

Standards of Conduct Committee
Welsh Parliament

21 April 2023

Sent by email only to:
Seneddstandards@senedd.wales

Dear Committee,

Inquiry into the Registration and Declaration of Interests

Thank you for the opportunity to provide comment on the Standards of Conduct Committee's enquiry into the Registration and Declaration of Interests.

We understand from the consultation document that our response should be in numbered paragraphs and no longer than five A4 pages. We have endeavoured to follow these instructions.

We have responded in English and do not intend to provide a Welsh translation at a later date.

1. In relation to the section on registering interests – we understand Standing Order 2 sets out 10 categories of interests which are to be registered in the Register of Interest (“**ROI**”) of Members. These are to be registered in relation to a Member, a Member's partner / spouse and dependent child. We respond to each of the questions set out in this section as follows:
 - a. **Are there any categories or parts of categories that are no longer relevant?** None of the categories listed in Standing Order 2 appear no longer relevant. The categories somewhat resemble the categories of interests required for registration by Members of Scottish Parliament (MSPs). The MSP register requires registration in accordance with the Interests of Members of Scottish Parliament Act 2006 (the “2006 Act”) and the categories also broadly cover remuneration from directorships (including additionally registering remuneration from employment, self-employment, from being an office holder, partner in a firm, or undertaking a trade, profession or vocation similar to that set out in Standing Order 2 (ii)). The MPS register also covers gifts and hospitality, election expenses, overseas visits, heritable property, interest in shares and any other voluntary registration. Standing Order 2 appears to go further than the MSP register by requiring registration of not only the Member's interests but the Member's partner / spouse and dependent child's interest. There is not an equivalent requirement for MSP registers.

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- b. **Are there any additional categories that should be captured?** The categories appear comprehensive so no additional categories to suggest at this time.
 - c. **Do the areas within each of the categories capture the correct information?** The areas in each category appear to capture the information required to understand the nature, description and potential relevance and implications of the interest.
 - d. **Is the register visible / transparent enough?** The register appears to be visible and transparent in the information that is required to be registered. However, it is less visible and transparent when a declaration is required to be made before a Senedd meeting, although it is accepted that this is covered under a separate provision in the Standing Orders. It may be helpful for the requirements on registration to be made available in an 'easy read' version and published on the Senedd website so that all members of the public could be aware of what requires to be registered.
 - e. **Are the reporting requirements in terms of timeframe and value sufficient?** The timeframe requirements for reporting are not immediately evident from Annex B (to the consultation document) so we cannot comment from there, but note that the Guidance to the Standing Orders provide timeframes. The sufficiency of the timeframes and value for reporting is a matter for the Senedd to decide.
2. In relation to declaring registerable and relevant interests – Members are required to declare registrable interests under Standing Order 2.6 and 2.7 before taking part in Senedd proceedings in specific circumstances. In addition, Members must declare relevant interests. These are interests which are not necessarily required to be included on a Member's register but nevertheless may be seen to be relevant to a Member's contribution to Senedd proceedings (see Standing Order 13.8 A for plenary proceedings and 17.24A for committee proceedings). We respond to each of the questions set out in this section as follows:
- a. **Are the rules for declaring registrable interests appropriate?** The rules for oral declaration appear appropriate. It may be helpful to provide examples of how a declaration may be made by providing a pro forma wording or phrasing, so that any oral declaration will consistently provide sufficient information for the Members to understand the nature, extent and potential relevance and implications of the financial interest.
 - b. **Are the rules on declaring relevant interests appropriate?** The rules on declaring relevant interests are noted under Standing Orders 13.8A and 17.24A (it is observed that Standing Orders 13.8A and 17.24A are not available in the Annexes to the consultation paper so we referred to the online copy [here](#).) As with our response in paragraph 2(a) above, it may be helpful to have a pro forma wording or phrasing made available for the declaration of relevant

interests. There also does not appear to be any guiding considerations in the Standing Orders as to what may be a relevant interest – both 13.8A and 17.24A refers only to “*any interest, financial or otherwise...which is relevant to those proceedings and might reasonably be thought by others to influence the Members’ contribution*”. It may be helpful for Senedd members to have some more guidance on what ‘others’ may mean (for instance, by reference to an objective test relating to how that interest may be viewed by a member of the public) and what ‘otherwise’ refers to (for instance, a reference to any non-financial interests).

