

Tenth Report to the Sixth Senedd Under Standing Order 22.9

May 2024



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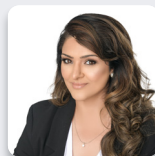
About the Committee

The Committee was established on 23 June 2021. Its remit can be found at:
www.senedd.wales/SeneddStandards

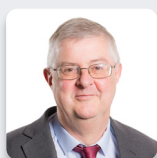
Current Committee membership:



**Committee Chair:
Vikki Howells MS**
Welsh Labour



Natasha Asghar MS
Welsh Conservatives



Mark Drakeford MS *
Welsh Labour



Peredur Owen Griffiths MS
Plaid Cymru

* Did not participate in any of the considerations of the complaint.

The following Member was also a member of the Committee during this inquiry:



John Griffiths MS
Welsh Labour

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1. Introduction

1. The terms of reference of the Standards of Conduct Committee (“the Committee”) are set out in Standing Order 22¹. In accordance with the functions set out in Standing Order 22.2, the Committee must:

“investigate, report on and, if appropriate, recommend action in respect of any complaint referred to it by the Commissioner for Standards.”²

2. This report is made to the Senedd under Standing Order 22.9 and paragraph 8.23 of the Procedure for Dealing with Complaints against Members of the Senedd (“the Procedure”)³ in relation to a complaint made to the Commissioner for Standards (“the Commissioner”).

¹ Standing Orders

² Standing Order 22.2(i)

³ The Senedd’s Procedure for Dealing with Complaints Against Members of the Senedd

2. Consideration of the Complaint

- 3.** The Commissioner received a complaint in relation to a Member's conduct at a public meeting.
- 4.** The Complainant asserted that the Member and a member of her support staff shouted at her and "called her names" and in doing so the Member had breached Rule 6 of the Code of Conduct (duty not to subject anyone to a personal attack).
- 5.** The Commissioner contacted the police in October 2023 on receipt of the complaint to ensure there was no ongoing investigation in relation to this matter.
- 6.** The Committee met on 15 April 2024 to consider the Commissioner's report and reach its conclusion in respect of this complaint.
- 7.** The Committee has included the relevant parts of the Commissioner's report within this report to protect the anonymity of those involved in this complaint in accordance with the procedure.
- 8.** This report sets out the details of the complaint and the Committee's deliberations in arriving at its decision.
- 9.** A copy of this report has been provided to the Member concerned and the Complainant.

3. Committee's Consideration of its Decision

10. The Committee considered whether the Member was in breach of Standing Order 22.2(i).

11. In considering whether a breach took place, the Committee reviewed the findings of the Commissioner as set out in his report.

12. The Committee noted the representations made by the Complainant that there were areas of the Commissioner's report that she did not consider to be factually accurate. The Committee referred the comments to the Commissioner, who explained that he did not receive any representations from the Complainant when he sought confirmation of the facts. He also confirmed that the comments submitted would not have altered his findings.

13. The Commissioner's report set out that:

- i. Some weeks prior to [the date of the public meeting], the Complainant posted on Facebook offensive comments about the Member and her staff including her Office Manager who [was related to] the Complainant[].
- ii. Prior to that, the Complainant sent the Member a number of inappropriate texts in an attempt to persuade her to terminate her [Office Manager]'s employment.
- iii. On 25 September a public meeting was held in the [name of public hall] to discuss two traffic issues in the town.
- iv. Approximately 50 people attended including a number of Councillors, the police, representatives of the Council and the local Member of the Senedd, who was accompanied by one of her staff, [name redacted]. The Complainant was also present.
- v. The meeting, which was chaired by [name redacted], passed off without incident. After it ended some of those present left immediately whilst others remained in the hall chatting to friends and acquaintances or gathering up their papers.
- vi. The Complainant, who during the meeting had been some distance from the Member, moved towards her and her staff member.

- vii. When she was close to him, the staff member thanked the Complainant for what she had posted on Facebook about the Member and her staff. The staff member did not raise his voice when making his comment.
- viii. The Complainant immediately started shouting that she was being harassed.
- ix. She quickly went to the Chair waving her arms and continuing to shout that she was being harassed and asking where the police had gone.
- x. The police had left the hall when the meeting ended.
- xi. The Member followed the Complainant towards the Chair. The Member asked her to calm down and told her that it was silly asking for the police and it was childish to post offensive comments on Facebook. The Member raised their voice when addressing the Complainant to make herself heard above the Complainant's shouting.
- xii. At no time did the Member shout at the Complainant or do or say anything that could reasonably be regarded as harassment.
- xiii. Other than the thanking the Complainant for her Facebook posts, the staff member said nothing to the Complainant. At no time did he shout at the Complainant or do or say anything that could reasonably be regarded as harassment.
- xiv. The Complainant was distressed by what she has asserted happened at the meeting. The next day reported the matter to the police. She was advised that the correct way for her to proceed would be to report the matter formally through the Senedd's complaints process as the alleged incident was not a policing matter as no crime had been committed.
- xv. The Complainant submitted her complaint later that day.

14. The Commissioner concluded that:

"The accounts given by the Complainant on the one hand and by the Member, her staff member and the Chair, [name redacted] on the other cannot be reconciled. Even if the Complainant had not been deemed to have accepted all my findings of fact, I would have preferred the account of the Member and that of the other two witnesses to that of the Complainant. The Complainant had evinced ill-will towards the Member and her staff and in particular towards [the Member's

Office Manager]. The undoubtedly unwise sarcastic comment by [the Member of Support Staff] would appear to have triggered the Complainant's outburst which the Chair described as 'hysterical.' Despite alleging that the Member was calling her names, the Complainant was unable to recall any of the language which she alleges was used other than that the Member repeatedly called her a liar –something she did not mention either in her complaint or in her very detailed further information document. It may be that the Complainant believes that the Member was shouting abuse at her, but if that is so I am satisfied that her belief is mistaken. Whilst there were, as would be expected, minor differences between the accounts of the Member, [the Member of Support Staff] and the Chair I am satisfied that neither the Member nor [the Member of Support Staff] shouted at her or used abusive language towards her or do anything which amounted to a breach of any relevant provision.

Having considered the information available and all the representations, the Committee agreed with the conclusion of the Commissioner that there was no breach of the Code of Conduct.