attend a meeting of a Committee of the Assembly in accordance with Standing Order 17.46.
- 5.16.3 The provisions relating to travel in sections 5.2 to 5.10, shall apply to these cases. In addition, the actual level of any overnight costs incurred may be claimed if it was necessary to stay overnight during the course of travelling to the Assembly. A Member may also claim the cost of resuming his or her holiday following a recall should this be feasible.

## **Partner and children's travel**

### **5.17 Limit on number of journeys**

- 5.17.1 Subject to the general principles in section 5.2, a Member is entitled to claim for the cost to them of his or her partner and/or any child under the age of eighteen making a journey by public transport between Cardiff and his or her constituency or region, or Cardiff and the Member's main home. Members do not need to travel with their family. However, Members may only claim for 12 single journeys in each year for members of their family.
- 5.17.2 A return journey counts as two single journeys.
- 5.17.3 A partner is defined for the purposes of this allowance as:
- a spouse;
  - civil partners as defined in the Civil Partnership Act 2004;
  - a person living with the Member as the Member's spouse or civil partner and who has been nominated in writing to the Members' Business Support team as the Member's partner.

5.17.4 A child for the purpose of this allowance includes a step child, an adopted child, a foster child, or any other child living as one of the Member's family who has not yet reached the age of eighteen.

### **5.18 Travel by car**

5.18.1 The partner of a Member and/or any child under the age of eighteen may travel by car as an alternative to travelling by public transport between Cardiff and the Member's constituency or region, or Cardiff and the Member's main home. In such cases the Member may claim the appropriate mileage rate. The mileage rates applied will be those applicable to Members. Such claims should be made separately from the Member's own car travel. Any such journey shall count against the total entitlement of 12 single journeys for the year. A partner or child may not claim for journeys made if they travel in the same car as the Member.

### **5.19 Direct payment to spouse or child**

5.19.1 The Member may instruct the Members' Business Support team to pay any amount claimed under this allowance directly to the partner or child concerned.

### **Travel by Members' staff**

#### **5.20 Limit on number of journeys**

5.20.1 Subject to the general principles in section 5.2 and paragraph 5.4.2, each Member is entitled to claim the cost to them of members of their staff making up to a total of 18 return journeys by public transport each year between Cardiff and the Member's constituency or region. For this purpose, staff means those who are paid on the Member's behalf from the Staffing Expenditure Allowance, Support for Groups or Temporary Staffing Allowance.

#### **5.21 Travel by Car**

5.21.1 Subject to the general principles in section 5.2 and paragraph 5.4.2, a Member is entitled to claim the cost to those staff making car journeys between Cardiff and the Member's constituency or region. A Member may claim the cost to those staff making car journeys between Cardiff and the Member's constituency or region at HM Revenue & Customs approved mileage rates. Any such journey counts against the total entitlement of 18 return journeys for the year.

## **5.22 Direct payment to staff**

- 5.22.1 The Member may instruct the Members' Business Support team to pay any amount claimed under this allowance directly to the member of staff concerned.

## Chapter 6: Office Costs

### 6.1 Purpose and amount

[Note: Paragraphs 6.1.4 to 6.1.6 do not apply to agreements entered into before 5 May 2011.]

- 6.1.1 Members are entitled to claim an Office Costs Allowance to reimburse Members all reasonable costs relating to the running of an office and engaging with constituents. Receipts or proof of expenditure must be submitted with all claims.
- 6.1.2 Members are not entitled to claim from the Office Costs Allowance for using their home as a constituency or regional office.
- 6.1.3 Subject to paragraph 6.1.2, a Member may claim an amount of Office Costs Allowance not exceeding the following in the year commencing 1 April 2011:
- a) £16,242<sup>7</sup> where the Member maintains an office in the Member's constituency or region; or
  - b) £4,060<sup>8</sup> where the Member undertakes constituency or regional duties exclusively from the office facilities in Tŷ Hywel, Cardiff Bay.
- 6.1.4 A Member may not claim Office Costs Allowance in respect of an office, or part thereof which is leased or rented from a family member, business partner or business associate.
- 6.1.5 A Member who rents or leases an office or part thereof from an organisation (including a trust in which the Member, or a family member, business partner or business associate of the Member, has a pecuniary interest) may not claim Office Cost Allowance in respect of the rent or lease of the office or part thereof unless the Members' Business Support team has agreed the proposal in advance of the agreement having been entered into.

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<sup>7</sup> This figure represents a full year's maximum entitlement and will be pro-rated for the 2011-12 financial year in relation to all Members returned to the Fourth Assembly. For example, for those Members returned on 5 May 2011, the maximum entitlement to 31 March 2012 will be £14,680

<sup>8</sup> This figure represents a full year's maximum entitlement and will be pro-rated for the 2011-12 financial year in relation to all Members returned to the Fourth Assembly. For example, for those Members returned on 5 May 2011, the maximum entitlement to 31 March 2012 will be £3,670.

