

Senedd Cymru
Y Pwyllgor Safonau Ymddygiad
[Ymchwiliad i Urddas a Pharch](#)

DR01

Ymateb gan: Deryn Consulting Ltd

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Welsh Parliament
Standards of Conduct Committee
[Dignity and Respect Inquiry](#)

DR01

Evidence from: Deryn Consulting Ltd



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10th October 2023

Dear Vikki

Thank you for taking the time to meet with us this week to discuss the improvements needed to complaints systems in the Senedd to ensure that they are used to raise concerns regarding conduct, and to uphold standards in the Senedd.

We would like to reiterate that our sole motivation here is to work constructively to improve the processes, policies, and systems in place to ensure that incidences of sexual harassment are reduced in the Senedd, and when they do occur that victims are able to come forward, seek redress and are properly protected.

So, to restate our request from 2018, we would respectfully request that the Senedd consider undertaking a full review of how sexual harassment is currently being tackled at the Senedd, commissioned by the Llywydd, the Senedd Commission, Standards Committee and the Standards Commissioner's Office and carried out by an external and independent person with experience in this field to provide immediate recommendations for change.

Our ultimate goal is to ensure that there is a victim-centred, standalone, independent, expertly advised process for poor behaviour which is adequately resourced and provides confidence to victims that they will be supported.

Despite raising these issues over five years ago, our concerns remain. Further, since we last raised these issues with the Senedd, there have been developments that have brought to light the deficiencies in your procedures and reinforced the changes that we have been calling for.

- The long-standing underreporting of misconduct and specifically of sexual harassment via the complaint's procedure.
- The UK Parliament has introduced an independent Complaints and Grievance Scheme (ICGS) to investigate allegations of bullying, harassment, or sexual



misconduct against MPs. It is a separate complaints system to the Parliamentary Commission for Standards – who monitors the operation of the House of Commons Code of conduct. The scheme has been established to reflect the specific nature of misconduct of this kind. It is independent and run by experts. Investigators are appointed based on their availability and relevant specialist experience, which might include dealing with sexual misconduct. They also use Independent Sexual Violence Advisers to support complainants.

- The BBC reported¹ on the 1st of October of a campaign of harassment and intimidation of a whistle-blower in a case against an MS. The whistle-blower, who is a former Senedd staff member, gave evidence in a case being investigated by the Senedd Standards Commissioner against an MS, and was subject to an online campaign of harassment and intimidation by the uncle of the MS. In response, the Senedd Standards Commissioner, Senedd Standards Committee and Senedd Commission outlined that they do not have a duty of care towards the whistle-blower or the victim and have taken no action.
- The lack of a comprehensive review by the Senedd Commission, or Standards Committee on the Standards process and complaints procedure. Whilst the review into the Members' code of conduct by the Standards Committee in 2018 and 2021 has been welcome, the focus and remit has been narrow, and hasn't considered whether the complaints procedures are working and fit for purpose.
- The change from the timescale able to present complaints from 12 months to 6 months in 2022 has arguably made it even more difficult for complainants to come forward (whilst we note the discretion of the Standards Commissioner to look at complaints older than 6 months, this discretion is not widely known, or understood – and presents a perception of making it more difficult to raise complaints of misconduct or sexual harassment). This is despite the Senedd Standards committee receiving evidence in their 2018 review of the Code of Conduct outlining why victims of sexual harassment don't always feel able to come forward immediately. As Women's Aid said regarding the previous 12 months limit for introducing complaints -

57. The Committee heard representations that this timeframe is insufficient, particularly for reporting incidents of sexual harassment. Gwendolyn Sterk, Welsh Women's Aid said:

¹ <https://www.bbc.co.uk/news/uk-wales-politics-66970815>



“That’s what survivors say to us, because actually, many survivors take years to come forward. As we’ve seen with recent historical cases, for very good reasons, they may not have been able to speak up at that moment or did not feel they had the power to speak up. So, having a statute of limitations as such on these is highly problematic and means that you don’t necessarily get the full picture of what has happened”²

As you are aware, we have been raising these issues for some time, and specifically since the #metoo movement gained prominence in 2017. We have worked in politics for over 20 years – the vast majority of women who we’ve worked with have experienced sexual harassment, and many sexual assault. The overwhelming majority haven’t used the Senedd’s systems to complain. This speaks volumes.

The balance of power between alleged perpetrators and victims in politics is clear. As Dame Laura Cox’s (2018) independent review into *The Bullying and Harassment of House of Commons Staff*³ illustrates, being at the wrong end of the gender power gap often prevents victims from reporting incidents.

Victims also face other factors such as fear of not being believed, fear of losing their jobs, fear of potential damage to their reputations, reluctance to damage the party, fear of jeopardising their future careers, as well as a lack of access to effective organisational and legal support mechanisms. Those who dare to speak up and seek justice usually face an uphill struggle peppered with further hard choices. We absolutely understand the very difficult decisions victims take not to speak up, to challenge or to complain.

Evidence of successful outcomes from people who have decided to complain about sexual harassment is also far from positive and a deterrent in reporting.

As the Fawcett Society’s (2018) ‘Sex Discrimination Law Review’⁴ highlights, although women are consistently over-represented among victims of workplace sexual harassment, the vast majority of them do not make a complaint.

In the wider context, this pattern is reinforced by persistently low conviction rates for sexual assault-related offences among the general population. For example, the Crime Survey for

²<https://business.senedd.wales/documents/s78313/Committee%20Report%20-%20Creating%20the%20Right%20Culture%2013%20September%202018.pdf> p25

³ <https://www.parliament.uk/globalassets/documents/conduct-in-parliament/dame-laura-cox-independent-inquiry-report.pdf>

⁴<https://www.fawcettsociety.org.uk/Handlers/Download.ashx?IDMF=e473a103-28c1-4a6c-aa43-5099d34c0116>



England and Wales (2021)⁵ highlights that while there are almost four times as many female victims of sexual assault as male, fewer than one in six (16%) report it to the police.

At the end of 2017 when millions of women used the #metoo hashtag to draw attention to wide-spread sexual harassment and assault around the world, many of us opened up about our own experiences with a hope of change. Whilst we look on and celebrate progress in other spheres of life, things have undoubtedly worsened for women in politics in Wales. The narrative around victim blaming and the media and political discourse surrounding previous cases have made it even more difficult for women to speak out and complain. Speaking to a handful of women who have bravely spoken out and challenged bad behaviour from male politicians across the UK, the advice that they give following their experience is depressingly to not do it. Their experience tells us that the victim always comes off worse.

This doesn't mean that the behaviour has stopped, but that the victims do not feel empowered to challenge and complain.

To date, we understand that only one incidence of sexual harassment by an AM has been upheld by the Standards Commissioner, and Standards Committee in 2018, where Joyce Watson MS was the victim. We understand that there were issues with the process highlighted during that investigation too.

We wrote to the Standards Commissioner in 2018 to highlight our concerns, and suggestions on how the system needs to improve. I enclose a copy of the letter below. We met with the Standards Commissioner at the time who indicated that these were issues for the Standards Committee. We also made it abundantly clear to the Senedd leadership at the time that we had no confidence in the Standards Commissioner to undertake any investigations into sexual harassment.

We also gave evidence, in private, to the Standards Committee during their inquiry 'Creating the right culture: Inquiry into the review of the code of conduct for Assembly Members' in early 2018, outlining our experiences, and the failings in the current policies, procedures and structures.

Whilst we welcome the report from the Senedd Standards Committee in September 2018, the narrow remit and focus of the work meant that it did not adequately look at the complaints system and whether it is fit for purpose. We would also question progress against the 21 recommendations highlighted in the report.

⁵<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/sexualoffencesinenlandandwalesoverview/march2020>



It is disappointing that during this work, even with the narrow focus of the committee's work, the committee failed to get external expertise to support its work stating that:

“We sought expert advice and guidance as part of this inquiry but the timeframe for our report meant we were unable to formally consult an independent individual with sufficient expertise and separation from Wales⁶.”

We understand it is the role of the Standards Committee ‘to consider any matters of principle relating to the conduct of Members’, and for the Commission and Llywydd as the corporate body of the Senedd, charged with the governance of the organization, to look at the complaints process and whether they are fit for purpose. By any measure, we would conclude that with specific reference to sexual harassment, they are not. And by looking at the developments in other parliaments, we can only conclude that we are trailing behind, failing victims, and not upholding the highest standards in public life.

We would reiterate therefore the points we made in 2018, and would now expand on them:

- The Senedd should consider undertaking a full review of how sexual harassment is currently being tackled at the Senedd, commissioned by the Presiding Officer, the Senedd Commission, Standards Committee and the Standards Commissioner's Office and carried out by an external and independent person with experience in this field to provide immediate recommendations for change. This work should draw on learnings from political parties and other Parliaments.
- A separate complaints system is needed to deal specifically with allegations of sexual harassment, as is now the case in the UK Parliament. It should include details of how sexual harassment is defined, how it will be dealt with, how complainants will be supported. The process should be designed specifically to deal with complex and sensitive matters such as sexual harassment, and that there is a recognition that it is a distinct process from other disciplinary matters.
- Independent and specialist experts in sexual harassment should be used when investigating allegations of sexual harassment. This is to ensure confidence in the system and an awareness and understanding of sexual harassment.
- Specialist independent support for complainants of sexual harassment should be provided throughout the complaints process, by a specialist charity.

