

Agenda – Y Pwyllgor Safonau Ymddygiad

Lleoliad: I gael rhagor o wybodaeth cysylltwch a:
Fideogynhadledd drwy Zoom Meriel Singleton
Dyddiad: Dydd Llun, 11 Mawrth 2024 Clerc y Pwyllgor
Amser: 09.30 0300 200 6565
SeneddSafonau@senedd.cymru

- 1 **Cyflwyniad, ymddiheuriadau a dirprwyon**

- 2 **Urddas a Pharch**
(9.30 – 10.15) (Tudalennau 1 – 4)

- 3 **Trafod adroddiad gan y Comisiynydd Safonau yn unol â Rheol Sefydlog 22.2(i)**
(10.15 – 10.20) (Tudalennau 5 – 8)

- 4 **Trafod adroddiad gan y Comisiynydd Safonau yn unol â Rheol Sefydlog 22.2(i)**
(10.20 – 10.25) (Tudalennau 9 – 12)

- 5 **Trafod adroddiad gan y Comisiynydd Safonau yn unol â Rheol Sefydlog 22.2(i)**
(10.25 – 10.30) (Tudalennau 13 – 17)

- 6 **Trafod adroddiad gan y Comisiynydd Safonau yn unol â Rheol Sefydlog 22.2(i)**
(10.30 – 10.35) (Tudalennau 18 – 19)

- 7 **Trafod adroddiad gan y Comisiynydd Safonau yn unol â Rheol Sefydlog 22.2(i)**
(10.25 – 11.00)



To: Standards of Conduct Committee

From: Secretariat

Date: February 2024

Inquiry into Dignity and Respect - Consultation responses key points

Purpose

1. The Committee agreed to undertake an inquiry into dignity and respect, to review the progress made in this area, ensure the conversation continues and consider whether further steps could be taken.
2. The consultation ran from 16 November 2023 to 22 January 2024, and there were 9 responses. This paper outlines some of the common themes from the responses.

Common themes

3. Four themes came up in the majority of responses:
 - There should be an Independent body investigating complaints;
 - There should be a different procedure or independent investigator in cases of sexual harassment;
 - The 6 month time cap on raising complaints should be extended; and
 - The process should be made clearer.

Independent body

4. A majority of respondents supported the setting up of an independent body, either to investigate all complaints or only those relating to dignity and respect. FDA suggested that the Senedd should follow the House of Commons by introducing an Independent Expert Panel. Deryn and the Plaid Cymru Group both expressed support for an independent process for allegations of sexual harassment. Plaid also suggested that the Independent Complaints and Grievance Service in Westminster should be considered as a possible template.
5. Unite and Welsh Labour expressed their support for an independent complaints system. Race Council Cymru (RCC) suggested an independent body would make people feel more comfortable making dignity and respect-related complaints about Members or someone working on the Senedd estate.

Procedure for cases of sexual harassment

6. The Plaid Cymru group, Deryn and Welsh Labour suggested a different process in cases of sexual harassment. Plaid and Deryn both stated that there should be a distinct complaints process for sexual harassment and Deryn and Welsh Labour thought that external expertise should be used more in those sorts of cases.
7. FDA suggested that the Senedd should “introduce proposals for a risk based exclusion policy for Members who are subject to serious allegations relating to a violent or sexual offence.”

Timescales

8. Multiple respondents thought that the six month time cap for making complaints should be extended back to the previous 12 month cap. Deryn thought that this change had made it more difficult for complainants to come forward, and FDA thought that this and the inability to make complaints against former MSs could incentivise running down the clock. The Plaid Cymru group thought that as well as extending the cap back to 12 months, the Commissioner for Standards should be clear about the extent of his discretion regarding consideration of complaints outside this window.
9. Welsh Labour commented that the time taken to investigate and report on complaints needed to be improved, and thought that clear timetables would help maintain confidence and deter attempts to ‘game the system’ by causing unnecessary delays.

Clarity

10. Most respondents highlighted a lack of clarity in the current guidance around making complaints. FDA state that the process to find a complaint admissible is unclear and that this may deter their members from making a complaint. Unite state that support staff are not clear about the steps to take, what support is available from the Senedd or where to start looking for information regarding complaints. Both the Plaid Cymru group and the Plaid PCS branch responses highlight the number of different routes which can be taken and the difficulty in knowing which one is the most appropriate.
11. RCC recommended that the guidance be made clearer, language used should be simple and an infographic or short video should be used. They also recommended that the video should be translated into multiple languages. The Equality and Human Rights Commission (EHRC) highlighted their concern at the lack of supporting policies and guidance, and suggested that “specific reference is made to the fact that discrimination and harassment is unlawful under the Equality Act 2010.”

Other suggestions

12. Both Deryn and the Plaid Cymru group suggested a wholesale review of how complaints and in particular sexual harassment are dealt with. They both thought that the review should be carried out by an external expert. Welsh Labour suggested a review of the appeals process and FDA suggested that the lack of a fully independent appeals process would lead to accusations of unfair treatment and not maintain trust and confidence in the system.
13. Deryn and the Plaid Cymru group both suggested that the Commissioner should be able to make public which Members are under investigation for an admissible complaint.
14. The EHRC suggested that there should be a mechanism for a referral to be made to the Commissioner for Standards so that he can investigate in situations where the Llywydd has not referred the matter.
15. Welsh Labour commented that they did not think robust responses on social media should be dealt with in the same way as serious behavioural issues.
16. Welsh Labour highlighted the use of non-disclosure agreements as something that warranted further discussion.
17. Deryn highlighted the fact that there is no mechanism to remove a Member who has been placed on the sex offenders register whilst they are a Member, and suggested that this forms part of the discussion in relation to the ability to remove Members from office under the new electoral system.
18. The Scottish Ethical Standards Commissioner suggested an optional feedback questionnaire at the end of an investigation. RCC also suggested that people would be more likely to raise concerns if there was regular information given on the actions that have been taken in response to concerns.
19. FDA suggested the introduction of a helpline for complaints, as well as training for those investigating complaints. They also suggested ensuring that multiple complaints against the same Member are easily identified. The Plaid Cymru Group also suggested that previous complaints of a similar nature should be considered against the subject of complaint.

20. The Plaid Cymru group highlighted that the Commissioner's office should be able to proactively offer a gender balanced service, and that the Commissioner should ensure that those giving evidence are able to do so in their language of choice and with simultaneous interpretation provided whenever necessary.
21. The Plaid Cymru group also suggested that the Committee consider the role of Members as employers and whether the HR aspects of that role should sit elsewhere completely.

From: Douglas Bain

12 February 2024

Standards of Conduct Committee

Recommendation to use Rectification Procedure – Lynne Neagle MS

Pursuant to paragraph 7.6 of the Procedure, I minute to recommend to the Committee that I should not continue my investigation of an admitted breach of Standing Order 17.24A by Lynne Neagle.

In September 2023 Mr Roberts submitted a complaint to me about the alleged misconduct of Ms Neagle. As the conduct complained of was either in plenary or in Committee, I advised him that I could not consider his complaint unless the Llywydd referred it to me for investigation.

In October 2023 Mr Roberts complained to the Llywydd about four instances of alleged misconduct by Lynne Neagle in 2019 and 2020. Two were of alleged failure to declare a relevant interest before taking part in plenary proceedings contrary to SO 13.8A. The other two were of failing to declare a relevant interest before taking part in Committee proceedings contrary to SO 17.24A.

The Llywydd referred them to me for investigation and told me that she did not wish to be considered as a party to my investigation or to receive correspondence from me about them.

In accordance with the definition of “complaint” in paragraph 2.1 of the Procedure I treated each of the alleged breaches as a separate complaint. I held two of these complaints to be inadmissible and dismissed them because even if the facts alleged were proved there would have been no breach of any relevant provision. In relation to the other two, I was satisfied that there was good cause for the delay in their submission and held them admissible. I expect to submit a ‘no breach’ report in respect of one of these two complaints by the end of March. This minute relates to the remaining complaint.

In relation to that complaint the Complainant wrote -

Dear Llywydd,

I am writing to bring to your attention a matter of public interest that I believe warrants investigation. Specifically, it concerns the conduct of Lynne Neagle MS during a Senedd session on 5 April 2019, in the Committee on Scrutiny of the First Minister.

During this session, the committee discussed matters related to the inquest and subsequent events surrounding the death of Carl Sargeant. At the time, former special adviser Matt Greenough was under significant scrutiny for his role in the

handling of Mr. Sargeant's departure from the Welsh Government. Ann Jones MS, recognising her involvement in matters related to the inquest, appropriately recused herself from this particular item on the agenda. This act of recusal underscores the gravity and sensitivity of the topic under discussion.

Despite the serious nature of the discussion and the evident need for impartiality, Ms. Neagle's line of questioning to the First Minister appeared skewed. Instead of focusing on the Welsh Government's actions before and after Carl Sargeant's death, she diverted the conversation towards the importance of protecting complainants. This diversion can be perceived as a deliberate attempt to shift the narrative away from the core issues, potentially benefiting Mr. Greenough and others who were under scrutiny.

It has only become known in the last month, through media reports, that Mr. Greenough was employed by Ms. Neagle at the time of this session. This new information adds a layer of concern to Ms. Neagle's late declaration of interest at the end of the meeting, after her contributions had already influenced the direction and tone of the discussion.

I initially raised these concerns with the Senedd Commissioner for Standards, who informed me that conduct in plenary sessions is, in the first instance, a matter for you. Therefore, I am bringing this issue to your attention in the hope that it will be thoroughly investigated.

I look forward to your prompt attention to this matter and would be grateful for your guidance on the next steps in this process.

*Yours sincerely,
Jamie Roberts*

The agenda item that day in relation to which Mr Roberts asserts that Ms Neagle failed to declare a relevant interest before taking part in proceedings was "*Written Statement by the Welsh Government – Response to the High Court Judgement.*" The Statement announced that the government did not intend to appeal against the judgement that the then First Minister, Carwyn Jones, had acted unlawfully in relation to the setting up of the independent enquiry into the removal from office of the late Carl Sargeant. Mr Roberts asserted that at the time of that Committee hearing Mr Greenhough, who had been a special adviser to Carl Sargeant, was employed by Ms Neagle as one of her support staff and that he was under significant scrutiny due to his role in the departure of Mr Sargent from the Welsh Government.

In her email to me of 7 February (copy attached) Ms Neagle has accepted that at the relevant time Mr Greenhough was in her employment, that there was a relevant interest which she omitted to declare before taking part in the proceedings. She has pointed out that the meeting was unusual in that the Chair did not ask for declarations of interest at the start of the meeting. The Chair then recused herself from the proceedings in respect of the agenda item in question. The Acting Chair did

not ask for declarations. At the end of the meeting, Ms Neagle declared her interest. Her account of what took place at the meeting is confirmed by the Record of Proceedings.

The Record shows that the only question Ms Neagle asked, during the item in question, of the First Minister was about the protection of the identity and confidentiality of the complainants.

I am satisfied that in all the circumstances Ms Neagle's failure to declare her interest before taking part in the proceedings, whilst being a breach, was of a minor and technical nature which she corrected within few minutes.

In these circumstances I recommend that I should not pursue my investigation of this complaint and that no further action should be taken against Ms Neagle in respect of it.

Douglas Bain

Standards Commissioner

From: Neagle, Lynne (Aelod o'r Senedd | Member of the Senedd) <Lynne.Neagle@senedd.wales>

Sent: Wednesday, February 7, 2024 9:13 PM

To: Standards Commissioner <Standards.Commissioner@senedd.wales>

Subject: Complaints 1 from Mr Roberts

Dear Mr Bain

Further to my email of 4th December I write to acknowledge that my late declaration of interest in the Committee meeting on the 5th April 2019 was a technical breach of the Code. As highlighted previously, the Committee was an unusual one given that the Chair recused herself and declarations of interest were not sought at the beginning.

Thank you for giving this your attention.

Kind regards,

Lynne

From: Douglas Bain

26 February 2024

Standards of Conduct Committee

Recommendation to use Rectification Procedure – Heledd Fychan MS

Pursuant to paragraph 7.6 of the Procedure, I minute to recommend to the Committee that I should not continue my investigation of an admitted breach of Standing Order 2.4 by Heledd Fychan MS.

On 21 February 2024 an alleged breach by Ms Fychan of Standing Order 2.4 was referred to me for investigation. The facts are set out in that referral (copy attached). I was satisfied that the ‘complaint’ was admissible and copied it to the Member two days later.

Ms Fychan responded the next working day (copy attached) admitting her failure and apologising for it to my satisfaction. I am satisfied that the breach, which she has corrected, was of a minor nature.

All the conditions specified in paragraph 7.6 of the Procedure have been met. I recommend that my investigation of this breach of Standing Order 2.4 should not be continued.

Douglas Bain CBE TD

Senedd Commissioner for Standards

From: Fychan, Heledd (Swyddfa Heledd Fychan | Office of Heledd Fychan)
<Heledd.Fychan@Senedd.Wales>
Sent: Monday, February 26, 2024 12:41 PM
To: Standards Commissioner <Standards.Commissioner@senedd.wales>
Subject: RE: Letter from Commissioner for Standards - Standards Confidential

Dear Commissioner,

Thank you for your email. I would like to offer my apologies. I was the one that made the table office aware of the breach, and explained that when the payment came in, it was at a time when my father had just passed away suddenly and I was away from the Senedd. I can provide his death certificate if that would be helpful for your investigation.

I understand this is a breach, but I hope you will accept that there were mitigating circumstances. I did offer to inform you myself of the breach, but the Table Office advised that they would let you know due to the fact that I'm finding it upsetting to discuss my father's death.

Regards

Heledd

From: Table Office | Swyddfa Gyflwyno <TableOffice@senedd.wales>

Sent: Wednesday, February 21, 2024 2:07 PM

To: Standards Commissioner <Standards.Commissioner@senedd.wales>

Cc: Antoniazzi, Manon (Staff Comisiwn y Senedd | Senedd Commission Staff) <Manon.Antoniazzi@senedd.cymru>; Davies, Siwan (Staff Comisiwn y Senedd | Senedd Commission Staff) <Siwan.Davies@senedd.wales>; Davies, Bethan (Staff Comisiwn y Senedd | Senedd Commission Staff) <Bethan.Davies@senedd.wales>; Thomas, Jonathan (Staff Comisiwn y Senedd | Senedd Commission Staff) <Jonathan.Thomas@senedd.wales>; Table Office | Swyddfa Gyflwyno <TableOffice@senedd.wales>

Subject: SENEDD RESTRICTED: Possible non-compliance with the rules on registering Members' Interests

Dear Commissioner,

A late registration of interests by **Heledd Fychan** has come to our attention, relating to **Category 5: Contracts with the Senedd Commission or Welsh Government**.

On 19 February 2024, in updating her register, Heledd Fychan informed us of the following change:

- Payment of £60 from S4C for appearing on Pawb a'i Farn on 14 December 2023, received on 19 January 2024.

As you will be aware, SO2.4 requires the registration to be made within four weeks, which means that this registration is late.

The protocol between the Commissioner for Standards, the Senedd and the Director of Public Prosecutions states that where it becomes apparent to the Clerk of the Senedd "that a Member of the Senedd is or may be in breach of those requirements under Standing Order 2 relating to the registering of Members' interests, it shall be the duty of the Clerk to report such a breach or possible breach to the Commissioner for Standards forthwith."

The Clerk is satisfied that the requirements under Standing Order 2.4 have been breached in the above case, and is therefore referring this matter to you formally for consideration.


We have contacted the Member and she is aware that the referral is being made. The Member made us aware that the reason for this late registration is that the payment came in when she was away from work following her father's death, and asked that we include that information in our referral to you. I have also spoken to Jonathan in your office regarding the circumstances of this referral, so that he can brief you more fully.

Please let me know if you would like to discuss this matter further or if we can provide any additional information to assist you.

Diolch



Aled Elwyn Jones 
Pennaeth y Swyddfa Gyflwyno, Senedd Cymru
Head of the Table Office, Welsh Parliament

 0300 200 **6384**

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Senedd Cymru yw'r corff sy'n cael ei ethol yn ddemocrataidd i gynrychioli buddiannau Cymru a'i phobl. Mae'r Senedd Cymru, yn cytuno ar drethi yng Nghymru, ac yn dwyn Llywodraeth Cymru i gyfrif.

The Welsh Parliament is the democratically elected body that represents the interests of Wales and its people. Commonly known as the Senedd, it makes laws for Wales, agrees Welsh taxes and holds the Welsh Government to account.

Croesewir gohebiaeth yn Gymraeg neu Saesneg. | We welcome correspondence in Welsh or English.

Dylid ystyried unrhyw ddatganiad neu sylw a geir yn y neges hon fel un personol ac nid o reidrwydd yn fynegiant o safon Senedd Cymru, unrhyw ran ohoni neu unrhyw gorff cysylltiedig.

Any of the statements or comments made above should be regarded as personal and not necessarily those of the Welsh Parliament or any of its constituent part or connected body.

From: Douglas Bain

26 February 2024

Standards of Conduct Committee

Recommendation to use Rectification Procedure – Jeremy Miles MS and Vaughan Gething MS

Pursuant to paragraph 7.6 of the Procedure, I minute to recommend to the Committee that I should not continue my investigation of admitted breaches of Standing Order 2.4 by Jeremy Miles MS and Vaughan Gething MS.

On 7 February 2024 an alleged breach of Standing Order 2.4 by each of these Members was referred to me for investigation. The facts are sent out in that referral (copy attached). I was satisfied that the ‘complaints’ were admissible and informed each Member of the part of the referral relevant to them.

Mr Miles responded on 13 February (copy attached) admitting his failure and apologising for it to my satisfaction. I am satisfied that the breach, which he has corrected, was of a minor nature.

Mr Gething responded on 15 February (copy attached) admitting his failure and apologising for it to my satisfaction. I am satisfied that the breach, which he has corrected, was of a minor nature.

All the conditions specified in paragraph 7.6 of the Procedure have been met. I recommend that my investigation of these breaches of Standing Order 2.4 should not be continued.

Douglas Bain CBE TD

Senedd Commissioner for Standards

13th February 2024

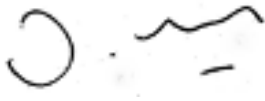
Dear Douglas Bain CBE

Re: Jeremy Miles MS

I am writing in response to the letter I received on 9th February with regards to a breach of SO 2.4.

I would like to admit the breach and apologise for the lateness of my submission. I wish to pass on my sincere apologies and I will endeavour to make sure that this does not happen again.

Yours sincerely,



Jeremy Miles MS

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

From: Gething, Vaughan (Aelod o'r Senedd | Member of the Senedd)
<Vaughan.Gething@senedd.wales>
Sent: Thursday, February 15, 2024 9:48 AM
To: Standards Commissioner <Standards.Commissioner@senedd.wales>
Subject: late donation report

Dear Mr Bain

Thank you for your letter of 9 February 2024. I note and acknowledge the contents of your letter.

The donation from Tramshed Tech was submitted by my office on Friday 12 January 2024. However it was not authorised by me until Monday 5 February 2024.

I acknowledge that this is therefore a late notification of a change to my register of interests. I apologise for the breach and further acknowledge it is my responsibility – not that of my staff – to update the register of interests within the 4 week time period.

I have not sought to obscure the donation which was notified within the 4 week period of time. Indeed I am proud to be supported by a number of different backers. However this breach has been a helpful reminder of the need to both ensure that I have checked the permissibility of donors and then complete all parts of my own reporting responsibilities.

I am happy to meet you in person to reiterate my apology if you feel that is appropriate.

Please do not hesitate to contact me if you require anything further from me.

Yours sincerely

Vaughan Gething

From: Table Office | Swyddfa Gyflwyno <TableOffice@senedd.wales>

Sent: Wednesday, February 7, 2024 4:31 PM

To: Standards Commissioner <Standards.Commissioner@senedd.wales>

Cc: Antoniazzi, Manon (Staff Comisiwn y Senedd | Senedd Commission Staff) <Manon.Antoniazzi@senedd.cymru>; Davies, Siwan (Staff Comisiwn y Senedd | Senedd Commission Staff) <Siwan.Davies@senedd.wales>; Davies, Bethan (Staff Comisiwn y Senedd | Senedd Commission Staff) <Bethan.Davies@senedd.wales>; Thomas, Jonathan (Staff Comisiwn y Senedd | Senedd Commission Staff) <Jonathan.Thomas@senedd.wales>; Table Office | Swyddfa Gyflwyno <TableOffice@senedd.wales>

Subject: SENEDD RESTRICTED: Late Registrations of Interests: Vaughan Gething and Jeremy Miles

Dear Commissioner,

Late registrations of interests by **Vaughan Gething** and **Jeremy Miles** have come to our attention, relating to **Category 6: Financial Sponsorship**.

On 5 February 2024, in updating his register, Vaughan Gething informed us that he has received a donation from Tramsheds Tech Limited (remote working office space providers) 'from December onwards' for the Labour leadership campaign (over four weeks after the change occurred).

On 7 February 2024, in updating his register, Jeremy Miles informed us that he received a £500 donation from Kate Little for the Labour leadership campaign on 9 January 2024 (over four weeks after the change occurred).

As you will be aware, Standing Order 2.4 requires registrations to be made within four weeks, which means that both Vaughan Gething and Jeremy Miles are late registering these changes to their interests.

The protocol between the Commissioner for Standards, the Senedd and the Director of Public Prosecutions states that where it becomes apparent to the Clerk of the Senedd "that a Member of the Senedd is or may be in breach of those requirements under Standing Order 2 relating to the registering of Members' interests, it shall be the duty of the Clerk to report such a breach or possible breach to the Commissioner for Standards forthwith."

The Clerk is satisfied that the requirements under Standing Order 2.4 have been breached in the above cases, and is therefore referring this matter to you formally for consideration.

We have contacted the Members and they are aware that the referral is being made.

Please let me know if you would like to discuss this matter further or if we can provide any additional information to assist you.

Cofion



Avalon Broadway

Clerc y Swyddfa Gyflwyno, Senedd Cymru

Table Office Clerk, Welsh Parliament

0300 200 6502

Eitem 6

From: Douglas Bain

7 March 2024

Standards of Conduct Committee

Recommendation to use Rectification Procedure – Jeremy Miles MS

Pursuant to paragraph 7.6 of the Procedure, I minute to recommend to the Committee that I should not continue my investigation of an admitted breach of Standing Order 2.4 by Jeremy Miles MS.

On 6 March Mr Miles referred himself to me for breaching Standing Order 2.4. The facts are sent out in his letter (copy attached). I was satisfied that the complaint was admissible.

Although this is the second time in the last month that Mr Miles has admitted breaching that Standing Order, I am satisfied that continuing my investigation of it would not be proportionate.

All the conditions specified in paragraph 7.6 of the Procedure have been met. I recommend that my investigation of this further breach of Standing Order 2.4 should not be continued.

Douglas Bain CBE TD

Senedd Commissioner for Standards

6th March 2024

Dear Douglas Bain CBE

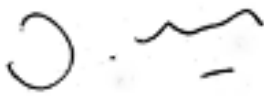
Re: Jeremy Miles MS

I am writing to draw your attention to a late entry I have submitted to the Register of Interests today. This is a notional cost as it is office space which was freely donated to my leadership campaign.

The office space was made available from the 18th December 2023 and its use will finish on the 16th March 2024, the notional cost of the space is valued at £2150.

I would like to admit the breach of this late submission due to my misunderstanding of the rules around the date that this entry should have been submitted.

Yours sincerely,



Jeremy Miles MS

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.