6.1.6 Approval may be given under paragraph 6.1.5 where the Member, family member, business partner or business associate has either a very small holding in a listed company or is a beneficiary of a major pension fund. The decision as to the size of a holding or a pension fund is at the discretion of the Members' Business Support team. Save that a Member, if dissatisfied with the decision made by the Members' Business Support team, may request that the matter be referred for a decision by the Chief Executive and Clerk in accordance with the procedure set out in paragraph 1.4.1.

## **6.2 Office costs**

6.2.1 It is not possible to produce an exhaustive list of admissible items but the following examples may assist Members in deciding whether or not they can make a claim (in cases of doubt reference should be made to the Members' Business Support team):

- the cost of maintaining an office in the Member's constituency or region (including rent, insurance, council tax or business rates, electricity, gas, water and telephone charges and the cost of equipping such offices);
- legal costs relating to the lease or rental of the office;
- valuation costs relating to the lease, rental or sharing of the office;
- measures to ensure the security of the office;
- the cost of hiring or renting rooms situated in the Member's constituency or region for the purposes of holding surgeries;
- the cost of advertising the holding of surgeries;
- newspapers and periodicals;
- the cost of mobile telephone calls made in accordance with paragraph 6.2.6 below;
- accountancy fees relating to the costs of furnishing and maintaining an office;
- stationery not available directly from the National Assembly for Wales Commission;

- the wages and other costs of directly employed cleaning staff not covered elsewhere.

- 6.2.2 All individual items of office equipment costing £100 or more must be recorded on an inventory held by the Members' Business Support team. All items on the inventory should be returned to the Assembly Commission when the Member relinquishes the seat unless alternative arrangements are agreed with the Members' Business Support team. Where no such arrangements have been made, the value of any items not returned will be set-off as against any sums due to the Member under this Determination.
- 6.2.3 Claims for individual items of furniture or other individual items costing £750 or more, or contracts with a lifetime value of £750 or more, must be referred to the Members' Business Support team for approval before any cost is incurred or the contract entered into.
- 6.2.4 The costs of repaying a mortgage, including mortgage interest, cannot be claimed under this allowance.
- 6.2.5 Invoices for office rent must contain the address of the property being rented.
- 6.2.6 Members are entitled to claim an amount to cover the cost of mobile telephone calls where such costs relate solely to the discharge of the Member's duties as an Assembly Member. Claims must not be made for the cost of personal calls.

### **6.3 Central supply of office furniture**

- 6.3.1 Members who wish to establish an office for the first time, or who immediately before the dissolution of the Third Assembly did not maintain a constituency or regional office, are entitled to make a one-off requisition of office furniture from a central list in order to equip that office.
- 6.3.2 The Members' Business Support team administers the list and is available to provide advice on the selection of furniture and other matters relating to the establishment of a first office. Eligible Members must submit a written request for the items they wish to requisition for approval by the Members' Business Support team. The cost of the approved items will be met from central funds (and not from the Office Costs Allowance), subject to a maximum

allowance. For the 2011-12 financial year the maximum allowance is £5,000.

- 6.3.3 A claim against this provision can only be made within 12 months of the Member being returned, either at an election or by-election, and no further claims will be permitted.
- 6.3.4 This provision is not available for the relocation of an existing office or the establishment of an additional office.
- 6.3.5 Notwithstanding a claim under this provision, Members are entitled to purchase general office supplies charged to their Office Costs Allowance in accordance with this Determination.

#### **6.4 Approved suppliers of office equipment and stationery**

[Note: Paragraphs 6.4.1 to 6.4.4 do not apply to hire agreements entered into before 5 May 2011.]

- 6.4.1 Members can only purchase or hire photocopiers from approved suppliers. A list of these approved suppliers is held by the Members' Business Support team.
- 6.4.2 If photocopiers are purchased or hired from an unapproved supplier, the Members' Business Support team may refuse reimbursement, or direct payment, of the claim to the extent it exceeds the highest price quoted by the approved suppliers for the actual, or a comparable, item.
- 6.4.3 Members must have regard to any guidance issued by the Members' Business Support team in relation to the purchase of other office equipment and stationery, including guidance on the use of approved suppliers.
- 6.4.4 Where such guidance lists an approved supplier or suppliers for a particular category of office equipment or stationery, Members must provide evidence of value for money and seek approval from the Members' Business Support team to purchase items, within these categories, from unapproved suppliers.

#### **6.5 Office security**

- 6.5.1 An additional amount shall be available to fund any expenditure by Members of more than £1,000 in any financial year in respect of safety precautions which Members propose to carry out to



safeguard themselves, their staff, their constituency or regional office and their office equipment, where such safety precautions have been recommended by the police. Such recommendations must be in writing and Members must submit the recommendations and at least three competitive quotations for the cost of carrying out such works in advance of any expenditure being incurred.