- c. **Do such declarations increase transparency and accountability of Senedd proceedings?** Yes, it would do so.
 - d. **Could the rules and/or process be improved?** The process may be improved per the suggestions set out in paragraphs 2(a) and (b) above.
 - e. **Should interests be declared elsewhere, such as when tabling written questions and other tabled business?** This depends on how much in advance an interest it is considered should ideally be declared and whether the timing of tabling written questions / other business coincides with it, without causing a disproportionate amount of administrative burden impacting business efficiency. Interests should certainly always be declared before the relevant item arises during a meeting (whether plenary or committee) and noted in any minutes, as a minimum. As it currently stands, under the 2006 Act (see s 13(1)), any MSP who has a declarable interest in any matter shall declare that interest before taking part in any proceedings of the Parliament relating to that matter and such declaration may be made orally or in writing. It is observed that the 2006 Act does not prescribe a timing for the making of a declaration.
3. In relation to additional registration requirements – there are further reporting requirements which include requiring the registration of Members’ family members who work for another Member (Standing Order 3) and the Membership of Societies (Standing Order 5).
- a. **Should family members be named under Standing Order 3?** The ESC does not have strong views on whether the names of family members should or should not be shared under Standing Order 3. It is arguable that the names of family members should not be provided for public inspection but should be provided to the Clerk for internal records. This is in the interests of protecting the personal data of the family members which Standing Order 3 covers (their names, employer and all the details of employment as set out in Standing Order 3.3). It is understood that the intention of sharing the family members’ names as well as all the details in Standing Order 3.3 is to enhance transparency and accountability. However, this requires to be balanced against the rights to private life of that family member. It may be appropriate for all of the details to be shared under Standing Order 3.3 but without the full name of the family

member becoming publicly available (e.g. an alias may be used instead for public inspection).

b. **Does Standing Order 5 remain relevant and appropriate?** Standing Order 5 appears to remain relevant and appropriate at this time.

4. The consultation document states, alongside the information in the Standing Orders, there is a comprehensive guidance document which provides more information on how and what to register. This guidance is aimed at helping Members to undertake their requirements for registering and declaring interests.

a. **Are there any improvements needed to the guidance?**

- The Guidance is comprehensive and from a very brief reading of it, does provide more helpful detail on how the Standing Orders are to be interpreted (particularly around registration of interests). However, we do not purport to have covered it in sufficient detail to take a substantive view on its contents. In a general sense, the webpage could benefit from being simplified or re-formatted so that it is more accessible. In its current form, it is very long with small, dense text. An 'easy read' version may be considered, and perhaps some examples of interests that require or do not require registration or declaration. We appreciate that no guidance document could provide a comprehensive list of examples for all the eventualities that could occur in relation to registering and declaring interests – however, it may be possible to provide examples whilst stating that any examples provided are for guidance only and non-exhaustive. The Guidance could also provide a sample pro forma script for declaring interests.
- The Guidance, from the webpage, is also slightly difficult to navigate. Section 5 of the Guidance (“*What should be registered?*”) is of key importance but it is not further broken into short, digestible sections per each of the 10 categories of interests in Annex to Standing Order 2 (for instance, to find category 5.10 one requires to scroll through the entirety of 5.1 – 5.9 first). In addition, whilst it is appreciated that some text is in bold for emphasis, the bold text should be extended to cover the subject of emphasis. For example, see paragraph 53 in Guidance – “*Gifts and material benefits in this category (and other categories) are exempt from registration / declaration if they do not relate in any way to membership of the Senedd*” but it may be helpful to have that bold text extend to the entirety of that sentence, given its significance. It would also be helpful for the Guidance to be linked directly in the Standing Orders document, so that Members will be aware that the Standing Orders are not, in themselves, coverage of all registration obligations (albeit training may already have covered this). Some key information in the Guidance is not available from the face of the Standing Orders (for instance, see section 5.6 of the Guidance which adds the additional

requirements under the National Assembly for Wales Order 2007 and Political Parties, Elections and Referendums Act 2000 for registering financial sponsorships).

Should you have any queries please contact our office on the following telephone number 0300 011 0550 or email investigations@ethicalstandards.org.uk.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Angela Glen'.

Angela Glen
Senior Investigations Officer
On behalf of the Ethical Standards Commissioner for Scotland