



Proposed amendments to Standing Orders in relation to employment of family members by Assembly Members

Purpose

1. The Business Committee has considered and approved the attached Standing Order 31A and a consequential amendment to Standing Order 16 (Annex A).
2. The draft Standing Order has been considered and agreed by the Assembly Commission, in consultation with the Committee on Standards of Conduct and all Assembly Members.
3. Standing Order 31A requires Assembly Members to disclose details of the employment of family members with the support of Commission funds. The amendment to Standing Order 16 enables the Committee on Standards of Conduct to investigate, report on and, if appropriate, recommend any action in respect of any complaint referred to it by the Commissioner for Standards that a member has not complied with the new Standing Order.
4. It is proposed that the changes will take effect three weeks after the Assembly's approval, in order to allow those Members currently employing family members to submit notifications before Standing Order 31A comes into force.
5. The Committee on Standards of Conduct has also agreed the attached Guidance to Members on the Recording of the Employment of Family Members.

Proposal

6. The Business Committee agreed the changes to Standing Orders on 27 April 2010 and the Assembly is invited to approve the proposal and note the guidance for Assembly Members.

STANDING ORDER 31A – Recording of the Employment of Family Members with the support of Commission funds.

[Note: a requirement for notification under this Standing Order is in addition to any requirement to register the employment of a Member’s partner or dependent child under Standing Order 31. Where Standing Order 31 requires a Member to register the employment of a spouse or dependant child under that Standing Order, the Member must do that in addition to any notification required under this Standing Order.]

31A.1 A Member who at any time, with the support of Commission funds, employs, either directly or indirectly, a person whom that Member knows to be a family member of that Member or of another Member must, no later than the date specified in Standing Order 31A.4, make a notification under this Standing Order.

31A.2 In this Standing Order:

(i) “family member” means:

- (a) a partner of a Member;
- (b) a child or grand-child of a Member;
- (c) a parent or grand-parent of a Member;
- (d) a brother or sister of a Member;
- (e) a nephew or niece of a Member; or
- (f) an uncle or aunt of a Member.

(ii) “partner” means a spouse, civil partner or one of a couple whether of the same sex or of the opposite sex who although not married to each other are living together and treat each other as spouses.

(iii) the expressions “child”, “grand-child”, “parent”, “grand-parent” “brother”, “sister”, “uncle” and “aunt” apply equally to half-, step-, foster- and adoptive relationships and also apply to persons having the relationship in question to the partner of the Member;

(iv) “Commission funds” means amounts paid by the Commission by way of allowances under Standing Order 1.7.

31A.3 The notification required by this Standing Order must include the following information:

- (i) the Member’s name;

- (ii) if the employee is a family member of another Member or Members, the name of that other Member or of those other Members;
- (iii) the full name of the employee;
- (iv) the relationship of the employee to the Member (or, where appropriate, to the Member or Members referred to in (ii));
- (v) the capacity in which the employee is employed, including any job title;
- (vi) the date on which the employment commenced;
- (vii) if the employment has ceased, the date on which it ceased; and
- (viii) the hours which the employee is contracted to work each week.

31A.4 Notification must be made:

- a) within eight weeks of the date on which the Member takes the oath or affirmation of allegiance, or
- b) within four weeks of:
 - i) the first occasion on which the family member receives a payment with the support of Commission funds,
 - ii) the date on which the employee becomes a family member of that Member or of another Member, or
 - iii) the date when the Member first becomes aware of the fact that the employee is a family member of that Member or of another Member,

whichever is the later.

31A.5 If:

- (a) notification has been given under this Standing Order; and
- (b) there has been any change to the information which was included in that notification;

the Member must, within four weeks of the date on which that change took place, make notification of that change.

31A.6 Notification under SO 31A.1 or under SO 31A.5 must be given by completing and signing the form prescribed by the Presiding Officer for the purpose and delivering it to the Table Office.

31A.7 The Presiding Officer must maintain a record of the notifications made by Members under this Standing Order and must publish the record and make a copy available for inspection in person by Members and by the public.

31A 8 Members are under a continuing duty to ensure, by inspecting the record of notifications from time to time, that it correctly contains the particulars notified by them under Standing Orders 31A.1 or 31A.5.

STANDING ORDER 16 – Committee on Standards of Conduct

Title and Terms of Reference

16.1 There is to be a Committee on Standards of Conduct, which must:

- (i) investigate, report on and, if appropriate, recommend action in respect of any complaint referred to it by the Commissioner for Standards that a Member has not complied with:
 - (a) Standing Order 31;
 - (b) any Assembly resolution relating to the financial or other interests of Members;
 - (c) Standing Order 32;
 - (d) any Assembly resolution relating to Members' standards of conduct; ~~or~~
 - (e) any code or protocol made under Standing Order 1.13 and in accordance with section 36(6) of the Act; or
 - (f) Standing Order 31A