

Code of Conduct: Assembly Members' Support Staff

January 2018



The National Assembly for Wales is the democratically elected body that represents the interests of Wales and its people, makes laws for Wales, agrees Welsh taxes and holds the Welsh Government to account.

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Foreword

This Code describes the standards of behaviour required of all support staff employed by an Assembly Member (AM) of the National Assembly for Wales.¹

As an employee of an elected AM, you are expected to behave in a way that will not bring them, their political party or the National Assembly for Wales into disrepute or cause them embarrassment. You are required to perform your duties and responsibilities to the best of your abilities and intentions at all times, taking care to ensure that you do not place yourself in a position where others might have reasonable cause to question your behaviour.

By adhering to this Code, you will ensure that you maintain the standards of integrity, conduct and concern for the public interest that everyone supporting the National Assembly for Wales is required to demonstrate in their work.

The Code sets out your AM's expectations of you as an employee and you should read the Code and ensure that you remain familiar with its content.

If you are ever uncertain as to what is expected of you in terms of behaviour you must seek advice from your employer.

If you have reason to believe that this Code has been breached or is in danger of being breached, then you have a responsibility to bring this to the attention of your employing AM or Party Group office as appropriate.

If you believe that you are being required to act in a way which conflicts with this Code, you should talk to your employing AM or your Party Group office as appropriate. The Members' Business Support team are available as an additional point of contact if required.

¹ This includes Party Group Leader, where applicable.

About the Code of Conduct

1. This Code forms part of your terms and conditions of employment and part of the legal contract between you and your employer (see paragraph 2). It sets out the standards of behaviour expected of you which follow from your position in working for your employer.

Accountability

2. Where directed in this Code, you must seek agreement from your employer. This may be your employing AM or where applicable a nominated senior party officer. Where this is not possible or practical, please seek advice from The Members' Business Support team if required.

Principles

3. You must work and conduct yourself in accordance with the principles² set out below:

- **Selflessness:** You must take decisions solely in terms of the public interest and not use your position and access to elected representatives to gain financial or other material benefit for yourself, family or friends.
- **Integrity:** You must not place yourself under any financial or other obligation to outside individuals or organisations that might influence you in the performance of your duties. You must not deceive or knowingly mislead Assembly Members, their political party, the National Assembly for Wales and its staff or the public.
- **Objectivity:** You must work for your employer to the best of your ability providing sound information and advice.
- **Accountability:** You must be prepared to be accountable to your employer for actions that have a bearing on your role.
- **Openness:** You must be as open as possible about the decisions and actions you take in your day to day work and be prepared to give reasons for your decisions to your employer.

² The Nolan Committee produced the report on Standards in Public Life in May 1995 at the request of the Prime Minister. The Committee investigated standards in British public life and as a result, produced The Seven Principles of Public Life.

- **Honesty:** You must not solicit or accept money, gifts, favours or hospitality from others or any other benefits that might be construed as compromising your integrity.
- **Leadership:** You should promote and uphold these principles by leadership and example in all of your actions that impact on your role.

Rules

4. You will find the conduct rules in the following Sections:
 - **Section 1:** Propriety – general obligations under the Code of Conduct
 - **Section 2:** Confidentiality and official information
 - **Section 3:** Outside occupations and appointments
 - **Section 4:** Engaging with others
 - **Section 5:** Other rules

Breach of conduct rules

5. If you breach any of the conduct rules, or if through negligence on your part the support staff employed by other AMs breach these rules, you may be subject to disciplinary action as laid out in your contract of employment.

Section 1: Propriety – general obligations under the Code of Conduct

6. As an employee, your actions and behaviour may be subject to scrutiny. You should be aware that your actions in both your public and private life might have an adverse impact on your employer, their political party or the National Assembly for Wales. Dishonest and deceitful behaviour in your role may bring your employer, their political party or the National Assembly for Wales into disrepute, as may conduct in your private life which results in a criminal conviction, such as dishonest, threatening or violent behaviour.