⁶<https://business.senedd.wales/documents/s78313/Committee%20Report%20-%20Creating%20the%20Right%20Culture%2013%20September%202018.pdf>



- The process should appropriately consider a pattern of behaviour and should be designed to reflect historic cases, individual cases and cases where there are multiple complainants.
- The 6 months limit on presenting complaints should be reviewed. In many cases and for a variety of reasons, victims do not come forward straight away. This is especially important when looking at patterns of historic behaviour, and when other victims have the confidence in the system to raise complaints regarding the same individual.
- That information is treated in a highly confidential manner and that victims have a measure of control and choice over information and decision-making at each stage in the process.
- That the process does not supersede the party processes or absolves parties of the responsibility to tackle poor behaviour.
- Adequate support and protection is needed for whistleblowers.
- Despite the Senedd Standards Committee report recommending in 2018

“Recommendation 20:....that an active bystander campaign relating to inappropriate behaviour is run on the Assembly estate, and that all Assembly Members are encouraged to sign up to⁷”

There is a lack of evidence of this being implemented. In far too many instances the victims of sexual harassment are disempowered or fear of raising concerns due to the power imbalance between them and the perpetrators. We believe the Senedd should look at the work of the Jo Cox foundation and work by political parties in embedding a duty to report, and being active bystanders, in order to ensure those in positions of authority report misconduct, and the duty doesn't unfairly fall on the victims.

- Consideration should be given to developing a process to raise concerns regarding potential misconduct rather than engaging with the full complaints process.
- The changes to the way we elect MSs currently being discussed should include the option to consider ensuring those MSs who are found guilty of gross misconduct should be able to be removed from office. Under the current system, you cannot be a candidate if you are on the sex offenders register, but if you are placed on the sex

⁷<https://business.senedd.wales/documents/s78313/Committee%20Report%20-%20Creating%20the%20Right%20Culture%2013%20September%202018.pdf>



offenders register whilst an AM, there is no mechanism for removal from the Senedd.

- The Senedd Standards Commissioner should be able to make public which MSs are under investigation for an admissible complaint, as happens in other parliaments.
- The complaints system should be reviewed regularly to ensure best practice.

Whilst other organisations in the private, public and third sector undertake reviews and improve their systems to challenge sexual harassment and misconduct, we believe the lack of action in the Senedd does not reflect well on the institution. The process has, and continues to fail a number of women, and men too.

We hope that you appreciate that our motivation is to work constructively, as we have done so with other organisations over a number of years to ensure that we improve the policies, procedures and systems in place to reduce incidences of sexual harassment at the Senedd, and by MSs elsewhere, and when they do occur that victims are able to come forward, are protected and have confidence in the process.

We look forward to hearing from you

Yours sincerely



Nerys Evans and Cathy Owens

CC: Natasha Ashgar MS, John Griffiths MS, Peredur Owen Griffiths MS, Clerk to the Committee,

Llywydd, Senedd Commissioners, Deputy Llywydd, Chief Executive of the Senedd





7th March 2018

Sir Roderick Evans
Standards Commissioner
National Assembly for Wales
The Pierhead
Cardiff Bay
CF99 1NA

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Dear Sir Roderick

Thank you very much for your letters and for the time you gave to discuss how best we tackle sexual harassment in politics in Wales. I am afraid our position has not changed. We remain of the view that the process, procedures and expertise are not in place to provide confidence for victims of sexual harassment to come forward.

We have already outlined some real and significant failings in the current process relating to sexual harassment:

- Victims of sexual harassment need to be confident the people they engage with as part of the complaints procedure have the experience and expertise to provide a supportive and understanding environment. This is currently not the case.
- The process should appropriately consider a pattern of behaviour and should be designed to reflect historic cases, individual cases and cases where there are multiple complainants.
- There are currently no mechanisms in place to investigate incidences that occurred more than 12 months ago. In many cases and for a variety of reasons, victims do not come forward straight away. This is especially important when looking at patterns of historic behaviour, and when other victims have the confidence in the system to raise complaints regarding the same individual.
- The process should be designed specifically to deal with complex and sensitive matters such as sexual harassment, and that there is a recognition that it is a distinct process from other disciplinary matters.
- That it takes into account the specific nature of politics as an environment on issues related to confidence, power and influence.
- That information is treated in a highly confidential manner and that victims have a measure of control and choice over information and decision-making at each stage in the process.
- That the process does not supersede the party processes, or absolves parties of the responsibility to tackle poor behaviour.
- That a degree of independent review is required, and independent external support is likely to be required
- That no learning has been developed from how other organisations such as the political parties deal with this matter
- There has been little communication with anyone about the process and procedures which has resulted in a lack of confidence in the current process.

Company No / Rhif Cwmni: 7848553
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We have raised all these points previously and unfortunately we would not be confident in making a complaint using the current process, nor would we encourage others to do so. We also believe that the fact that no woman has ever decided to use this process is evidence that suggests no confidence has been provided.

We are grateful for your apology for sharing confidential information with us both, separately, relating to separate complainants, but this demonstrates a clear failure to effectively deal with confidential information and highlights the points raised above. There is some way to go before any confidence can be given that the system is right.

It is most disappointing that there seems to be a lack of acceptance of the points we have made and the contention that with minor improvements to the way information is handling, all will be well. We are so far from that. And it demonstrates a lack of preparedness to listening to victims and others with direct experience of the issue at hand.

We have also received a letter from the Commission, which again does not recognise the failings in the decision-making.

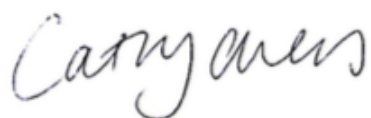
We can be no clearer. The process to date has failed a number of women, and no doubt men too. Many of us have extensive stories to tell about harassment in Welsh politics, and the Assembly, the Commission and the Office of the Standards Commissioner have not acted to tackle this over the last 20 years.

So when faced with substantial evidence of failure, and an environment in which many victims have gone public with their experiences, and yet none have followed the Assembly's complaints procedure, it is disappointing that no changes have been put in place since we raised our concerns.

Our sole motivation here is to work constructively to improve the processes, policies and systems in place to ensure that incidences of sexual harassment are reduced in the National Assembly, and when they do occur that victims are able to come forward, seek redress and are properly protected.

So, in this spirit we would respectfully request that you consider undertaking a full review of how sexual harassment is currently being tackled at the National Assembly, commissioned by the Presiding Officer, the Assembly Commission and the Standards Commissioner's Office and carried out by an external and independent person with experience in this field to provide immediate recommendations for change.

Regards



Cathy Owens and Nerys Evans

Cc The Presiding Officer, The Chief Executive of the Assembly Commission.



Senedd Cymru
Y Pwyllgor Safonau Ymddygiad
[Ymchwiliad i Urddas a Pharch](#)

DR02

Ymateb gan: Comisiynydd Safonau Moesegol yr Alban

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Welsh Parliament
Standards of Conduct Committee
[Dignity and Respect Inquiry](#)

DR02

Evidence from: Ethical Standards Commissioner Scotland

Dear Clerk to the Committee

Thank you for the opportunity to respond to your call for evidence and consultation on Dignity and Respect within the Senedd.

Having reviewed the consultation document, it appears that the majority of the questions posed by the Standards of Conduct Committee would require experience or knowledge of the culture and systems in operation in the Senedd estate in order to provide a substantive response.

As such, my response is, of necessity, quite general in nature.

I think that the proposal to have one overarching declaration that all parties are bound by is a sensible one.

I have only two suggestions that may prove helpful to the Committee's deliberations. The first is to highlight the Committee on Standards in Public Life publication, "Leading in Practice":

https://assets.publishing.service.gov.uk/media/63cfb022e90e071bad20162d/CSPL_Leading_in_Practice.pdf

As well as containing comprehensive guidance on ethical leadership, the publication sets out 20 questions for leaders which are intended to assist in identifying whether an organisation is operating ethically. This may prove helpful to the Committee when considering which recommendations it wishes to make.

My second suggestion relates to the focus of the review on diversity. I have recently adopted a survey of complainers and respondents which provides them, at the end of the process of my having conducted an investigation, with an opportunity to provide – anonymously should they wish to – views on the extent to which our office operated in line with our published values. Survey responders are also invited to provide their demographic data.

Gathering and analysing this data will assist over time in identifying whether individuals who share certain protected characteristics, such as women, or people from a visible ethnic minority background, are complained about, or feel the need to complain, more frequently than those who do not share these protected characteristics. This in turn should highlight where, for example, additional training or guidance might be required.

I hope that some of the foregoing will be helpful to the Committee and wish it well with its consultation.

