



Heating Costs

10 November 2022

Request for Information.

Thank you for your request received on 14 October in which you asked:

- 1. Can you please provide information on the cost of supporting AM's and all support staff of both the Senedd and the Commission who remain working or partially working from home? And the basis of those costs / subsidy.*
- 2. Have any of the unused / little used office spaces for both the Senedd & Commission been 'mothballed' to reduce running costs?*
- 3. Minutes where discussion has taken place about returning to the office for the mental well-being of staff and to minimise staff costs. (please include both the Senedd & the Commission)*

Please see our response below.

- 1. Can you please provide information on the cost of supporting AM's and all support staff of both the Senedd and the Commission who remain working or partially working from home? And the basis of those costs / subsidy.*

A homeworking allowance fund was set up in April 2020 by the Remuneration Board for staff of Members of the Senedd. This is detailed in the Board's [annual report 2021-22](#) (paragraph 2.5.3). The table below lists the total amount claimed by Members this financial year. Please note that not all Members of the Senedd have made claims under the allowance.

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Bae Caerdydd
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Information-request@senedd.wales

Period	Amount
April 2022	£ 1,512.17
May 2022	£ 1,252.99
June 2022	£ 928.15
July 2022	£ 1,495.99
August 2022	£ 859.55
Total	£ 6,048.85

No payments have been made to Commission staff who work from their homes. Instead Commission staff have been signposted to the following UK government webpage:

[Claim tax relief for your job expenses: Working from home - GOV.UK \(www.gov.uk\)](https://www.gov.uk/claim-tax-relief-for-your-job-expenses-working-from-home)

- 2. Have any of the unused / little used office spaces for both the Senedd & Commission been 'mothballed' to reduce running costs?*

No office space has been 'mothballed'; as such we hold no recorded information in relation to this part of your request.

- 3. Minutes where discussion has taken place about returning to the office for the mental well-being of staff and to minimise staff costs. (please include both the Senedd & the Commission)*

Please find our response to your question below.

Commission minutes

Meeting date and link to minutes published on our website
<u>20 June 2022 Minutes</u>
<u>9 May 2022 Minutes</u>
<u>13 December 2021 Minutes</u>
<u>15 March 2021 Minutes</u>
<u>8 February 2021 Minutes</u>
<u>2 November 2020 Minutes</u>
<u>4 May 2020 Minutes</u>
<u>16 March 2020 Minutes</u>

As this information is already available, your request is subject to section 21 of the Freedom of Information Act 2000 (FOIA) which exempts information that is already reasonably accessible by other means.

Executive Board	
Meeting Date	Extract from minutes
25 March 2022	<p>Monthly HR Report</p> <p>The absence levels were up, with long-term mental health issues remaining the key factor. Additional mental health support provisions and potential activities on site were discussed.</p>
Leadership Team	
Meeting Date	Extract from minutes
29 Sept 2022	<p>Wow update and Resource Management Review</p> <p>The matter of limited space being available for staff to work versus the potential increase of those wanting to work from the office with rising home energy costs would be discussed with the trade union side.</p>
28 Apr 2022	<p>Draft Sustainability Annual Report</p> <p>...A target was to put a carbon footprint on the impact of agile working and cost of heating homes, and continue to provide advice to staff.</p> <p>...Leadership Team recommended including the wellbeing benefits of sustainable changes made to the working environment.</p>
27 May 2021	<p>Futures Report</p> <ul style="list-style-type: none"> • address concerns of staff who wish to work from the office and new staff that have no context for office working; • be clear that 'flexible working' was working differently in a way that suited business, improved outreach opportunities, recruitment and retention of good staff, and flexible hours/locations to support staff wellbeing;
6 Nov 2020	<p>General update on pandemic</p> <p>Heads were reminded that staff should be registered in advance if they need to be on the estate, with a risk assessment for those who had not come in before.</p> <p>Staff engagement network</p>

	xx and xx attended to share the staff network proposals to improve social engagement. It was recognised that the priority was business, but this would support the mental wellbeing of staff.
16 July 2020	Reflections on Lockdown / Hybrid and confirmation of Recess arrangements Need for caution in prioritising mental health as reason to return to estate, with legislation unclear on this. A case-by-case assessment to exercise caution was proposed, but need for consistent line with staff was emphasised.
18 June 2020	Return to the Estate – Workforce Planning ...Staff wellbeing was also considered, and the importance of social reasons for people to return to the estate... ...The appetite amongst MSs and their support staff for a return to the estate was discussed. Many are cautious and there is little pressure from that quarter.

A small amount of information captured has been redacted (using xx) because it comprises personal data that is exempt from disclosure under the 'personal information' exemption in section 40(2) of the FOIA. This exemption applies where the requested information constitutes personal data and disclosure would contravene any of the data protection principles set out in the United Kingdom General Data Protection Regulation (UK GDPR).

Further reasoning to this exemption is included in the [Annex](#) to this letter.

Yours sincerely

Buddug Saer
Freedom of Information Manager
Welsh Parliament

Your request has been considered according to the principles set out in the **Code of Practice on Public Access to Information**. If you have any questions regarding this response please contact me. If you feel you have cause for complaint, please follow the guidance below.

Cause for concern or complaint with your FOI response?

If you are dissatisfied with the Welsh Parliament's handling of your request, you can request an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Freedom of Information Manager at:

Information-request@senedd.wales or in writing to

Welsh Parliament

Governance and Assurance

Cardiff Bay

Cardiff

CF99 1SN

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information

Commissioner can be contacted at:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Annex

Section 40 FOIA: disclosure of personal data would be in breach of the UK GDPR

The definition of personal data is set out in Article 4 of the UK GDPR, being:

“any information relating to an identified or identifiable person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person”.

Personal information is exempt from disclosure under section 40(2) and section 40(3A)(a) of the FOIA where disclosure would contravene one or more of the data protection principles set out in the UK GDPR. The principle relevant on this occasion is the first data protection principle.

The first data protection principle, as set out in Article 5 of the UK GDPR, states that:

“Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency')”.

In addressing whether disclosure would be fair, we have considered the consequences of disclosure, the reasonable expectations of the persons concerned and the balance between their rights and any legitimate interest in disclosure. Our conclusion is that disclosure would be unfair. The two Senedd Commission employees who attended the meeting do not hold senior roles and attended to impart information only to the Leadership Team. Whilst they have an expectation of their names being captured in minutes and other internal communications for limited purposes, they have no expectation of their details being disclosed more widely, such as through a response to a freedom of information request.

Notwithstanding my view as to fairness, we went on to consider Article 6 of the UK GDPR.

None of the legal bases in Article 6 is relevant other than Article 6(1)(f), which allows the processing of personal data if:

“processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.”

This condition involves a three-part test:

- there must be a legitimate public interest in disclosing the information;
- the disclosure must be necessary to meet that public interest; and
- the disclosure must not override the interests, fundamental rights or freedoms of the data subjects.

We have given careful consideration to the relevant interests which include: the Commission’s obligations under the UK GDPR and the Data Protection Act 2018; your right to access this information; the individuals’ concerned and their right to privacy; and the public interest in this information being disclosed. In our view, the information provided in its redacted form is a balanced way of meeting the public interest, whilst ensuring the interests, fundamental rights or freedoms of individuals are not jeopardised.