

Complaints Made to the Welsh Assembly Government and National Assembly for Wales

08 April 2011

Dear

Request for Information.

Thank you for your requests which were transferred to the National Assembly from the Welsh Government on 10 February, and in which you asked for,

- 1. The number of complaints made to the Welsh Assembly Government and National Assembly for Wales against Karen Sinclair AM between 1999-2005 and 2005 to 2011.*
- 2. The dates of any complaints made.*
- 3. Whether the complaints were upheld and if so what action was taken as a result of these complaints.*

Firstly, I should like to apologise for the delay in responding to your request. As part of our enquiries in dealing with your request, we had to consider the official status of information held by the Commissioner for Standards in the two periods prior to, and after, the establishment of the Commissioner as an independent, statutory appointment. This has taken some time to establish and I have set out the position below to give you the background to our consideration and decision.

All complaints against Assembly Members are now considered by the National Assembly for Wales Commissioner for Standards, appointed under the National Assembly for Wales Commissioner for Standards Measure 2009. The Commissioner is an independent person appointed by the National Assembly for Wales, and is responsible for investigating complaints made against Members. Complaints upheld by the Commissioner for Standards, are referred to the Committee on Standards of Conduct which considers whether the complaint should be upheld or dismissed by them.

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Croesewir gohebiaeth yn y Gymraeg a'r Saesneg/We welcome correspondence in both English and Welsh

If a complaint is upheld the Committee considers what sanction against the member is appropriate. The Committee then reports its conclusions to the Assembly which decides in plenary whether to endorse them. Initial investigations of complaints, and consideration by the Committee of complaints reported to the Committee by the Commissioner, take place in private. If a complaint is upheld by both the Commissioner and the Committee, their reports are then made public. You can view the web pages for the Committee on Standards of Conduct here <http://www.assemblywales.org/bus-home/bus-committees/bus-committees-other-committees/bus-committees-third-std-home.htm>.

There is no record of any complaint against the Assembly Member in question having been upheld (or even considered) either by the Assembly or the Committee on Standards of Conduct.

However, all records relating to initial investigations of complaints against Assembly Members (including those rejected by the Commissioner and which are therefore not the subject of reports to the Committee or the Assembly), whether made before or after his appointment on 17 November 2010, have now been transferred to the Commissioner. The National Assembly for Wales Commission therefore no longer holds any records in relation to complaints other than those relating to complaints upheld by the Commissioner.

In relation to such complaints, you should be aware that the Commissioner is himself subject to the Freedom of Information Act 2000 and you may make a request for information to him at the following address;

National Assembly for Wales Commissioner for Standards
National Assembly for Wales
Cardiff Bay
CF99 1NA

Alternatively if you would like me to transfer your request to the Commissioner I can do so.

As an independent public authority the Commissioner would of course be required to consider your request, and any relevant exemptions to the duty to provide information, in accordance with the provisions of the Act. I cannot comment therefore on how the Commissioner is likely to respond to your request.

You can find more information about the work of the Commissioner for Standards on the Assembly's website, <http://www.assemblywales.org/memhome/mem-commissioner-standards/mem-the-commissioner.htm>.

Your request has been considered according to the principles set out in the Code of Practice on Public Access to Information. The code is published on our website at <http://www.assemblywales.org/abthome/abt-foi/abt-foi-cop-pub.htm>. If you have any questions regarding this response please contact me.

If you believe that we have not applied the Code correctly or have not followed the relevant laws, you may make a formal complaint to the Chief Executive and Clerk at the National Assembly for Wales, Cardiff Bay. Details of the Assembly's complaints principles are set out in the Code of Practice on Complaints available on the Internet at <http://www.assemblywales.org/conhome/con-complaint.htm> ; please advise me if you wish to receive a printed copy.

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

Yours sincerely

Alison Rutherford
Access to Information Coordinator
National Assembly for Wales