Please don't hesitate to contact me if you or the Members have questions or if I can assist further.

Kind regards, Ian

RE: Y Pwyllgor Safonau Ymddygiad – Galwad am dystiolaeth / Standards of Conduct Committee – Call for evidence



Ian Bruce <i.bruce@ethicalstandards.org.uk>

To Standards of Conduct Committee | Y Pwyllgor Safonau Ymddygiad

Cc Info Ethical Standards



Thu 21/12/23 09:58

 Follow up. Start by 21 December 2023. Due by 21 December 2023.

Dear Clerk to the Committee

Thank you for the opportunity to respond to your call for evidence and consultation on Dignity and Respect within the Senedd.

Having reviewed the consultation document, it appears that the majority of the questions posed by the Standards of Conduct Committee would require experience or knowledge of the culture and systems in operation in the Senedd estate in order to provide a substantive response.

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I hope that some of the foregoing will be helpful to the Committee and wish it well with its consultation.

Please don't hesitate to contact me if you or the Members have questions or if I can assist further.

Kind regards, Ian

Senedd Cymru
Y Pwyllgor Safonau Ymddygiad
[Ymchwiliad i Urddas a Pharch](#)

DR03

Ymateb gan: Race Council Cymru

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Welsh Parliament
Standards of Conduct Committee
[Dignity and Respect Inquiry](#)

DR03

Evidence from: Race Council Cymru

Standards of Conduct Committee – Call for evidence -The Standards of Conduct Committee is undertaking an inquiry into Dignity and Respect. Due 8 January 202.

We are aware that the Senedd agreed a dignity and respect policy in 2018 which set out the right for everyone to feel safe and protected when interacting with the Senedd. This policy applied to Members of the Senedd, their support staff and Commission staff. Alongside this, the Fifth Senedd Standards of Conduct Committee undertook an inquiry into ‘Creating the Right Culture’ which sought to make sure the culture in the Senedd was one which was positive and open.

Five years on from the work, the Committee is keen to review the progress made in this area to ensure the conversation in this area continues and consider whether further steps could be taken.

Race Council Cymru (RCC) is delighted to be invited by the Committee to provide evidence to help the committee to understand whether these views are reflected more widely about the policies and systems in place in the Senedd.

Please see RCC’s written evidence in response to the terms of reference below that are relevant to our work:

1. Would you feel comfortable making a complaint about a Member of the Senedd or somebody who works on the Senedd estate? If not, why?

RCC is aware that the Senedd only has its standards commissioner Douglas Bain to look into complaints about politicians, and then the standards committee of the Senedd decides what to do with his investigation and whether to sanction the Senedd member.

- [Harassment complaint system poor - report author](#)
- [Former Plaid worker 'harassed' after speaking out](#)

The review - commissioned internally in the Senedd in 2021 into what the Senedd calls its "dignity and respect" policy - was published for the first time in November 2023. According to the findings, the policy was "implemented and promoted effectively", with 81.3% of staff and politicians surveyed saying they knew how to raise a complaint. In addition to this, 71.2% of staff who work for the Senedd Commission - the civil servants who operate the parliament's services day-to-day - said they would feel comfortable raising concerns using the existing process.

But among staff who support politicians that was lower, 61.7% said they would feel comfortable raising concerns using the existing process.

RCC’s understanding is that Issues can stretch from expenses and spending to whether politicians have harassed or bullied staff. The review said that a concern was expressed by some that the current formal mechanism provided by the Senedd to raise an issue involving a Member of the Senedd (to the Standards

Commissioner) could be viewed as too consequential a process and can be subject to bias. Some member support staff suggested that it would help to have clearer reporting mechanisms and support for staff who raise concerns.

RCC would feel more comfortable making a complaint about a Member of the Senedd or somebody who works on the Senedd estate if the system for reporting concerns about dignity and respect were to be administered and run by an independent body. This is to ensure that the complaint is handled, and information is processed properly and appropriately, in line with the law and relevant guidance. So while the Senedd's policies and procedures should be transparent as a public body, they should also respect the privacy of personal and confidential information, as the law requires. This means being open and honest when accounting for their decisions and actions and give clear, evidence-based explanations, and reasons for their decisions.

2. Do you know how to make a complaint about a Member of the Senedd or somebody who works on the Senedd estate?

RCC is aware that the Senedd's Dignity and Respect policy was approved in May 2018.

- [Dignity and Respect Policy;](#)
- [Dignity and Respect Guidance.](#)

And that the process for raising concerns encourages everyone to use the support available to try to resolve the issue as early as possible. It is refreshing to see that if people are not ready to make a complaint but would like to discuss their concerns, or if they are not certain how to make a complaint, they can contact one of the Senedd's Contact Officers, confidentially. Details about the role of the Contact Officers are contained within our Dignity and Respect guidance, together with their contact details. There is also a freephone number 0300 200 6145 which people can use can speak to one of the Contact Officers beforehand.

RCC is also aware that there are also support options for anyone making a complaint under the current procedures, or those who have allegations against them which can be discussed with the Contact Officers.

For Senedd staff, it is advisable to discuss any concerns with their manager, a Member of the Senedd, a Contact Officer or a trade union representative, as appropriate, so that they can support staff in raising their concerns, whether formally or informally.

- [Support when making a complaint;](#)
- [Support when an allegation has been made against you.](#)

3. Do you feel there are any barriers to you raising concerns about the inappropriate behaviour of a Member of the Senedd or somebody who works on the Senedd estate?

Some of the barriers to raising concerns is the safety and protection of members of the public who raise complaints and also having the confidence that any complaints will be dealt with confidentially and fairly. It is essential that everyone is treated with dignity and respect in and out of the workplace.

In addition, if there is a need to make a complaint about a Member of the Senedd or anyone that works for the Senedd then processes should be clear and accessible for all. This is particularly important for those who may be refugees or asylum seekers or speakers of ESOL who often find that the first barrier to making a complaint is language, cultural nuances and their lack of understanding the full complaints process and whether it may have a negative impact on their UK status.

When we asked RCC staff and our key stakeholders within our Cultural Hub of 25 grassroots communities on raising concerns about the inappropriate behaviour of a Member of the Senedd or somebody who works on the Senedd estate, 26% of people say that the main barrier to making a complaint is not wanting to be seen as a trouble maker - that is the main factor that would prevent them from making a complaint. However, a further quarter say that the main factor that would prevent them from making a complaint is that it would not make a difference and nothing would improve as a result. One in nine people say that the single main reason why they would not complain is that they are worried their job or community relations would get worse as a result. Greater information is the strongest enabler to speaking out. 76% of people say that knowledge of their legal rights after making a complaint would encourage them to speak out about inappropriate behaviour. This is even more important among those with experience of interactions with members of the Senedd or somebody who works on the Senedd estate.

An open and encouraging culture is also seen as a strong enabler: 75% say that being told by the Senedd that they want people to raise any concerns they have would encourage them to do so. Similarly, 73% say that they would be likely to raise a concern or make a complaint about inappropriate behaviour or bullying if the Senedd actively sought their views through questionnaires. Feedback is a key enabler for some: 70% say they would be likely to raise any concerns they had if the Senedd regularly gave information on the actions they have taken in response to concerns. Anonymity is seen as an enabler by 64% of people, but 21% say that it would not make them any more likely to raise any concerns they have.

In addition, having an advocate or third party would make 68% of people more likely to raise any concerns they have. Albeit, this mechanism is seen as more useful for those currently employed by the Senedd than with members of the public.

4. Do you have any suggestions regarding how the complaints procedure could be improved?

It is reassuring to see that the Senedd is seeking views on how things can be improve to help get the complaints procedure right for the future. RCC is aware that organisation-wide factors, such as shared expectations and

agreed social norms, are an important influence on the likelihood of bullying and workplace incivility. To mitigate this impact RCC recommends that the Senedd should aim to:

Develop understanding of the components and dynamics of fairness. Insights into this area come from psychology and other research insights, but also from collecting organisational data and personal accounts from the workforce which we believe the Senedd has already been proactive in doing so..

It is important to build a relevant, contextualised approach to how colleagues throughout the Senedd should be treated fairly and communicate these insights widely using a top down, bottom-up approach.

Interventions aimed at reducing incivility are less thoroughly explored than influences, so we recommend prioritising prevention over cure, focusing on the root cause of incivility if any exist. Nonetheless, the Senedd should focus on what makes interventions effective. Notably, on how the complaints procedure could be improved - the Senedd should manage complaint records in line with recognised standards to ensure they are kept and can be retrieved for as long as there is a statutory duty or business need. This can include the need to respond to complaints or to provide relevant information to the Ombudsman.

It is also essential to involve people in the design and implementation of clearer guidance to help make interventions effective. The language used should be kept simple in an infographic style or a short video which should be translated in the languages of Wales: Welsh, English, Polish, Arabic, French, German, Spanish or Mandarin, British Sign Language, Braille and large print to help with accessibility. The document to help people understand who they should contact about different types of complaints needs to be publicly available and in different formats and shared across diverse platforms to reach as many people as possible.