## **6.6 Health & safety and disability access**

- 6.6.1 An additional amount shall be available to fund any expenditure by Members of more than £1,000 in any financial year in respect of health and safety precautions or alterations to improve access to their premises which Members propose to carry out, where such measures have been recommended by an appropriate person as approved by the Chief Executive and Clerk and described in guidance issued by the Members' Business Support team. Such recommendations must be in writing and Members must submit the recommendations and at least three competitive quotations for the cost of carrying out such works in advance of any expenditure being incurred.
- 6.6.2 No Member will be required to fund more than £1,000 from their Office Costs Allowance in respect of both paragraphs 6.6.1 and 6.6.1 in the same financial year.

## **6.7 Leasing, sub-letting and sharing**

[Note: Paragraphs 6.7.1 to 6.7.4 do not apply if the agreement or arrangement was entered into before 1 April 2010.]

- 6.7.1 A Member who rents an office from a party political organisation or a trade union may not claim Office Cost Allowance in respect of the rent of that office unless:
- a) the Member has, before entering into the agreement to rent the office, notified the Members' Business Support team of the proposal;
  - b) a valuer nominated by the Members' Business Support team has advised the Members' Business Support team that the proposed rent does not exceed that which is reasonable; and
  - c) a copy of the executed agreement has been deposited with the Members' Business Support team.

- 6.7.2 A Member who rents part of an office to a party political organisation or trade union (or to any other organisation or business) may not claim Office Cost Allowance in respect of that office unless:
- a) the Member has, before entering into the agreement to rent that part of the office, notified the Members' Business Support team of the proposal;
  - b) a valuer nominated by the Members' Business Support team has advised the Members' Support team that the proposed rent is not less than that which is reasonable; and
  - c) a copy of the executed agreement has been deposited with the Members' Business Support team.

6.7.3

- a) If a valuer has advised on a rent under paragraph 6.7.1 b) a Member may not claim Office Cost Allowance in respect of any increase to that rent unless the increase has been notified to the Members' Business Support team and the Members' Business Support team is satisfied that the increase will not mean that the rent exceeds that which is reasonable.
- b) If a valuer has advised on a rent under paragraph 6.7.2 b) a Member may not reduce that rent, whilst still claiming Office Cost Allowance in respect of the office, unless the proposed decrease has been notified to the Members' Business Support team and the Members' Business Support team is satisfied that the decrease will not mean that the rent is less than that which is reasonable.
- c) The Members' Business Support team may, in order to enable them to consider an increase or decrease notified to them under sub-paragraph a) or b), require that the advice of a valuer notified by them be obtained.

6.7.4 The cost of obtaining the advice of a valuer for the purposes of paragraphs 6.7.1 b), 6.7.2 b) or 6.7.3 c) may be claimed as part of a Member's Office Cost Allowance.

6.7.5 A Member who proposes to enter into an arrangement to share an office with a Member of Parliament or a Member of the European

Parliament may not claim Office Cost Allowance in respect of the rent of that office unless:

- a) the Member has, before entering into the arrangement to share the office, notified the Members' Business Support team of the proposal;
- b) a draft agreement, setting out the terms of the proposed arrangement, including those relating to the method of sharing the costs of the office, has been deposited with the Members' Business Support team; and
- c) the Members' Business Support team has approved the proposed arrangement.

6.7.6 Any proposed variation to an arrangement of the kind referred to in paragraph 6.7.5 must be notified to the Members' Business Support team, and may not be put into effect, by a Member who is claiming Office Cost Allowance in respect of the office, without the approval of the proposed variation.

6.7.7 A Member who claims Office Cost Allowance in respect of the rent of an office:

- a) which is shared with a Member of Parliament or a Member of the European Parliament; or
- b) part of which is rented to another person;

is only entitled to claim Office Cost Allowance in respect of the net rent of the office, i.e. the difference between the amount paid by the Member by way of rent of the office and the amount received by the Member as contribution towards the rent or as rent for part of the office, as the case may be.

6.7.8 A Member who rents part of an office (in respect of which Office Cost Allowance is claimed) to a party political organisation must ensure that no other part of the office is used for party political, including electioneering, purposes.

## Chapter 7: Assembly Members' support staff

### 7.1 Staffing expenditure allowance

7.1.1 A Member is entitled to claim Staffing Expenditure costs, up to a maximum of £89,000 (in 2011-12)<sup>9</sup>, for persons employed by them where those costs are wholly, exclusively and necessarily incurred to enable the performance of the Member's duties as an Assembly Member.

7.1.2 A Member may claim an allowance to cover the salary for up to three full-time equivalent staff (111 hours). The related employer National Insurance contributions, including those for any overtime payments referred to in paragraph 7.3.1, will be paid centrally and will not be deducted from the Staffing Expenditure Allowance.

7.1.3 All staff will be employed on one of three salary bands, Band 1, Band 2 or Band 3, and must be employed in line with the Recruitment Policy issued by the Members' Business Support team.