7. To ensure your integrity is not called into question, the following is required.

Arrest or conviction on criminal charges

8. You must, as soon as practicable, inform your employer if you are arrested, or convicted of any criminal offence. This does not apply to traffic offences unless the possible penalty includes imprisonment or disqualification from driving. Failure to inform is likely to be considered an act of gross misconduct.

Notification of civil action

9. You must, as soon as practicable, inform your employer if you are notified of civil action towards yourself which has a serious or material bearing on your employment. Failure to inform is likely to be considered an act of gross misconduct.

Improper or Unlawful Conduct or Activity (Criminal or Civil)

10. If you believe you are being required to act in a way which:

- is illegal, improper, or unethical;
- may involve possible maladministration, fraud or misuse of public funds; and/ or
- is otherwise inconsistent with this Code of Conduct for AMSS.

You should raise the matter with your employer in the first instance then where appropriate your Party Group office or with the Members' Business Support Team. You should also draw attention to cases where there is evidence of criminal or unlawful activity by others supporting the Assembly.

11. Where you have followed the above procedure to report a matter, and you believe that any subsequent action does not represent a reasonable response to the grounds of your concern, you should report the matter in writing to the Head of the Members' Business Support team in the first instance and refer to the Public Interest Disclosure Policy (Whistle Blowing Policy) for further guidance.

Bankruptcy and insolvency

12. If you are bankrupt or declared bankrupt by a court of law or enter into an individual voluntary arrangement as an alternative to bankruptcy or insolvency, you must report this fact as soon as practicable to your employer.

Acceptance of money, gifts, rewards and hospitality

13. You must not accept any money, gifts, hospitality, award, decoration, or other benefit from any member of the public or organisation with whom you have been in contact through your position as an AMSS in circumstances where it would compromise your personal integrity or judgment; similarly you should not accept any of the above from those seeking to obtain advantage. This does not apply to isolated gifts of a trivial nature, provided that it is not a regular occurrence. If the refusal of such a gift is likely to cause offence to the giver, you should report the facts immediately to your employer.

14. If you are found to have accepted money, gifts, hospitality, benefit or any other consideration in circumstances where it conflicts with your role as an AMSS, this will be considered to be an act of gross misconduct.

Receipt of fees

15. Any fees received from an outside source must be paid to your employer's staffing allowance, if the payment is for services which form part of your duties as an AMSS. In accordance with section 3 of this Code, you must seek agreement before accepting any outside employment which might affect your work.

Procurement of goods and services

16. Unless you have obtained agreement from your employer, you should not, use public funds to procure goods and services, or to recommend suppliers of goods and services from:

- your immediate family, personal friends and business associates;
- any company or partnership for which your immediate family, personal friends and business associates may work.

17. Where you have agreement, this must be recorded and kept on file.

Section 2: Confidentiality and official information

18. Misuse of confidential information breaches the duty of confidentiality owed your employer, political party and the National Assembly for Wales and will be considered an act of gross misconduct.

19. Whilst information obtained in the course of your employment should be treated as confidential, you should be aware that information which you process may be released to individuals or into the wider public domain in accordance with legislation. You must not make unauthorised use of confidential information either during or after your period of employment. You are required to treat personal information (this applies to all forms of data about an individual, including paper documents, databases and emails) confidentially and in line with the Data Protection Act 1998.

General rules

20. No confidential official information may be disclosed by you without agreement as set out in paragraph 2 above.

21. You must seek agreement from your employer for any activities involving the following that are not undertaken as part of your duties:

- participation in any media broadcast (sound or vision) regarding the business of your employer, political party or the National Assembly for Wales;
- publication or broadcasting of any personal memoirs relating to work carried out for your employer, political party or the National Assembly for Wales;
- dissemination of any information (verbal or written) which is passed to any journalist for publication relating to your employer, political party or the National Assembly for Wales.

22. The above does not preclude representatives of a trade union, elected representatives of AMSS and office holders in political parties as well as candidates for election to political office, from discharging their duties as representatives and/or office holders.