A video of the Contact officers talking anonymously about some of the types of complaints they regularly deal with would also be relevant and welcomed. Fortunately, RCC has found no respondents to be victims of inappropriate behaviour who would feel confident in using the procedure as it currently stands, so there is nothing to report on this. However, it is important to keep interventions wide-ranging, so that they target both individual development and organisational processes. It is therefore advisable that the Senedd creates and maintains reliable and usable records as evidence of their activities. These records should include the evidence considered and the reasons for decisions to help build trust and confidence in the process.

Overall Race Council Cymru (RCC) is delighted to be able to provide evidence to help the Committee to understand whether these views are reflected more widely about the policies and complaints systems in place at the Senedd. We fully endorse that the Senedd is actively seeking suggestions regarding how the complaints procedure could be improved and RCC would be happy to share the ‘Making a complaint’ information below to help raise awareness on behalf of the Senedd where appropriate.

‘If you wish to make a complaint relating to Dignity and Respect, the information below explains the options available to you depending on who you are complaining about:

- [*I am not employed by the Senedd or a Member of the Senedd;*](#)
- [*I am a Member of the Senedd;*](#)
- [*I am a member of staff employed by a Member of the Senedd ;*](#)



- [I am a member of staff employed by the Senedd Commission.](#)

We have made several recommendations above on how things can be improved to help the Senedd get the complaints procedure right for the future, which is essential if we all want to live in truly cohesive communities where everyone feels safe to make a complaint without fear that nothing will happen as a result of their complaint. We hope that the information will aid the Senedd in the final decision making process and or revised procedures and communications.

Yours sincerely,

Nkechi Allen Dawson

Lead Policy Officer

Race Council Cymru



References:

- [Complaints \(senedd.wales\)](#)
- [complaints_procedure-en.pdf \(senedd.wales\)](#)
- [Covid inquiry: Families say Senedd committee not enough - BBC News](#)
- <https://www.bbc.co.uk/news/uk-wales-politics-66979153>

Senedd Cymru
Y Pwyllgor Safonau Ymddygiad
[Ymchwiliad i Urddas a Pharch](#)
DR04
Ymateb gan: FDA Cymru

-
Welsh Parliament
Standards of Conduct Committee
[Dignity and Respect Inquiry](#)
DR04
Evidence from: FDA Cymru



Yr undeb o ddewis ar gyfer uwch reolwyr
a gweithwyr proffesiynol yng Ngwasanaeth Cyhoeddus Cymru

FDA Cymru | Wales Ymateb i Ymchwiliad y Pwyllgor Safonau Ymddygiad i Urddas a Pharch

Cyflwyniad a chefnidir

Mae FDA Cymru | Wales yn cynrychioli gweision sifil ac uwch weithwyr proffesiynol o'r Uwch Wasanaeth Sifil (SAC) i Uwch Swyddogion Gweithredol (HEO) sy'n gweithio i'r gweinyddiaethau datganoledig, Comisiwn y Senedd, a chyrff a noddir gan Lywodraeth Cymru.

Mae FDA Cymru | Wales yn croesawu'r cyfle i gyfrannu at yr ymgynghoriad hwn.

Arweiniodd yr FDA yr ymgyrch tymor hir dros broses gwynion gwbl annibynnol yn Nhŷ'r Cyffredin.

Yn ymchwiliad y Fonesig Laura Cox i fwlio ac aflonyddu ar staff Tŷ'r Cyffredin, canfu fod bwlio ac aflonyddu wedi'i ganiatáu oherwydd y diwylliant yn y Senedd a oedd yn goddef ac yn cuddio bwlio ac aflonyddu. Argymhellodd bolisi cwbl annibynnol ar gyfer cwynion ac na fyddai ASau yn chwarae unrhyw ran yn y broses hyd at ac yn cynnwys penderfyniadau ar sancsiynau. Hefyd, gan fod proses annigonol wedi bod yn y Senedd, argymhellodd y dylai staff allu cyflwyno achosion hanesyddol er mwyn ymchwilio iddynt yn y system newydd. Dyma'r union argymhellion yr oedd yr FDA wedi bod yn galw amdanynt.

Ym mis Mehefin 2020 cymeradwyodd Tŷ'r Cyffredin gam olaf y broses annibynnol trwy bleidleisio dros gynnig i sefydlu'r Panel Arbenigol Annibynnol (IEP) newydd i wneud penderfyniadau ynghylch sancsiynau ar gwynion a gadarnhawyd o fwlio, aflonyddu ac aflonyddu rhywiol yn erbyn ASau. Cynlluniwyd cam olaf y broses gan gangen Tŷ'r Cyffredin yr FDA, ac rwy'n cynnig cefnogaeth lawn gan yr FDA wrth weithredu proses annibynnol ar gyfer y Senedd.

Mae FDA Cymru | Wales yn nodi, gyda diddordeb, fel rhan o'r adolygiad mewnol diweddar o'r polisi Urddas a Pharch, fod sawl ymatebydd 'wedi awgrymu y dylai'r system ar gyfer adrodd ynghylch pryderon am urddas a pharch gael ei gweinyddu a'i rhedeg gan gorff annibynnol'. Nodwn hefyd fod yr adolygiad yn cyfeirio at adroddiad 'Prosiect Pawb' Plaid Cymru a gyhoeddwyd ym mis Mai 2023 ac argymhelliad yr adroddiad hwnnw i benodi ymchwilydd allanol annibynnol i ymchwilio i bob cwyn am aflonyddu rhywiol. Mae'r ddau yn adlewyrchu galwad gyson yr FDA i'r Senedd gyflwyno proses cwynion annibynnol.

Mae Atodiad B o'r adolygiad polisi Urddas a Pharch yn nodi'r dull a ddefnyddiwyd i ddelio â chwynion am Aelodau mewn sefydliadau eraill - gan gynnwys sefydlu'r Cynllun Cwynion Annibynnol (ICGS) ac IEP yn San Steffan.

Wrth ymateb i'r ymgynghoriad hwn, un o'r prif ddisgwyliadau gan FDA Cymru|Wales yw bod yn rhaid i'r Senedd nawr weithredu proses gwbl annibynnol ar gyfer delio â chwynion o fwlio, aflonyddu ac aflonyddu rhywiol, tebyg i'r hyn sydd ar waith yn San Steffan.

Dylid nodi hefyd bod Comisiwn Tŷ'r Cyffredin ym mis Rhagfyr 2023 wedi rhyddhau cynigion ar gyfer polisi gwahardd sy'n seiliedig ar risg i Aelodau sy'n destun honiadau difrifol yn ymwneud â throedd dreisgar neu rywiol - enghraifft y byddai'n dda o beth i'r Senedd ei dilyn.

Dylai'r Senedd anelu at bolisi cadarn i ddelio â chwynion yn erbyn swyddogion etholedig y gellir ei chymharu'n gyffredinol â pholisi disgyblu cyflogwr. Dylai staff deimlo'n hyderus i gyflwyno eu cwyn, bod proses ymchwilio annibynnol a theg, ac y deuir i benderfyniad ynghylch y gosb heb unrhyw ymyrraeth wleidyddol. Mae'r cyhoedd hefyd yn disgwyl bod yr holl swyddogion etholedig ac achwynwyr yn cael eu trin yn deg a chyfartal waeth beth fo'u plaid wleidyddol, statws neu lefel.

Ym mhrofiad yr FDA, ym mhob cwr o'r DU, dim ond proses annibynnol sy'n gwbl rydd o ymyrraeth wleidyddol sy'n gallu gweithio. Os oes unrhyw gyfle i hunanreoleiddio, bydd gwleidyddiaeth yn cael blaenoriaeth dros degwch a bydd dioddefwyr achosion o fwlio, aflonyddu ac aflonyddu rhywiol yn cael cam. Mae'n hawl sylfaenol y dylai pawb yn haeddu cael eu trin ag urddas a pharch yn y gweithle.

Isod rhestrir ein hymatebion i'r cwestiynau a ofynnwyd gan yr ymgynghoriad a'r materion a'r argymhellion sy'n deillio o'r adolygiad mewnol diweddar o'r polisi.

Cwestiynau'r Ymgynghoriad:

Cwestiwn: Ydych chi'n teimlo bod unrhyw rwystrau rhag codi pryderon am ymddygiad amhriodol Aelod o'r Senedd neu rywun sy'n gweithio ar ystâd y Senedd?

1. Mae FDA Cymru|Wales yn dal o'r farn bod y broses o benderfynu a yw cwyn yn dderbyniol yn parhau'n aneglur ac y gallai atal staff rhag gwneud cwyn oherwydd y cam 'cyn-ymchwilio'.
2. Yn ogystal â hyn, mae FDA Cymru|Wales yn ystyried y gallai disgresiwn y Comisiynydd i wrthod cwyn cyn dod i benderfyniad terfynol, a'r gofyniad y dylai'r achwynydd ddatgan sut y credir bod yr ymddygiad sy'n rhan o'r gŵyn yn torri'r Cod, wneud y broses yn llai hygyrch.
3. Yn ei [Adolygiad o'r Weithdrefn ar gyfer Ymdrin â Chwynion yn erbyn Aelodau'r Senedd](#) Gorffennaf 2022, penderfynodd Pwyllgor Safonau Ymddygiad Senedd Cymru leihau'r amserlen i gyflwyno cwyn am ymddygiad aelod o'r Senedd o ddeuddeg mis i chwe mis, gyda Chadeirydd y Pwyllgor Vikki Howells AS yn datgan:

"Er mwyn sicrhau bod cof pobl am yr hyn a ddigwyddodd yn fyw o hyd a bod tystiolaeth ar gael yn rhwydd, mae'r Pwyllgor wedi pennu chwe mis fel yr amserlen ar gyfer derbynioldeb cwynion. Fodd bynnag, hoffwn roi sicrwydd y bydd y Comisiynydd yn trafod cwynion yn ymwneud ag achosion y tu allan i'r amserlen hon pan fo achos da dros oedi."

Yn ôl tystiolaeth yr FDA i'r adolygiad hwnnw "pan gyflwynir y weithdrefn, rhaid cael cyfnod i staff allu cyflwyno cwynion hanesyddol i ymchwilio iddynt".

Dywedodd yr FDA hefyd "na ddylai'r penderfyniad ynghylch a ddylid ymchwilio i gwynion a wneir ar ôl yr amserlen chwe mis fod yn ôl disgresiwn y Comisiynydd - dylai fod proses wedi'i diffinio'n glir lle gellir ystyried achosion eithriadol".

Mae FDA Cymru|Wales yn credu bod gosod terfyn amser o chwe mis a'r anallu i wneud cwynion yn erbyn cyn-ASau yn gamgymeriad ac y gallai gymell ASau i "fanteisio ar hynny". Efallai y bydd amgylchiadau lle nad yw staff yn teimlo'n gyfforddus yn gwneud cwyn nes bod AS wedi gadael y Senedd, ac mae hyn yn fwy tebygol o fod yn wir gyda honiadau difrifol iawn fel aflonyddu rhywiol.

O dan y drefn sydd ar waith yn Nhŷr Cyffredin mae terfyn amser o flwyddyn ar gyfer gwneud cwynion am fwlio ond does dim terfyn amser ar gyfer cwynion am gamymddwyn rhywiol. O ganlyniad, gwnaed nifer o gwynion hanesyddol am gamymddwyn rhywiol, na fyddai wedi bod yn destun ymchwiliad fel arall.

Dylai'r Senedd ddilyn yr esiampl honno.

4. Mae FDA Cymru|Wales yn credu bod y penderfyniad i ddileu proses apelio yn gamgymeriad. Yn seiliedig ar ein profiad mewn gweinyddiaethau eraill, bydd diffyg proses apelio gwbl annibynnol - un sy'n annibynnol ar ASau ar bob cam - yn arwain at gyhuddiadau o driniaeth annheg ac ni fydd yn ennill ymddiriedaeth a hyder staff y Senedd, awdurdodau'r Senedd nac Aelodau Seneddol.

Cwestiwn: Oes gennych chi unrhyw awgrymiadau ynghylch sut y gellid gwella'r drefn gwyno?

- Ydi'r canllawiau'n glir?
- Ydi'r iaith sy'n cael ei defnyddio'n syml i'w deall?
- Ydi'r ddogfen yn eich helpu i ddeall gyda phwy y dylech gysylltu yn achos gwahanol fathau o gwynion?
- Pe byddech chi'n dioddef ymddygiad amhriodol, a fyddech chi'n teimlo'n hyderus wrth ddefnyddio'r weithdrefn fel y mae ar hyn o bryd?

Mae FDA Cymru|Wales yn credu bod y trefniadau presennol:

- a) yn rhy gymhleth, gyda'r posibilrwydd o arwain at oedi wrth ddelio â chwynion; a bod
- b) diffyg annibyniaeth lawn - mae'r trefniadau'n cynnwys ASau, gan gynnwys y Senedd gyfan, wrth wneud penderfyniadau terfynol ynghylch torri'r cod. Fel sy'n digwydd yn Nhŷr Cyffredin ni ddylai gwleidyddion etholedig gymryd rhan yn ystod unrhyw gam o'r broses.

Mae FDA Cymru|Wales unwaith eto yn galw ar y Senedd i ddilyn Tŷr Cyffredin gan weithredu proses wirioneddol annibynnol drwy gyflwyno Panel Arbenigol Annibynnol, tebyg i'r hyn sydd bellach ar waith yn Nhŷr Cyffredin.

Dylai swyddogaethau'r panel gynnwys:

- a) pennu canlyniad a sancsiwn priodol mewn achosion a gaiff eu cyfeirio ato gan y Comisiynydd Annibynnol,
- b) gwrandao ar apeliadau yn erbyn penderfyniadau canlyniadau; a
- c) gwrandao ar apeliadau yn erbyn sancsiwn.

Os nad yw eisoes ar waith, dylai'r Senedd gyflwyno:

- Llinell gymorth ar gyfer achwynwyr,

- hyfforddiant cynhwysfawr i'r rhai sy'n ymchwilio i gwynion ynghyd â chronfa amrywiol o ymchwilwyr hyfforddedig; a
- darpariaeth ar gyfer casglu data'n effeithiol i gofnodi cwynion lluosog yn erbyn ASau a nodwyd.

Yn olaf, dylai'r Senedd hefyd ddilyn esiampl Tŷ'r Cyffredin a chyflwyno cynigion ar gyfer polisi gwahardd sy'n seiliedig ar risg i Aelodau sy'n destun honiadau difrifol yn ymwneud â throsedd dreisgar neu rywiol.

Senedd Cymru
Y Pwyllgor Safonau Ymddygiad
[Ymchwiliad i Urddas a Pharch](#)
DR05
Ymateb gan: Plaid Cymru

-
Welsh Parliament
Standards of Conduct Committee
[Dignity and Respect Inquiry](#)
DR05
Evidence from: Plaid Cymru

Ymchwiliad i Urddas a Pharch – Ymgynghoriad y Pwyllgor Safonau Ymddygiad

Mae'r Pwyllgor Safonau Ymddygiad (y Pwyllgor) yn cynnal ymchwiliad i Urddas a Pharch.

Mae'r Pwyllgor yn awyddus i adolygu'r cynnydd a wnaed yn y maes hwn, sicrhau bod y drafodaeth yn y maes hwn yn parhau ac ystyried a ellid cymryd camau pellach.

Ymateb Grŵp Senedd Plaid Cymru

Cyflwyniad

1. Mae Grŵp Senedd Plaid Cymru (y Grŵp) yn croesawu ymchwiliad y Pwyllgor i urddas a pharch. Mae'r Grŵp yn cydnabod y rôl sydd ganddo i'w chwarae a'r cyfrifoldeb sydd ganddo i sicrhau bod Senedd Cymru (y Senedd) yn amgylchedd diogel i'r rhai sy'n gweithio yma, i'r rhai sy'n ymweld â'r ystâd ac i unrhyw un sy'n ymwneud â'n Haelodau neu'n cyflogeion, fel y nodwyd yn flaenorol gan Arweinydd y Grŵp ar y pryd yn y datganiad ar y cyd gan y Llywydd, Cadeirydd y Pwyllgor Safonau Ymddygiad ac arweinwyr grwpiau'r pleidiau yng Nghynulliad Cenedlaethol Cymru yn 2017.¹

2. Mae'n hanfodol bod gan bob unigolyn, yn enwedig menywod, hyder ym mholisiau a gweithdrefnau'r Senedd a'u bod yn gallu codi pryderon neu wneud cwynion dilys am ymddygiad unrhyw unigolyn yn y Senedd a allai fod wedi methu â chyrraedd y safon ddisgwyliedig, a'u bod yn cael eu cefnogi a'u hannog i wneud hynny.

3. Mae'r Grŵp yn nodi'r cwestiynau yn y ddogfen ymgynghori, sydd wedi'u hanelu'n rhannol at gael ymatebion gan unigolion yn hytrach na Grwpiau neu sefydliadau². Er gwaethaf hyn, fodd bynnag, mae'r Grŵp yn dymuno datgan ar goedd ei farn ynghylch y gweithdrefnau cwyno ehangach sydd ar waith, yn enwedig mewn perthynas ag achosion o aflonyddu rhywiol, ond heb fod yn gyfyngedig i hynny.

4. Yn hyn o beth, mae'r Grŵp yn cefnogi'r Datganiad ar Urddas a Pharch a amlinellr yn Atodiad A y dogfennau ymgynghori³, ac yn cydnabod y gwaith pwysig y mae Comisiwn y Senedd (y Comisiwn) wedi'i wneud yn ddiweddar i adolygu a gwella polisi urddas a pharch y Senedd. Serch hynny, mae rhai materion sy'n peri pryder yng nghasgliadau Adolygiad o Bolisi Urddas a Pharch y Comisiwn.