7.1.4 The full-time equivalent salary scales for these posts are as follows:

Band	Point 1	Point 2	Point 3	Point 4	Point 5
1	£22,594	£24,620	£26,833	£29,249	£31,890
2	£19,296	£21,225	£23,353	£25,698	£28,287
3	£17,472	£18,826	£20,285	£21,861	£23,563

7.1.5 New staff will enter on the scale minimum for the appropriate pay band, unless, in exceptional circumstances, there are compelling reasons to justify a higher starting salary. Members are required to submit a business case for such treatment to the Members' Business Support team, and have it approved, before such a higher salary may be offered to the new staff member. Any disputes will be referred for a decision by the Chief Executive and Clerk in accordance with the procedure set out in paragraph 1.4.1.

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<sup>9</sup> This figure represents a full year's maximum entitlement and will be pro-rated for the 2011-12 financial year in relation to all Members returned to the Fourth Assembly. For example, for those Members returned on 5 May 2011, the maximum entitlement to 31 March 2012 will be £80,442.

7.1.6 All staff will move up the incremental scale one point at a time on the anniversary of their commencement of employment subject to satisfactory performance.

7.1.7 Staff bonuses may not be paid from this (or any other) allowance.

## **7.2 Staff combinations**

7.2.1 The 'Potential Maximum Cost' of any combination of staff employed is equivalent to the salary cost that would be payable were all employees paid at the top point of their relevant pay band, taking account of their contracted hours.

7.2.2 Members may employ staff in any combination of bands so long as the potential maximum cost does not exceed the total value of the Staffing Expenditure Allowance (ie. £89,000 in 2011-12)<sup>10</sup>. The difference between the Potential Maximum Cost and the total value of the Staffing Expenditure Allowance is known as the 'Remaining Balance'.

7.2.3 The Remaining Balance may be used to cover the costs outlined in sections 7.3 to 7.6 and also other staff related costs such as approved redundancy costs (where section 7.12 is not applicable), incidental costs of work placements, staff and interns, etc.

## **Remaining balance**

### **7.3 Travel and overtime payments**

7.3.1 Up to a maximum of £2,000<sup>11</sup> of the Remaining Balance may be applied to staff travel and overtime payments.

### **7.4 Engagement fund**

7.4.1 A Member may use up to £2,000<sup>12</sup> (inclusive of VAT) of the Remaining Balance to bring in external expertise to advise or assist, for a fixed period, on a specific task or piece of work. The Engagement Fund element of the Staffing Expenditure Allowance is separate to that element, set out in paragraph 7.3.1, available for

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<sup>10</sup> See 9 above

<sup>11</sup> This figure represents a full year's maximum entitlement and will be pro-rated for the 2011-12 financial year in relation to all Members returned to the Fourth Assembly. For example, for those Members returned on 5 May 2011, the maximum entitlement to 31 March 2012 will be £1,808.

<sup>12</sup> See 11 above

staff travel and overtime. A Member wishing to use his or her Staffing Expenditure Allowance in this way must obtain permission from the Members' Business Support team in advance.

## **7.5 Temporary support**

7.5.1 Where a Member has employed three full-time equivalent staff (111 hours) but requires additional temporary support, not otherwise eligible to be met from the Engagement Fund in paragraph 7.4.1, or the Temporary Staffing Allowance in section 7.11 he or she may use the Remaining Balance for this purpose.

## **7.6 Life assurance and critical illness provision for Members' staff**

7.6.1 A Member may use the Remaining Balance in respect of the cost to him or her of contributions made to any life assurance and/or critical illness provision authorised by the Remuneration Board in respect of any staff paid from:

- Staffing Expenditure Allowance; or
- Office Costs Allowance in respect of directly employed cleaning staff.

## **7.7 Virement**

7.7.1 A Member may vire to the Support for Groups allowance such sums as he or she may choose from the Remaining Balance provided prior written notification is given to the Members' Business Support team.

## **Contract, payment of salaries and pension provision details**

### **7.8 Contracts of employment**

7.8.1 Members are required to provide each of their employees with a standard written statement of the terms and conditions of employment that has been issued by the Members' Business Support team. Members must provide a signed copy to the Members' Business Support team within one month of the commencement of the employment.

### **7.9 Payment of salaries**

7.9.1 Staff salaries shall be paid monthly in arrears on the last working day of each month. Payment must be made direct to the

individual's account by electronic transfer (Bankers Automated Clearing Services - BACS).

## **7.10 Pension provision for Members' staff**

7.10.1 A Member is entitled to claim an allowance in respect of the cost to him or her of contributions made to the personal pension plan of any staff paid from:

- Staffing Expenditure Allowance; or
- Office Costs Allowance in respect of directly employed cleaning staff.

7.10.2 The maximum amount payable is 10 per cent of the actual salary paid to the relevant member of staff. This allowance does not count against either the Staffing Expenditure Allowance or the Office Costs Allowance.

