

National Assembly for Wales
Committee on Standards of Conduct

Annual Report

May 2010



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

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Committee on Standards and Conduct

The Committee on Standards of Conduct's remit is to ensure that proper standards of conduct are upheld by Members of the Assembly.

Powers

The Committee has in broad terms five main functions:

- to investigate, report on and, if appropriate, recommend action in respect of any complaint referred to it by the Commissioner of Standards;
- to consider any matters of principle relating to the conduct of Members generally;
- to supervise the arrangements for the compilation, maintenance and accessibility of the Register of Members' Interests and the Record of Membership of Societies and the form and content of the Register and the Record;
- to present an annual report to the Assembly regarding complaints made under Standing Order 16 and on its conclusions in respect of ethical standards in the conduct of the Assembly's business;
- to establish and lay before the Assembly procedures for the investigation of complaints under Standing Order 16.1(i).

The Committee was established on 26 June 2007 as one of the Assembly's committees.

Committee Membership



Jeff Cuthbert
(Chair)
Caerphilly
Labour



Chris Franks
South Wales Central
Plaid Cymru



Jenny Randerson
Cardiff Central
Welsh Liberal Democrat



Brynle Williams
North Wales
Welsh Conservative Party

Introduction

1. The functions of the Committee on Standards of Conduct are set out in Standing Order 16 (Annex 1). In particular the Committee is responsible for investigating, reporting on and, if appropriate, recommending action in respect of any complaint referred to it by the Commissioner for Standards in relation to a Member not complying with the matters set out in Standing Order 16.1(i).
2. Standing Order 16.1(iv) requires the Committee on Standards of Conduct to present an annual report to the Assembly on the complaints made under Standing Order 16.1(i) and the action taken in consequence, and on its conclusions in respect of ethical standards in the conduct of the Assembly's business. This report covers the period since the election in May 2007, after which the present Committee was formed, to the end of March 2010.

Complaints Procedure

3. The Committee on Standards of Conduct has agreed a procedure under which, when a complaint is received, it is first investigated by the Assembly's Commissioner for Standards. In the event that the Commissioner finds there is sufficient substance to justify further investigation, (ie the complaint is 'admissible') he then establishes the facts of the matter and reports to the Committee on Standards of Conduct.

Complaints received

4. In the period of this report the Commissioner on Standards of Conduct has not referred any complaints to the Committee on Standards of Conduct. The Committee understands that some cases are under consideration by the Commissioner and we are awaiting further information.
5. While any complaint is a cause of concern, the Committee considers that the lack of admissible complaints to date indicates that

Members' ethical standards in the conduct of the Assembly's business SO16.1(iv) is a matter that is taken very seriously by Members.

Other activities of the Committee

6. In the course of the period from the election in May 2007 to 31 March 2010 the Committee on Standards of Conduct formally met 10 times. Its main business has been to advise and oversee procedures in relation to monitoring and maintaining ethical standards in the conduct of the Assembly's business.

7. In particular it has:

- reviewed and advised on the Code of Conduct for Assembly Members;
- reviewed and revised the National Assembly for Wales Procedure for dealing with Complaints against Assembly Members;
- drafted, as required under Standing Order 1.13, a code or protocol about the different roles and responsibilities of Constituency Members and Regional Members.

8. The Committee has also

- considered and advised on recording the employment of family members by Assembly Members and prepared guidance for Members on this;
- considered and advised on the use of blog sites by Members;
- discussed the National Assembly for Wales Ministerial Code;
- submitted written evidence to the Northern Ireland Committee on Standards and Privileges in relation to its review of its Assembly's Code of Conduct together with the Rules to the Guide Relating to the Conduct of Members;

submitted written and oral evidence to the Northern Ireland Committee on Standards and Privileges in relation to its inquiry on the appointment of an Assembly Commissioner for Standards, on maintaining the Code of Conduct and on handling alleged breaches in relation to it.

National Assembly for Wales Commissioner for Standards Measure 2009

9. The Committee considered the status of the Commissioner for Standards in light of the recommendations made in the Woodhouse Report 2002 and the impact of the Government of Wales Act 2006. It concluded that it should prepare and propose a Committee-led Measure to create a statutory post of Commissioner for Standards.