- Ym mharagraff 5, cyfeirir at ddarparu adnoddau ychwanegol i swyddfa'r Comisiynydd Safonau i 'hwyluso gwasanaeth gwell sy'n sicrhau bod cydbwysedd rhwng y rhywiau o'i swyddfa' ond aiff ymlaen i awgrymu bod yr adnoddau ychwanegol a oedd ar gael yn flaenorol i ddarparu gwasanaeth sy'n gytbwys o ran y rhywiau yn cael eu darparu bellach drwy brotocol ar gais y Comisiynydd 'a fydd yn helpu i sicrhau y caiff ymchwiliadau cytbwys o ran rhywedd eu cynnal *pryd bynnag y bydd angen*' (ein pwyslais ni). Y rheswm a roddir am hyn yw bod y 'Comisiynydd wedi adrodd am lai o achosion' sy'n golygu nad oes angen yr adnodd ychwanegol mwyach. O ystyried natur gwaith y Comisiynydd, dylai ei swyddfa allu cynnig gwasanaeth cytbwys o ran y

¹<https://busnes.senedd.cymru/documents/s68654/Datganiad%20gan%20y%20Llywydd%20Cadeirydd%20y%20Pwyllgor%20Safonau%20Ymddygiad%20ac%20arweinwyr%20y%20grwpiau%20plaid%20yng%20Ngh.pdf>

² <https://busnes.senedd.cymru/documents/s141639/Ymgynghoriad%20ar%20Urddas%20a%20Pharch.pdf>

³ <https://busnes.senedd.cymru/documents/s141869/Atodiad%20A.pdf>

rhywiau yn rhagweithiol **bob** amser, nid dim ond mewn ymateb i ymchwiliadau penodol fel y penderfynir gan y Comisiynydd.

- Gan gydnabod cymhlethdod y dull teirochrog a'r awdurdodau seneddol amrywiol sydd â rhywfaint o rôl o ran cymhwyso polisiâu a gweithdrefnau sy'n rhoi effaith i'r Polisi Urddas a Pharch, prin iawn yw'r drafodaeth ar rôl y pleidiau gwleidyddol – ac yn fwy penodol grwpiau'r pleidiau gwleidyddol yn y Senedd – yn hynny o beth. Mae hyn er gwaethaf y ffaith bod y gallu i godi pryderon neu gwynion gyda'r Grwpiau eu hunain wedi bod, ac yn parhau i fod, yn llwybr adrodd allweddol a hyrwyddir mewn perthynas â'r Polisi. Anfonodd cyn-Arweinydd y Grŵp ohebiaeth at Gadeirydd y Bwrdd Taliadau yn codi pryderon ynghylch y ffaith nad oes cydnabyddiaeth ddigonol, benodol o fewn y Penderfyniad nac yn y Senedd yn ehangach, o swyddogaeth grwpiau gwleidyddol yn y maes hwn ac felly bod yn rhaid i'r adnoddau a ddarperir o dan y Penderfyniad a'r cymorth ehangach a ddarperir gan dîm Cymorth Busnes yr Aelodau ystyried y swyddogaeth hon er mwyn sicrhau ei bod yn cael ei chyflawni'n effeithiol. Rydym yn atodi'r ohebiaeth hon o fis Tachwedd 2021 i'r papur hwn⁴. Mae'r Grŵp hefyd wedi galw am gydnabyddiaeth ariannol i rôl y Prif Chwip i gydnabod statws y gwaith pwysig y mae'n ei wneud yn y dirwedd hon ac er mwyn ei ffurfioli o fewn system y Senedd, er mwyn i'r Senedd ddarparu cymorth, datblygiad a hyfforddiant ar gyfer y rôl.

5. Mae'r Grŵp yn nodi'r dystiolaeth a ddarparwyd gan Chwarae Teg mewn ymateb i ymgynghoriad tebyg a gynhaliwyd gan y Pwyllgor yn y 5^{ed} Senedd rhwng 2017-2018 sy'n datgan⁵:

“The current culture does not adequately support women to bring complaints. A key challenge is to ensure that women are able to bring complaints without fear of targeted, sustained aggression and harassment, especially on social media. This shift cannot be brought about solely by changing the Code of Conduct, but as part of a wider piece of work we are confident that we can bring about the change required.”

6. Yn anffodus, 5 mlynedd a mwy yn ddiweddarach, mae llawer o'r datganiad hwnnw, os nad y datganiad cyfan, yn parhau i fod yn berthnasol. Felly, mae'r Grŵp o'r farn bod angen i'r Pwyllgor wneud gwaith manwl pellach ar fyrder i edrych ar y diffygion yn y gweithdrefnau cwyno ac ymchwilio sydd ar waith a allai arwain at ddiwygio'r ffordd y mae Comisiynydd Safonau'r Senedd (y comisiynydd) yn cyflawni ei waith yn ogystal â'r holl beirianwaith y tu hwnt i'r Comisiynydd Safonau ac o'i amgylch.

7. Fel cam cyntaf, dylai'r Pwyllgor adolygu i ba raddau y mae wedi gweithredu'r 21 o argymhellion sydd yn adroddiad y Pwyllgor a'i rhagflaenodd yn y 5^{ed} Senedd, sy'n dwyn y teitl 'Creu'r Diwylliant Cywir'.⁶

Prosiect Pawb

8. Bydd y Pwyllgor yn ymwybodol bod Plaid Cymru wedi cyhoeddi Prosiect Pawb yn 2023⁷, adroddiad a gomisiynwyd i ddeall y diwylliant o fewn y blaid a gwneud argymhellion ynghylch

⁴ Atodiad A, Yn Atodedig.

⁵ <https://business.senedd.wales/documents/s72568/Consultation%20response%20from%20Chwarae%20Teg.pdf>

⁶ <https://senedd.cymru/laid%20documents/cr-ld11726/cr-ld11726-w.pdf>

⁷ https://assets.nationbuilder.com/plaid2016/pages/12286/attachments/original/1683117478/Prosiect_Pawb_-_Canfyddiadau_Allweddol_a_Chrynodeb_o'r_Argymhellion.pdf?1683117478

sut i arwain newid, yn benodol felly ar faterion yn ymwneud ag aflonyddu, bwlio a mysoginistiaeth.

9. Mae'r Grŵp yn parhau i fod yn ymrwymedig i weithredu'r holl argymhellion perthnasol o adroddiad Prosiect Pawb sy'n berthnasol i'w gwaith yn y Senedd. Mae'n bosibl y bydd y Pwyllgor am adolygu'r argymhellion ac ystyried a oes rhai yn berthnasol i'w waith, ac y gallai'r Senedd yn ei chyfanrwydd eu rhoi ar waith mewn rhyw ffordd hefyd. Byddai'r Grŵp yn croesawu unrhyw gyfleoedd i gefnogi'r Pwyllgor gyda'r ymdrech hon.

Adolygu Prosesau Aflonyddu Rhywiol a Llwybrau Adrodd

10. Rydym ar ddeall bod llawer o lwybrau adrodd er mwyn codi pryderon neu wneud cwynion o dan y Polisi. Mae'n bosibl y byddai mwy nag un weithdrefn yn berthnasol ar yr un pryd ac felly mae'n bosibl na fydd yn glir i rywun sy'n dymuno codi pryder neu wneud cwyn o dan ba weithdrefn y dylai wneud hynny, pa un sy'n cael blaenoriaeth a beth mae'r broses yn debygol o olygu. Mae rhai o'r rhain ar gael ar wefan y Senedd.

11. Er enghraifft, y dudalen 'Gwneud cwyn os mai cyflogai unrhyw Aelod o'r Senedd neu grŵp plaid ydych chi'⁸. Nodir dau brif lwybr yn yr enghraifft hon 1) Y Comisiynydd Safonau neu 2) Adrodd yn uniongyrchol drwy ddefnyddio gweithdrefnau'r blaid wleidyddol ei hun. Ni chyfeirir yma, fodd bynnag, at y Weithdrefn Gwyno na'r Polisi Gwrth Aflonyddu a Bwlio a gyhoeddwyd gan y Bwrdd Taliadau Annibynnol sy'n annog codi'r pryder neu'r gŵyn gyda'r sawl y gwneir y gŵyn yn ei gylch, ac sydd hefyd yn annog datrysiad anffurfiol. Ymddengys mai dyma'r brif weithdrefn ar gyfer cwyn gan y rhai a gyflogir fel Staff Gwasanaethau Cymorth yr Aelodau/Grŵp.

12. Byddai'r Grŵp yn croesawu adolygiad cynhwysfawr o'r modd yr ymdrinnir yn ymarferol â chwynion ac aflonyddu rhywiol a sut y mae'r Polisi'n cael ei roi ar waith gan y Senedd. Gallai'r adolygiad hwn gael ei gomisiynu ar y cyd gan unigolion a chyrrff perthnasol o bob rhan o'r Senedd a dylai gael ei gynnal gan arbenigwr allanol annibynnol yn y maes, gan ddefnyddio arfer gorau sefydliadol ar draws Seneddau a phleidiau gwleidyddol.