Section 3: Outside occupations and appointments

Outside occupations

23. You must inform employer before accepting any outside employment.

24. It is considered to be beneficial for all concerned that the skills and experience of those working for an AM or political party are able to transfer to the wider community, where it does not create a conflict of interest. However you must seek agreement as set out in paragraph 2 of this Code before accepting any outside employment. You will continue to be bound by the Code of conduct during any period of extended absence. Any AMSS undertaking council duties should refer to the Guidance for Assembly Members in relation to Staff Undertaking Duties as Local Authority Councillors. Most applications submitted under these rules are likely to be agreed without condition.

25. The aim of these rules is to maintain trust in the people who work for AMs and political parties.

26. You may not:

- engage in any occupation or other activity which might in any way conflict with the interests of your employer, political party or the National Assembly for Wales or be inconsistent with your position as an AMSS;
- engage in any outside activity involving payment that uses experience or knowledge acquired during the course of your duties, without obtaining agreement from your employer;
- hold a directorship or undertake executive work in a private company, firm or other organisation or engage in consulting work which has a connection with your employment or is on behalf of a firm or concern which is in contractual relationship with your employer, your employers political party or the National Assembly for Wales, without first obtaining agreement from your employer.

27. In addition, your employer has a duty of care to ensure their employees are not in breach of the Working Time Regulations 1998 (WTR). WTR were introduced to make provisions governing various aspects of working hours and holidays, including limiting the number of hours per week that an employee works. Although the WTR do not contain specific provisions covering employees with more than one job, reg. 4(2) requires employers to take all reasonable steps, in keeping with the need to protect the health and safety of workers, to ensure that workers adhere to the limits set out in the regulations.

Appointments to public boards

28. If you wish to accept an appointment to any public board or body financed wholly or in part from public funds, you must in advance of accepting the appointment, advise your employer.

Section 4: Engaging with others

29. You must treat others with respect. In politics, rival groupings are common, either in formal political parties or more informal alliances. It is expected that each will campaign for their ideas, and they may also seek to discredit the policies and actions of their opponents. Ideas and policies may be robustly criticised, but individuals should not be subject to unreasonable or excessive personal attack. This applies when using social media and posting on the internet, more information is available in the ICT Security and Usage Rules.

30. Whilst it is acknowledged that some members of the public can make unreasonable demands you should, as far as possible, treat the public courteously and with consideration. Rude and offensive behaviour lowers the public's expectations and confidence in its elected AMs.

Section 5: Other rules

31. You must not bring your employer, your employer's political party or the National Assembly for Wales into disrepute.

Compromising the impartiality of employees of the National Assembly for Wales Commission and the Welsh Government

32. You must not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the National Assembly for Wales Commission or Welsh Government. You should not approach or pressure anyone who is employed by the National Assembly for Wales Commission or Welsh Government to carry out their duties in a biased or partisan way. They must be neutral and should not be coerced or persuaded to act in a way that would undermine their neutrality. For example, you should not get staff of the National Assembly for Wales Commission or Welsh Government to help you prepare party political material. You should not provide or offer any incentive or reward in return for acting in a particular way or reaching a particular decision.

33. Although you can robustly question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written, you must not apply undue pressure in an attempt to force them to act differently, change their advice, or alter the content of that report. This does not prevent Trade Union Representatives or elected representatives of AMSS from pursuing their role as staff representatives.

Use of Resources

34. You must only use publicly funded resources in accordance with the legitimate requirements of your employer. You must be familiar with the rules set out in the appropriate Determination and guidance applying to the use of these resources. Failure to comply with the Assembly's rules is likely to amount to a breach of the Code of Conduct.

Signature of Acceptance

I confirm that I have read the National Assembly for Wales Code of Conduct and accept the terms and conditions specified therein.

Support Staff Details

Name:

Signature:

Date:

Members' Business Support Official use only

Name:

Signature:

Date:
