

COMMITTEE ON STANDARDS OF CONDUCT

Date: Tuesday 29 January 2008
Time: 9:30am
Venue: Committee Room 1
Title: Revised Code of Conduct

Issue

1. The Committee is invited to consider proposed revisions to the Code of Conduct for Assembly Members - the revised Code is set out at Annex 1.
2. There are a number of consequential changes required following the enactment of the Government of Wales Act 2006, and subsequent changes to Standing Orders. One further revision seeks to prevent Assembly Members from misrepresenting the recommendation made by the Standards Committee following consideration of a complaint.

Background

Consequential Changes

3. The following consequential changes have been made:

- i. Propriety Issues in the Handling of Planning Casework
- ii. Members of the House Committee
- iii. Public Access to Information
- iv. Members' Access to Information
- v. Relationships between Assembly Members and Assembly Staff

i & ii: Following the enactment of the Government of Wales Act 2006, and subsequent changes to the Assembly's Standing Orders, the requirement relating to 'Propriety Issues in the Handling of Planning Casework' and 'Guidance for Members of the House Committee' have been removed from the Code of Conduct.

iii: The Assembly's *Code of Practice on Public Access to Information* has recently been revised and approved by the Assembly Commission. The Code of Conduct has been revised to reflect the provisions of the revised Code of Practice.

iv: The Code of Practice on Members Access to Information set in place the principles by which Members could attain information, and was aimed at not only Members but also staff of the Welsh Assembly Government. Following formal separation, this Code of Practice was reviewed by the Assembly Commission, and it was decided that it was no longer appropriate to maintain such a Code. This provision has therefore been removed from the Code of Conduct.

v: The Protocol for Relationships between Assembly Members and Assembly Staff set out the key principles for Member/staff relationships. The main purpose of the protocol was to give advice on how such relationships should work - particularly in the period from 1999 when the National Assembly for Wales was a corporate body. The Assembly Commission has reviewed the need for such a protocol following formal separation, and agreed that it is no longer appropriate, but that instead the Code of Conduct should specify the key principles for Member/Staff relationships. The Code of Conduct has been revised accordingly.

Misrepresentation of the Committee's Decision

4. At its last meeting, the Committee considered a number of issues that arose from the most recent complaint considered by the Committee. Members will recall that the Committee has previously agreed that it would be good practice to review the procedure for complaints after every complaint.

5. One of the particular issues was in relation to a 'media strategy' in the light of a press notice issued by a Member following determination of a complaint by the Committee. In that particular case, the Committee considered that the Member has misrepresented the Committee's decision in the press and through an entry on his Blog site, and as a result, had undermined the general principle behind the Standards Committee's consideration of (all) complaints.

6. The Committee agreed that it could take no action in this case, but considered a number of options that might combat this sort of action by Members in the future. Following consideration, the Committee made a specific recommendation to revise the Code of Conduct for Assembly Members, to add a provision preventing a Member misrepresenting the recommendation of the Committee for Standards of Conduct following consideration of a complaint.

7. Neither the Standards Committee nor the Commissioner for Standards has power to require Assembly Members to not misrepresent the decision. The proposed amendment to the Code of Conduct will not change this, but Members who do then misrepresent the Committee may find themselves in breach of the Code of Conduct. Inclusion of this provision may therefore provide a deterrent to Members, and would strengthen the position of the Committee in considering complaints against Assembly Members.

Recommendation

8. The Committee is invited to:

- i. agree the proposed consequential revisions to the Code of Conduct for Assembly Members;
- ii. consider the inclusion of a new provision in the Code relating to the misrepresentation of the Committee's recommendations on complaints; and
- iii. agree that the revised Code of Conduct be approved by the Assembly at the earliest opportunity.

Standards Committee Secretariat

NATIONAL ASSEMBLY FOR WALES

CODE OF CONDUCT FOR ASSEMBLY MEMBERS

Purpose of the Code

1. The purpose of this Code of Conduct is:
 - (a) to provide guidance for all Members of the National Assembly on the standards of conduct expected of them in the discharge of their Assembly and public duties;
 - (b) to provide the openness and accountability necessary to reinforce public confidence in the way in which Members of the National Assembly perform their Assembly and public duties.
2. This Code applies to all Members of the National Assembly who have not taken leave of absence.

General Standards of Conduct

Personal conduct

3. Members of the Assembly:
 - (a) must comply with the Code of Conduct for Assembly Members;
 - (b) should act always on their personal honour;
 - (c) must never accept any financial inducement as an incentive or reward for exercising parliamentary influence;
 - (d) must not vote on any Order or motion, or ask any question in plenary or a committee, or promote any matter, in return for payment or any other material benefit (the "no paid advocacy" rule).
4. Members of the Assembly should observe the seven general principles of conduct identified by the Committee on Standards in Public Life. The seven principles are:
 - (a) **Selflessness:** Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Assembly Members should avoid conflict between personal and public interests and resolve any conflict between the two at once and in favour of the public interest.
 - (b) **Integrity:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Assembly Members should at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Assembly and refrain from any action which would bring the Assembly, or its Members generally, into disrepute. Members should not ask civil servants to act in any way which would compromise the political impartiality of the Civil Service or conflict with the Civil Service Code.

- (c) **Objectivity:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- (d) **Accountability:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

No improper use shall be made of any payment or allowance made to Assembly Members for public purposes and the administrative rules which apply to such payments and allowances must be strictly observed.

- (e) **Openness:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions, and restrict information only when the wider public interest clearly demands.

Assembly Members must not prevent any person from gaining access to information which that person is entitled to by law, but must not disclose confidential information, including confidential information from Assembly Committees, without consent unless required to do so by law. Any such confidential material received by Members in the course of their Assembly duties should only be used in connection with those duties and must never be used for the purpose of financial gain. In any activities in relation to, or on behalf of, an organisation with which a Member has a financial relationship, including activities which may not be a matter of public record such as informal meetings and functions, Members must always bear in mind the need to be open and frank with other Assembly Members, and with officials.

- (f) **Honesty:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- (g) **Leadership:** Holders of public office should promote and support these principles by leadership and example.

Specific Standards of Conduct

Registration of Interests

5. Members of the Assembly must register in the Register of Members' Interests all relevant interests defined in the Annex to Standing Order 31, in order to make clear what are the interests that might reasonably be thought to influence their actions.

6. The categories of registrable interests (as set out in the Annex to Standing Order 31) are as follows:

- Directorships held by the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, in public and private companies, including those which are individually unremunerated but where remuneration is paid through another company in the same group.
- Employment, office, trade, profession or vocation (apart from membership of the Assembly) for which the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, is remunerated or in which the Member has any pecuniary interest.
- The names of clients, when the interests referred to above include services by the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, which arise out of, or are related in any matter to his or her membership of the Assembly.
- Gifts, hospitality, material benefits or advantage above a value specified in any resolution of the Assembly received by the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, from any company, organisation or person and relating to or arising out of membership of the Assembly.
- Any remuneration or other material benefit which a Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, receives from any public or private company or other body which has tendered for, is tendering for, or has, a contract with the Assembly.
- Financial sponsorship (i) as a candidate for election to the Assembly, where to the knowledge of the Member the sponsorship in any case exceeds 25 per cent of the candidate's election expenses, or (ii) as a Member of the Assembly by any person or organisation, stating whether any such sponsorship includes any payment to the Member or any material benefit or advantage.
- Subject to any resolution of the Assembly, overseas visits made by the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, relating to or arising out of membership of the Assembly where the cost of any such visit has not been wholly borne by the Member or by public funds.
- Any land and property, of the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, which has a substantial value as specified in any resolution of the Assembly or from which a substantial income is derived other than any home used for the personal residential purposes of the Member or the Member's partner or any dependent child of the Member.
- The names of companies or other bodies in which the Member has, either alone or with or on behalf of the Member's partner or any dependent child, a beneficial interest or in which, to the Member's knowledge, the Member's partner or a dependent child has a beneficial interest in shareholdings of a nominal value greater than one per cent of the issued share capital, or less than one per cent but more than an amount specified in any resolution of the Assembly.
- Paid or unpaid membership or chairmanship by the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, of any body funded in whole or in part by the Assembly.

Declaration of Registrable Interests

7. Members of the Assembly must declare, before taking part in any Assembly proceedings, any interest which is a relevant interest, under Standing Order 31, in the context of the debate or the matter under discussion. A declaration must relate to a decision to be made at the meeting in question. It must concern a matter where the Member (or their partner or dependent children) might gain a financial advantage from such a decision, where that advantage would be greater than that which other persons generally affected by their decision might receive. This is necessary in order that their audience may form a balanced judgement of their arguments.

Prohibition of Voting in Relation to Registrable Interests

8. A Member is prohibited from voting in any proceedings of the Assembly if, in relation to any interest which is required to be registered, a particular decision of the Assembly or a Committee might result in a direct financial advantage to the Member greater than that which might accrue to persons affected by the decision generally.

Use of Assembly Resources

9. Members are required to comply with the *Guidance for Members on the Use of Assembly Resources* and any guidance on the use of Assembly resources specifically relating to an election campaign.

~~Propriety Issues in the Handling of Planning Casework~~

~~10. Members are required to comply with the *Guidance on Propriety Issues in the Handling of Planning Casework in the Assembly Code of Conduct for Members of Planning Decision Panels*, which has been approved by the National Assembly.~~

~~11. The aim of the Guidance is to ensure that the parties involved in planning cases are dealt with fairly, justly and openly, that all the evidence is fully considered and that decisions are based only on material planning considerations to which all the parties have had access.~~

Public Access to Information

~~12. Members are required to comply with the *Code of Practice on Public Access to Information*, which has been approved by the National Assembly.~~

~~13. The aim of the Code is to set out the principles which underpin the National Assembly for Wales' approach to the promotion of open government, and to reinforce the Assembly's commitment to open government.~~

10. The principles under which the National Assembly for Wales provides information are detailed in the *Code of Practice on Public Access to Information* which has been approved by the Assembly Commission. Assembly Members seeking information are required to comply with the Code by making a request in writing to the Access to Information Advisor, Corporate Unit, National Assembly for Wales. The Code is published on the NAFW website at <http://www.assemblywales.org/abthome/abt-foi/abt-foi-cop-pub.htm>

~~Members' Access to Information~~

~~14. Members are required to comply with the *Code of Practice on Members' Access to Information*, which has been approved by the National Assembly.~~

~~15. — This Code sets out the basis upon which information will be provided to Members by Assembly staff, and stipulates the appropriate channels for Members to approach staff for advice.~~

Relationships between Assembly Members and Assembly Staff

~~16. Members are required to comply with the *Protocol for Relationships between Assembly Members and Assembly Staff*, which has been approved by the National Assembly.~~

~~17. The key principles are that relationships between Members and staff should be professional and based on mutual respect, and that the relationship between Members and staff should have regard to the duty of staff to remain politically impartial when carrying out their duties.~~

11. All staff of the National Assembly for Wales (Assembly Commission staff) are bound by Staff Code of Conduct, whilst Welsh Assembly Government Staff continue to be bound by the Civil Service Code. Members should at all times, in their dealings with the staff of these bodies, respect the principles of both Codes. Relationships between Members and staff should be professional and based on mutual respect, and Members should have regard to the duty of staff to remain politically impartial when carrying out their duties.

Members' Salaries and Allowances

12. Members are required to comply with *The National Assembly for Wales (Assembly Members and Officers) (Salaries, Allowances etc.) Determination* as approved by the National Assembly.

13. The Determination sets out the salaries and allowances which Members are entitled to as a result of the discharging of their Assembly duties.

~~Members of the House Committee~~

~~20. — Members of the House Committee are required to comply with the Code of Conduct for Members of the House Committee that has been approved by the National Assembly.~~

Duties in respect of the Commissioner for Standards and the Committee on Standards of Conduct

14. Members shall cooperate, at all stages, with any investigation into their conduct by the Commissioner for Standards in accordance with Standing Order 33; or by the Committee on Standards of Conduct in accordance with Standing Order 16.1(i).

15. No Member shall lobby a member of the Committee on Standards of Conduct in a manner calculated or intended to influence their consideration of a complaint of a breach of any matter encompassed under Standing Orders 16.1(i).

16. No Member shall misrepresent any recommendation made by the Committee on Standards of Conduct in relation to any complaint it has considered under the *National Assembly for Wales' Procedure for Dealing with Complaints against Assembly Members*.

Enforcement of the Code of Conduct

17. Any allegations of non-compliance with this Code will follow the process set out in the *National Assembly for Wales' Procedure for Dealing with Complaints against Assembly Members*, as approved by the National Assembly Committee on Standards of Conduct.

18. Information on the role of the Commissioner for Standards, including contact details can be found on Assembly's web-site (www.assemblywales.org) or from the Commissioner's office.

Approved by the National Assembly for Wales on XX February 2008 ~~10 May 2006~~