13. Dylai adolygiad o'r fath ystyried sut y gallai'r Senedd roi proses gwyno benodol ar waith ar gyfer achosion o aflonyddu rhywiol, yn unol â'r system sydd bellach wedi'i sefydlu yn San Steffan. Dylai hyn edrych hefyd ar sut y mae'r Gwasanaeth Cwynion ac Achwynion Annibynnol yn gweithio yn San Steffan ochr yn ochr â system y Comisiynydd/Pwyllgor Safonau, ac a fyddai'n ddatblygiad gwerthfawr pe bai'r Senedd yn cynnwys elfen ychwanegol yn ei lwybrau adrodd. Byddai hyn yn cynnwys y defnydd o arbenigwyr annibynnol wrth ymchwilio i honiadau, a chynnig cymorth arbenigol i achwynwyr drwy gydol y broses.

14. Mae'r Grŵp yn credu y dylai proses o'r fath hefyd ddarparu lefelau gwahanol o atebolrwydd i unigolion, fel y gellir monitro patrymau ymddygiad, pe na bai cwyn ffurfiol yn cael ei gwneud yn y lle cyntaf. Dylid sefydlu proses nad yw'n dibynnu ar unigolion i wneud cwynion ond un sy'n galluogi unigolion i nodi digwyddiadau mynych o ymddygiad amhriodol yn ychwanegol at y mecanwaith cwynion. Gallai proses o'r fath arwain at gosbau os ceir tystiolaeth ailadroddus o un ffynhonnell neu fwy.

⁸ <https://senedd.cymru/cymorth/cwynion/staff-a-gaiff-eu-cyflogi-gan-aelodau-o-r-senedd-neu-grwpiau-gwleidyddol/?PageSize=1&Page=6&ViewModelType=Related&IsSubSearch=false&PagelId=314961&Culture=cy-GB&SiteHomePagelId=1634&Tags=false>

15. Gallai unrhyw adolygiad o'r fath hefyd ystyried agweddau eraill a amlinellir yn yr ymateb hwn, ond ni ddylai hynny atal y Pwyllgor nac unrhyw gorff perthnasol arall yn y Senedd rhag cymryd camau ar unwaith, yn debyg i'r hyn a awgrymir isod, i amddiffyn unigolion yn well rhag aflonyddu rhywiol a mathau eraill o ymddygiad amhriodol.

Cyfnod Cyfyngiadau o 6 Mis

16. Dylid ystyried gwrthdroi'r penderfyniad i newid yr amserlen ar gyfer gwneud cwynion derbyniadwy i 6 mis, gan ei hadfer i 12 mis, o ystyried y canlyniad anfwriadol posibl yn sgil hynny o ran ei gwneud yn anos i achwynwyr adrodd am gŵyn.

17. Dylai'r Comisiynydd hefyd ei gwneud yn gliriach i ba raddau y gallai ddefnyddio ei ddisgresiwn i ystyried cwynion y tu allan i'r cyfnodau hyn. Dylid sicrhau bod y disgresiwn hwn yn cael ei egluro a'i symleiddio ac y rhoddir cyhoeddusrwydd da iddo, yn enwedig o ystyried bod tystiolaeth gan Cymorth i Ferched Cymru wedi datgan yn flaenorol bod cael statud gyfyngedig o gyfyngiadau yn broblem fawr, yn enwedig mewn achosion o aflonyddu rhywiol lle mae'n bosibl na fydd unigolion yn teimlo y gallant godi eu llais neu wneud cwyn ar unwaith⁹.

Mesurau Ataliol a Hyfforddiant Gorfodol

18. Gallai pwyslais ar gamau ataliol hefyd drawsnewid agweddau ar draws y Senedd tuag at atal aflonyddu rhywiol ac ymddygiad amhriodol. Ar ei wefan, mae ACAS yn amlinellu nifer o gamau y gall gweithleoedd fel y Senedd eu cymryd i atal ymddygiad o'r fath¹⁰:

1. Rhoi polisïau a gweithdrefnau ar waith
2. Sicrhau cyfatebiaeth o fewn polisïau eraill
3. Gwirio bod polisïau'n gweithio
4. Hyfforddi staff
5. Asesu'r risg
6. Creu diwylliant dim goddefgarwch
7. Gwella cydraddoldeb, amrywiaeth a chynhwysiant

19. Er y gallai rhai o'r rhain fod yn eu lle eisoes, dylai prosesau adolygu a gweithredu cyson fod yn norm. Gallai'r Pwyllgor a'r Comisiwn gynnal ymchwil i gamau ataliol eraill y gellir eu cymryd yn ychwanegol at yr uchod.

20. O ran hyfforddiant, mae'r Grŵp yn credu y dylai'r holl Aelodau, Staff Cymorth yr Aelodau a Staff y Comisiwn gael hyfforddiant gorfodol ar urddas a pharch, aflonyddu rhywiol a bod yn wylwyr gweithredol ar ddechrau eu cyfnod yn y Senedd. Dylid diweddarau'r hyfforddiant hwn yn rheolaidd hefyd a chynnal sesiynau gloywi i sicrhau bod yr Aelodau a'r staff yn cael eu hatgoffa'n rheolaidd am ymddygiad priodol a beth i'w wneud os ydynt yn gweld ymddygiad amhriodol.

Tryloywder

21. Mae tryloywder yn elfen hanfodol o sicrhau a meithrin ymddiriedaeth mewn gweithdrefnau cwyno. Ar draws y sectorau seneddol a chyfreithiol cydnabyddir bod angen bod yn agored ac yn dryloyw o fewn prosesau cwyno. Mae'r egwyddor allweddol hon yn hollbwysig i

⁹ <https://cofnod.senedd.cymru/Committee/4518>

¹⁰ <https://www.acas.org.uk/sexual-harassment/steps-for-employers-to-prevent-sexual-harassment>

atebolrwydd, ac yn galluogi i gynllun ddangos ei fod yn deg, sydd yn ei dro yn gwella hyder y cyhoedd.¹¹

22. Mae'r Grŵp yn credu y dylai'r arfer sydd bellach ar waith yn Senedd y DU o enwi Aelodau sy'n destun ymchwiliad yn dilyn cwyn dderbyniadwy¹², yn ogystal â chyfeirio at y mater yr ymchwilir iddo, gael ei fabwysiadu gan y Senedd hefyd.

Amddiffyniadau i Ddiodefwyr, Achwynwyr a Thystion

23. Mae'r Grŵp o'r farn y dylai'r holl unigolion yn y Senedd fod yn wylwyr gweithredol a bod ganddynt ddyletswydd i roi gwybod am unrhyw ymddygiad amhriodol y gallant fod yn dyst iddo. O ystyried hyn felly, dylai'r Pwyllgor ystyried sut y gellir barnu bod cwynion a wneir i'r Comisiynydd gan unigolion nad oeddent yn diodefwyr uniongyrchol ymddygiad o'r fath, ond yn hytrach yn dyst i'r ymddygiad, yn dderbyniadwy. Byddai hyn yn helpu i hyrwyddo diwylliant dim goddefgarwch, yn ogystal â lleihau'r baich ar yr unigolyn sydd wedi dioddef ymddygiad o'r fath. Dylid nodi, fodd bynnag, bod rhai o ganllawiau'r Senedd yn cynghori'n benodol yn erbyn dyletswydd i adrodd ar hyn o bryd. Er enghraifft, roedd y canllawiau'n sôn yn flaenorol am gyfeirio, sef y cysyniad o gael 'cydsyniad' yr unigolyn: "*The political party may wish to refer the allegation to Members' Business Support, they should only do so with your consent.*" Mae hon yn ystyriaeth bwysig. Yn amlwg, mae angen adolygu'r canllawiau i sicrhau cysondeb ar draws llwybrau adrodd ac i gadarnhau safbwynt swyddogol y Senedd o ran dyletswydd i adrodd a pha amddiffyniadau a chymorth sydd ar gael i'r rhai y mae rheidrwydd arnynt i adrodd.

24. Oherwydd amrywiaeth o ffactorau megis anghydbwysedd o ran y rhywiau a phŵer, neu beidio â chael eu credu, colli eu swyddi neu niwed posibl i'w henw da, neu enw da plaid a diffyg mynediad i gymorth cyfreithiol, gall diodefwyr ac unigolion fod yn fwy amharod i godi pryderon neu wneud cwynion. Dylai'r Pwyllgor ystyried felly, a yw'r amddiffyniadau a'r gefnogaeth sydd ar gael i bawb sy'n ymwneud â phroses gwyno yn briodol ac yn ddigonol, yn enwedig o ran chwythwyr chwiban, neu unigolion sy'n dymuno cadw eu hawl i breifatrwydd.