10. In June 2008, the Committee initiated a consultation exercise on the principles underpinning the proposed Measure. A further consultation was undertaken during November-December 2008 on the detail contained within the proposed draft Measure. On 25 March 2009, the proposed Measure and Explanatory Memorandum were laid before the Assembly.

11. The key aim of the Measure is to ensure:

- that the commissioner for standards is able to promote high standards in public life among Assembly Members;
- that the commissioner has the powers to enable him or her to investigate complaints rigorously; and;
- that the commissioner is, and is seen to be, totally independent of the Assembly and, therefore, able to act with complete objectivity.

12. These are all of great significance to the ability of the people of Wales to have confidence in their elected representatives and the Measure enshrines the powers and independence of the Assembly's Commissioner for Standards in law. Further information on the measure and the processes through which it was approved are at: <http://www.assemblywales.org/bus-home/bus-legislation/bus-leg-measures/bus-legislation-meas-cs.htm>

13. Following completion of the Assembly's procedures, the Measure received Royal assent on 9 December 2009.

Planned future work

14. The Committee will shortly be considering guidance and a possible amendment to Standing Orders to give effect to recommendation 15 of 'Getting it Right for Wales' the report of the National Assembly for Wales Independent Review Panel which undertook a review of the current arrangements for the financial support of Assembly Members. Recommendation 15 says: *In addition to recording information on other employment on the Register of Interests, Assembly Members should also be required to detail the time involved in this additional employment.*

15. The next action following the passing of the National Assembly for Wales Commissioner for Standards Measure will be for the Assembly to appoint a Commissioner for Standards. When this process is complete the Standards Committee intends to review the AM Code of Conduct and the Procedure for Dealing with Complaints, to make sure that they remain consistent with the creation of the office of Commissioner.

Jeff Cuthbert

Chair, Committee on Standards of Conduct

Annex 1

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;

(ii) consider any matters of principle relating to the conduct of Members generally;

(iii) supervise the arrangements for the compilation, maintenance and accessibility of the Register of Members' Interests and the Record of Membership of Societies and the form and content of the Register and the Record;

(iv) present an annual report to the Assembly on the complaints made under Standing Order 16.1(i), and the action taken in consequence, and on its conclusions in respect of ethical standards in the conduct of the Assembly's business; and

(v) establish and lay before the Assembly procedures for the investigation of complaints under Standing Order 16.1(i).

Membership

- 16.2 The Presiding Officer must not be a member of the Committee, but is entitled to submit papers to it for the purpose of drawing to its attention such considerations as he or she considers appropriate.
- 16.3 Subject to Standing Order 16.4, Standing Order 10.42 shall not apply to the Committee on Standards of Conduct.
- 16.4 Where a member of the Committee is subject to a complaint under Standing Order 16.1(i), he or she may take no part in any consideration of the complaint by the Committee. In such circumstances and in relation solely to the consideration of the complaint concerned, another Member from the same political group, who has been nominated in advance by the leader of that group, may replace that member. The nominated Member may participate in the meetings of the Committee to consider the complaint as if he or she were a member of it. No Member may replace more than one Committee member at a meeting.

Meetings

- 16.5 The Committee must meet as soon as possible after a complaint has been referred to it by the Commissioner for Standards; and at other times as convened by the chair.
- 16.6 The Committee may meet in public or in private, but when deliberating upon a complaint, the Committee must meet in private unless it resolves otherwise.
- 16.7 Any Member who is the subject of an investigation by the Committee must be permitted to make oral or written representations to it and may be accompanied at oral hearings by another person (who may participate in the proceedings with the permission of the chair, but may not vote).

Reports

- 16.8 If the Committee has investigated a complaint referred to it by the Commissioner for Standards, it must report to the Assembly as soon as possible after completion of the investigation.
- 16.9 A report under Standing Order 16.8 may include a recommendation to censure a Member for failing to comply with any of the matters encompassed within Standing Order 16.1(i).
- 16.10 If a motion to consider a report under Standing Order 16.8 is tabled by a member of the Committee, time must be made available as soon as possible for the motion to be debated. No amendment may be tabled to such a motion.