## **Temporary Staffing Allowance**

### **7.11 Temporary Staffing Allowance (TSA)**

7.11.1 A Member may claim TSA to meet the costs of any additional expenses wholly, exclusively and necessarily incurred to enable the performance of the Member's duties as an Assembly Member in obtaining temporary assistance whilst a person to whom a salary is paid by him/her under the Staffing Expenditure Allowance is prevented through illness, maternity leave, paternity leave or adoptive leave from providing such assistance.

7.11.2 TSA can only be claimed if the member of staff for whom cover is required:

- is absent from work because of illness, maternity leave, paternity leave or adoptive leave and continues to be employed by the Member via his/her Staffing Expenditure Allowance;
- is not employed on a casual or temporary basis;
- in the case of illness, is absent for a continuous period that exceeds two weeks;
- submits supporting medical certificates for periods of sickness, a maternity certificate (MATB1 form) showing the expected week of

confinement for maternity leave or a matching certificate in the case of paternity or adoptive leave;

- has a valid contract of employment specifying the periods of paid sickness, maternity, paternity or adoptive leave.

- 7.11.3 The maximum TSA entitlement will be based on the amount of the absent employee's gross salary for a specified period (shown below).
- 7.11.4 Members are encouraged to ensure that all staff providing the temporary cover have pension arrangements in place in line with good employment practice.
- 7.11.5 Absences for illness, maternity, paternity and adoptive leave are treated as completely separate for the purposes of calculating TSA. Therefore a Member who has an employee who has been on maternity or paternity leave and (unrelated) sick leave will have access to two separate budgets for TSA.
- 7.11.6 When an individual is absent through illness, the maximum allowance available will be based on six months full-pay and six months half-pay (including employer's National Insurance contributions and pension costs) of each absent qualifying employee.
- 7.11.7 Once the 'more than two week rule' set out in paragraph 7.11.2 has been met TSA will be retrospective to the first day of absence.
- 7.11.8 When an individual is absent due to maternity, paternity or adoptive leave, the maximum allowance available is equivalent to 26 weeks of the absent employee's gross salary (including employer's National Insurance contributions and pension costs).
- 7.11.9 Where a claim for temporary assistance to cover sickness absence of an employee utilises the maximum period allowed in these arrangements, any extension of the temporary assistance should be claimed against the Remaining Balance. The permanent employee will have reached the contractual limit for salary entitlement and the costs of the replacements will no longer be additional to the normal salary costs.
- 7.11.10 If a subsequent claim for assistance arises in respect of an employee who has had 12 months paid sickness absence, then that



claim may only be admitted if a period of 12 months has elapsed from the end of the previous claim.

## **Redundancy**

### **7.12 Redundancy payments to staff who are paid from the Staffing Expenditure Allowance**

- 7.12.1 A Member is entitled to claim for the cost to him or her of redundancy payments to qualifying staff, where the Member ceases to be a Member of the Fourth (or any subsequent) Assembly for any reason. Such sums will be paid out of central funds (and will not be deducted from the Staffing Expenditure Allowance).
- 7.12.2 To qualify, staff must have at least two years' service with the Member on the date at which they cease to be employed by the former Member and not be self-employed. Redundancy payments will be calculated on the basis of the statutory entitlement under the current employment legislation, uprated by 50 per cent.

## Chapter 8: Support for Groups

### 8.1 Purpose

- 8.1.1 Groups of three or more Members are entitled to a Support for Groups allowance to assist them in the discharge of their work in the Assembly. The allowance is payable only in respect of costs which are incurred by them wholly, exclusively and necessarily for the purpose of discharging their duties as Members.
- 8.1.2 It is not possible to produce an exhaustive list of admissible items, but the following examples may assist in deciding whether or not a claim may be made (in cases of doubt reference should be made to the Members' Business Support team):
- employing staff in an administrative capacity;
  - employing staff to undertake research;
  - the costs of overtime, travel, etc.;
  - acquiring office equipment and hire of facilities.
- 8.1.3 Expenditure under this allowance may be authorised by the designated leader of a group or such other Member to whom such authority may be delegated by him or her.
- 8.1.4 In every case the cost of employment must be calculated by reference to the top pay point for the relevant band of each person to be employed (not the actual pay point of the person being recruited).
- 8.1.5 Groups are required to provide each of their employees with a standard written statement of the terms and conditions of employment that has been issued by the Members' Business Support team. Groups must provide a signed copy to the Members' Business Support team within one month of the commencement of the employment.
- 8.1.6 The related employer National Insurance contributions for any staff funded under any of the provisions of the Support for Groups Allowance will be paid centrally and will not be deducted from this allowance.

- 8.1.7 Purchases of individual items of furniture, other permitted items and contractual liabilities costing more than £750 must be referred to the Members' Business Support team for approval prior to incurring the expenditure.
- 8.1.8 The costs of repaying a mortgage, including interest thereon, cannot be claimed under this allowance.
- 8.1.9 Staff bonuses may not be paid from this (or any other) allowance.

## 8.2 Staff combinations

- 8.2.1 The 'Potential Maximum Cost' of any combination of staff employed under sub-paragraphs 8.2.2 a), b) and c) is equivalent to the salary cost that would be payable were all employees paid at the top point of their relevant pay band, taking account of their contracted hours.
- 8.2.2 Groups may employ staff in any combination of the bands so long as the Potential Maximum Cost does not exceed the total value of the allowance as follows:
- a) a group of three or more Members, which **is** represented by a Member in the Welsh Government, is entitled to **£127,390**<sup>13</sup>; or
  - b) a group of between three and ten Members, which is **not** represented by a Member in the Welsh Government, is entitled to **£199,048**<sup>14</sup>; and
  - c) a group of more than ten Members, which is **not** represented by a Member in the Welsh Government, is entitled to the amount in sub-paragraph b) and an additional **£30,866**<sup>15</sup> for each additional five members of the group (or part thereof).
- 8.2.3 The difference between the Potential Maximum Cost and the total value of the allowance is known as the 'Remaining Balance'.

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<sup>13</sup> This figure represents a full year's maximum entitlement and will be pro-rated for the 2011/2012 financial year in relation to all Members returned to the Fourth Assembly. For example, for those Members returned on 5 May 2011, the maximum entitlement to 31 March 2012 will be £115,141

<sup>14</sup> As 13 above save that the maximum entitlement to 31 March 2012 for those Members returned on 5 May 2011 would be £179,909

<sup>15</sup> As 14 above save that the additional entitlement to 31 March 2012 for those Members returned on 5 May would be £27,898

8.2.4 The Remaining Balance may be used to cover the costs outlined in sections 8.4 to 8.6, and also other staff related costs such as approved redundancy costs (where section 8.7 is not applicable), travel, hire of facilities, etc.

8.2.5 All staff must be employed on a salary point of one of four salary bands, Band 1, Band 2, Band 3 or 'Additional Group Support' (as set out in paragraph 8.2.6), and must be employed in line with the Recruitment Policy issued to Members by the Members' Business Support team.

8.2.6 The full time equivalent salary scales for these posts are as follows:

	Pay point 1	Pay point 2	Pay point 3	Pay point 4	Pay point 5
Additional Group Support	£30,404	£31,961	£33,600	£35,323	£37,138
Band 1	£22,594	£24,620	£26,833	£29,249	£31,890
Band 2	£19,296	£21,225	£23,353	£25,698	£28,287
Band 3	£17,472	£18,826	£20,285	£21,861	£23,563

### 8.3 Progression through the pay points

8.3.1 Individual support staff will, subject to satisfactory performance, move up the incremental scale one point at a time on the anniversary of their commencement of employment until they reach the scale maximum for their band.

8.3.2 New support staff commencing employment will enter on the scale minimum for the appropriate pay band unless, in exceptional circumstances, there are compelling reasons to justify a higher starting salary. Groups are required to submit a case for such treatment to the Members' Business Support team and have it approved, before such higher salary may be offered to the new staff member. Any disputes will be referred for a decision by the Chief Executive and Clerk in accordance with the procedure set out in paragraph 1.4.1.

## **Remaining balance**

### **8.4 Office equipment and stationery**

8.4.1 Groups may use the Remaining Balance to purchase or hire office equipment and stationery, but all such purchases must be made in accordance with requirements of chapter 6 (Office Costs Allowance) of this Determination.

### **8.5 Life assurance and critical illness provision for group staff**

8.5.1 Groups may use the Remaining Balance in respect of the cost to them of contributions made to any life assurance and/or critical illness provision for any group staff. Any such provision must first be authorised by the Remuneration Board.

### **8.6 Engagement Fund**

8.6.1 Groups may use up to £2,000 (inclusive of VAT) of the Remaining Balance to bring in external expertise to advise or assist, for a fixed period, on a specific task or piece of work. A Group wishing to use their Support for Groups allowance in this way must obtain permission from the Members' Business Support team in advance.

## **Other arrangements**

### **8.7 Pension provision for group staff**

8.7.1 Groups are entitled to claim an allowance in respect of the cost to them of contributions made to the personal pension plan of any group staff.

8.7.2 The maximum amount payable is 10 per cent of the actual salary paid to the relevant member of staff. This allowance is paid from central funds and does not count against the Support for Groups Allowance.

### **8.8 Redundancy arrangements**

8.8.1 These Redundancy Arrangements apply to groups comprised of Members returned to the Fourth (and any subsequent) Assembly.

8.8.2 A group is entitled to claim for the cost of redundancy payments to qualifying staff where the group composition changes whether as a result of an election, or where a Member of a group ceases to be a Member during the term of an Assembly, such that it reduces or

removes entitlement to the Support for Groups Allowance in paragraph 8.2.2.

- 8.8.3 To qualify, staff must have at least two years' service with the employing group on the date at which they cease to be employed by the group (or former group) and not be self-employed. Redundancy payments will be calculated on the basis of the statutory entitlement under the current employment legislation, uprated by 50 per cent. Such sums will be paid out of central funds (and will not be deducted from the Support for Groups Allowance).

## **Chapter 9: Equality and access**

### **9.1 Support for disabled Assembly Members**

- 9.1.1 Members who, because of their disability, require additional resources to perform their responsibilities as Members are entitled to financial support for this purpose. This disability related provision is administered by the Members' Business Support team.
- 9.1.2 The amount of financial provision will be calculated on the basis of an assessment of the nature and extent of a Member's disability and the consequential level of additional resources required to enable the Member to discharge their responsibility as a Member. The Member's needs will be assessed in the context of the Member's disability and not with reference to the "Welsh comparative context" as otherwise required by paragraph 1.3.9. This assessment and the calculation of the amount of provision payable to a Member shall, in the first instance, be agreed by the Member and the Chief Executive and Clerk and, if no agreement is reached, by the Chief Executive and Clerk alone.
- 9.1.3 For the purposes of this provision, 'disability' shall have the same meaning as it has in the Equality Act 2010:
- "A person (P) has a disability if -
- a) P has a physical or mental impairment, and
  - b) The impairment has a substantial and long-term adverse effect on P's ability to carry out normal day-to-day activities."

### **9.2 Physical adjustments**

- 9.2.1 Resources are also available in respect of approved alterations, costing over £1,000 in any financial year, to improve access to constituency or regional office premises for Members' staff and constituents. The first £1,000 is to be funded by the Member out of their Office Costs Allowance and any remaining balance will be met from central funds. Further detail is provided in section 6.6.

### **9.3 Disabled support staff**

- 9.3.1 Members and Groups must comply with the requirements of the Equality Act 2010 in their role as employers. In so doing, they may

be required to make reasonable adjustments or provide on-going support for disabled staff. The cost of any such adjustments will be met from the Office Cost Allowance or Support for Groups Allowance as appropriate.

#### **9.4 Providing a service to diverse constituents**

- 9.4.1 Members and their staff have an obligation to comply with the requirements of the Equality Act 2010 in their capacity as service providers to their constituents. This might, for example, include providing an alternative meeting place or home visits, providing information in accessible formats or other languages and providing communication support for meetings/surgeries (e.g. British Sign Language interpretation). Members may use their Office Cost Allowance to help provide a relevant service to their constituents.



## Chapter 10: Members leaving office:

### Winding Up Allowance

#### 10.1 Winding Up Allowance

- 10.1.1 A person who, for whatever reason, has ceased to be a Member of the Assembly (a “former Member”) is entitled to claim an allowance in respect of the cost incurred wholly, exclusively and necessarily in completing any work that was in progress at the time that person ceased to be a Member.
- 10.1.2 A Member ceases to be a Member of the Assembly on the date of any of the following:
- a) the resignation of the Member;
  - b) the death of the Member;
  - c) the dissolution of the Assembly if the Member is not a candidate for election to the new Assembly; or
  - d) the election if the Member is a candidate for election to the new Assembly but is not elected.
- 10.1.3 The amount that can be claimed is to be governed by a written winding up plan agreed between the Members’ Business Support team and the former Member, and calculated by reference to the period agreed for the winding up and the Office Costs Allowance, Residential Accommodation Expenditure and that part of the Staffing Expenditure Allowance which provides for the actual salaries in payment to staff employed by the former Member on the day that the former Member ceased to be a Member. The agreed winding up plan is (subject to 10.1.5) to have a maximum duration of three months and no claim will be considered in relation to costs incurred after the expiry of the period of the plan.
- 10.1.4 The amount payable under this allowance shall be reduced by the amount by which the Office Costs Allowance, Residential Accommodation Expenditure and that part of the Staffing Expenditure Allowance referred to in paragraph 10.1.3 may have been over claimed (applying the pro-rating described in paragraph 2.1.1 of this Determination).

10.1.5 In respect of a deceased Member:

- a) this allowance shall have effect as if references to the former Member included as appropriate references to the personal representatives of the deceased Member, and
- b) the maximum duration of three months referred to in 10.1.3 does not apply but the plan must provide for the winding up to be completed as soon as is reasonably practicable under the circumstances.

## **10.2 Work undertaken and expenses**

10.2.1 A claim for work undertaken and expenses which have been incurred in accordance with paragraphs 10.1.1 and 10.1.3 can include the following:

- salary and employer's National Insurance contributions of staff who continue to be employed together with related pension contributions;
- contractual liabilities for staff;
- contractual liabilities for the payment of equipment hire or accommodation leasing agreements;
- postage, stationery and telephone costs;
- travel costs.

10.2.2 Redundancy payments under section 7.12 do not fall within the scope of this allowance.

## **Resettlement Grant**

### **10.3 Resettlement Grant**

10.3.1 A person who immediately before a dissolution of the Assembly is a Member of the Assembly and either the transitional arrangements in paragraphs 10.4.1 to 10.4.3 apply to that person, or that person:

- is a candidate for re-election; but
- is not re-elected,

is entitled to claim a Resettlement Grant.

- 10.3.2 In the preceding paragraph (and in paragraph 10.4.1 d)), ‘candidate for re-election’ includes a person on a list of candidates of a registered political party; and ‘re-elected’ includes a person returned for an Assembly electoral region.
- 10.3.3 Assembly Members who also are or have also been Members of Parliament or Members of the European Parliament and who have or have had their Assembly salary reduced by two-thirds in accordance with paragraph 3.12 of this Determination, will have their Resettlement Grant calculated by reference to the unabated salary level.
- 10.3.4 Except where paragraphs 10.4.1 to 10.4.3 apply, the amount of the Resettlement Grant payable is one calendar month’s salary (at the rate payable to Members immediately before the dissolution) for each completed year of service subject to a maximum payment equal to six months’ salary.

#### **10.4 Transitional arrangements**

- 10.4.1 This paragraph (and paragraphs 10.4.2 and 10.4.3) applies to a person who:
- a) was an Assembly Member immediately before the dissolution of the Third Assembly;
  - b) has since served continuously as an Assembly Member (other than by reason of a dissolution);
  - c) ceases to be an Assembly Member either at the dissolution of the Third Assembly or at a subsequent dissolution;
  - d) is not a candidate for re-election or, if a candidate, is not re-elected; and
  - e) notifies the Members’ Business Support team in writing of a wish to receive a Resettlement Grant under these transitional arrangements.
- 10.4.2 The amount of the Resettlement Grant payable under these transitional arrangements, expressed as a percentage of yearly salary (at the rate payable to Members immediately before the dissolution in question), is determined by age (at the election) and length of service as a Member of the Assembly before that dissolution.

10.4.3 The relevant percentages are shown in the following table:

**Percentages of yearly salary/number of years of service (completed years)**

<b>Age</b>	<b>under 10</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15 or over</b>
<b>Under 50</b>	50	50	50	50	50	50	50
<b>50</b>	50	50	52	54	56	58	60
<b>51</b>	50	52	55	58	62	65	68
<b>52</b>	50	54	58	63	67	72	76
<b>53</b>	50	56	62	67	73	78	84
<b>54</b>	50	58	65	72	78	85	92
<b>55 to 64</b>	50	60	68	76	84	92	100
<b>65</b>	50	58	65	72	78	85	92
<b>66</b>	50	56	62	67	73	78	84
<b>67</b>	50	54	58	63	67	72	76
<b>68</b>	50	52	55	58	62	65	68
<b>69</b>	50	50	52	54	56	58	60
<b>70 or over</b>	50	50	50	50	50	50	50

**10.5 Calculating years of service**

10.5.1 In calculating the number of years of service (whether for the purpose of paragraph 10.3.4 or of paragraphs 10.4.2 and 10.4.3) a period of tenure as a Member shall not be taken into account on more than one occasion; any period of service that was disregarded when determining a previous resettlement grant payment shall be disregarded. Any fraction of a year shall also be disregarded except where a Member who was first elected at an ordinary general election fails to complete a year as a consequence of the date of dissolution prior to an ordinary general election falling on an earlier date than that on which the Member was first elected. In such a case the Member shall be regarded as having served a complete year.

**10.6 Office holders**

10.6.1 Assembly Members who have at any time during their period of service referred to in paragraph 10.5.1 held an office specified in paragraph 3.1.3 shall be entitled to receive an additional payment by way of Resettlement Grant. The payment will be equal to the amount of salary paid to the holder of that office in the three

months before they ceased to hold that office. If a Member held more than one office during that period, the amount of salary on which this payment is based will be the higher, or as the case may be, the highest amount paid to that Member. However, where a Member has chosen not to draw an additional salary to which they are entitled, or has chosen to draw a reduced sum, the additional payment under this paragraph will be calculated by reference to the unabated salary.

### **III Health Retirement Grant**

#### **10.7 III Health Retirement Grant**

- 10.7.1 Any Member whose health precludes his or her continued participation as a Member of the Assembly shall be entitled to claim an III Health Retirement Grant on ceasing to be a Member. The level of grant payable shall be calculated on the same basis as a claim for a Resettlement Grant under sections 10.3 to 10.6, to include, where appropriate, the transitional arrangements set out in that chapter save that reference to the date of a dissolution of the Assembly shall be construed as a reference to the date when the Member ceases to be a Member.
- 10.7.2 An Assembly Member who claims an III Health Retirement Grant shall not be entitled to claim a Resettlement Grant at the time of the next dissolution of the Assembly.