Adnoddau a Diwygio'r Comisiynydd Safonau a strwythurau ychwanegol / amgen

25. Dylai'r Pwyllgor ystyried y cymorth a'r adnoddau sydd ar gael i'r Comisiynydd. Efallai y bydd y Pwyllgor am ystyried a yw'n dal yn briodol i un unigolyn ysgwyddo'r holl gyfrifoldeb fel Comisiynydd, yn enwedig o ystyried cyfyngiadau'n ymwneud â sgiliau, arbenigedd a phrofiadau un unigolyn. Fel arall, os caiff ei gadw, mae'n bosibl y gallai Gwasanaeth Cwynion ac Achwynion Annibynnol newydd weithredu ochr yn ochr â'r Comisiynydd Safonau fel bod rôl ymchwiliol y Comisiynydd mewn achosion o aflonyddu/Urddas a Pharch yn cael ei throsglwyddo i gorff newydd o'r fath, ond bod y gosb o dan y Cod Ymddygiad ar ôl ymchwiliad yn parhau i fod yn nwylo'r Comisiynydd/Pwyllgor Safonau.

Swyddogaeth Gymorth Adnoddau Dynol i Aelodau a Staff

26. Dylai'r Pwyllgor ystyried pa gyngor a gwasanaethau AD y gellid eu darparu i'r Aelodau, gan ystyried eu rolau fel cyflogwyr unigol, pe bai angen cyngor arnynt ar faterion megis

¹¹ <https://www.legalombudsman.org.uk/media/k4cfzsbw/transparency-and-reporting-impact-response-september-2020.pdf>

¹² <https://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/parliamentary-commissioner-for-standards/complaints-and-investigations/allegations-currently-under-investigation-by-the-commissioner/>

gweithredu a monitro polisïau'r gweithle, gweithdrefnau cwyno, neu pan fydd eu swyddfa, neu unigolyn yn eu swyddfa, yn rhan o weithdrefn gwyno.

27. Byddai i hyn bwysigrwydd ychwanegol i Aelodau na fyddent wedi cael unrhyw brofiad o faterion o'r fath cyn cael eu hethol a bod yn gyfrifol am redeg swyddfa a rheoli tîm cyfan o staff. O ystyried yr adnoddau cyfyngedig sydd ar gael i'r tîm Cymorth Busnes i'r Aelodau, efallai y bydd yr Aelodau weithiau'n ei chael yn anodd datrys materion yn brydlon ac yn foddhaol, a gallai hyn gael effaith uniongyrchol ar staff o ran materion yn ymwneud ag urddas a pharch ac ymddygiad priodol yn y gweithle.

28. Efallai y bydd y Pwyllgor am ystyried rôl yr Aelodau fel cyflogwyr ac a ddylai'r cyfrifoldeb am agweddau AD y rôl honno gael ei ysgwyddo gan gorff cwbl wahanol. Mae'r undebau yn San Steffan am i'r cyfrifoldeb dros faterion adnoddau dynol/anghyfodau'n ymwneud â staff gael eu hysgwyddo gan gorff annibynnol ac nid gan yr Aelodau.

29. Dylai staff hefyd gael mynediad i swyddogaeth AD annibynnol er mwyn cael cyngor ac er mwyn cyfeirio pobl ati.

Hawliau'n Ymwneud â'r Gymraeg

30. Dylai dioddefwyr, achwynwyr a thystion allu ymgysylltu yn yr iaith o'u dewis a darparu tystiolaeth ac ateb cwestiynau yn yr iaith honno bob amser, yn unol â Chynllun Ieithoedd Swyddogol y Senedd sy'n datgan "Mae'r Senedd yn sefydliad cwbl ddwyieithog. Caiff y ddwy iaith swyddogol eu trin yn gyfartal a gweithio dwyieithog yw'r norm bellach."¹³

31. Mae'r Grŵp ar ddeall bod unigolion, mewn rhai achosion, wedi penderfynu darparu tystiolaeth lafar ac ysgrifenedig yn Saesneg, er y byddent yn teimlo'n fwy cyfforddus a chartrefol yn ateb cwestiynau a/neu'n darparu tystiolaeth yn eu hiaith gyntaf, sef y Gymraeg. Roedd hyn yn rhannol er mwyn osgoi'r angen i drydydd parti weithredu fel cyfieithydd mewn sgysiau sensitif. Dylai Tîm Ieithoedd Swyddogol y Senedd hefyd gynnal archwiliad i ganfod i ba raddau y mae'r arferion presennol yn cydymffurfio â disgwyliadau'r Cynllun a'r Ddeddf ac adolygu capasiti'r swyddfa o ran sgiliau iaith i ddarparu gwasanaeth dwyieithog. Fel isafswm, dylid anfon gohebiaeth yn ddwyieithog neu yn Gymraeg yn unig bob amser yn ôl yr achos a dylai'r Comisiynydd allu delio â gohebiaeth o'r fath. Dylid cynnig cyfle rhagweithiol i bawb sy'n dod i gysylltiad â gweithgaredd y Comisiynydd i ddarparu tystiolaeth lafar yn Gymraeg. Yn ddelfrydol dylai fod gan y gwasanaeth gapasiti digonol i ddarparu hyn, fodd bynnag, mewn unrhyw achos lle nad yw hynny'n bosibl, y Comisiynydd ddylai fod yn gyfrifol am wneud trefniadau ar gyfer cyfieithu ar y pryd os oes angen er budd y di-Gymraeg.

Cwblhau a Chofnodi Cwynion yn erbyn Aelodau

32. Efallai y bydd y Pwyllgor hefyd am ystyried y gweithdrefnau sydd ar waith ar hyn o bryd ar gyfer yr hyn sy'n digwydd i gŵyn pe na bai Aelod yn cael ei ailethol neu pe bai'n ymddiswyddo cyn i unrhyw ymchwiliad neu broses gael eu cwblhau. Mae Cymorth i Ferched Cymru wedi dadlau o'r blaen y dylai ymchwiliadau barhau beth bynnag, er mwyn ymchwilio nid yn unig i'r unigolyn, ond hefyd i'r diwylliant o fewn y sefydliad a'r gweithle a fyddai wedi galluogi aflonyddu o'r fath i ddigwydd.¹⁴

¹³ <https://senedd.cymru/media/01memsk/gen-ld15324-w.pdf>

¹⁴ <https://cofnod.senedd.cymru/Committee/4518>

33. Byddai hyn hefyd yn sicrhau cofnod tryloyw a chyhoeddus o ymddygiad Aelodau unigol, pe baent yn cael eu haillethol yn y dyfodol, ac yn caniatáu ystyried unrhyw batrwm ymddygiad posibl, hyd yn oed os yw'n ymddygiad hanesyddol ers tymor blaenorol y Senedd.

Casgliad a'r Camau Nesaf

34. Mae'r Grŵp yn credu y dylai'r ymchwiliad hwn fod yn ddechrau newydd i waith pellach yn y maes hwn, a fydd yn cynnwys y Pwyllgor, y Comisiwn, y Comisiynydd a'r holl bleidiau gwleidyddol a gynrychiolir yn y Senedd, yn ogystal â Llywodraeth Cymru, yn arbennig felly wrth edrych ymlaen tuag at Senedd ddiwygiedig. Dylai'r gwaith hwn hefyd gynnwys cymorth allanol gan unigolion neu sefydliadau sy'n arbenigo mewn ymdrin ag achosion o aflonyddu rhywiol ac ymddygiad amhriodol.

35. Dylai'r Pwyllgor ystyried asesu ac adolygu pa gyrff sydd â phwerau i wneud newidiadau, yn enwedig pe bai angen newidiadau i ddeddfwriaeth a/neu Reolau Sefydlog, a phwy sy'n gyfrifol am gymryd rôl arweiniol. Mae'n debygol y gallai ac y dylai newidiadau gael eu rhoi ar waith gan yr holl gyrff a nodir yn y paragraff uchod, ac felly mae'r Grŵp yn credu bod gan y Pwyllgor rôl i'w chwarae i sicrhau a goruchwyllo cysondeb a chydymffurfiaeth yn gyffredinol o ran rhoi unrhyw ddiwygiadau o'r fath ar waith, fel sydd gan Gomisiwn y Senedd ei hun.

36. Byddai'r Grŵp yn croesawu unrhyw gyfleoedd a thrafodaethau pellach a allai helpu i hwyluso newid a chyflawni newid ystyrllon i ddioddefwyr aflonyddu rhywiol a mathau eraill o ymddygiad amhriodol.

Senedd Cymru
Y Pwyllgor Safonau Ymddygiad
[Ymchwiliad i Urddas a Pharch](#)
DR05
Ymateb gan: Plaid Cymru

-
Welsh Parliament
Standards of Conduct Committee
[Dignity and Respect Inquiry](#)
DR05
Evidence from: Plaid Cymru

Adam Price AS/MS

Aelod o'r Senedd dros Ddwyrain Caerfyrddin
a Dinefwr

—
Member of the Senedd for
Carmarthen East and Dinefwr


Dr Elizabeth Haywood,
Chair of the Senedd's Independent Remuneration Board,
c/o Llinos Madeley, Clerk to the Board
Via e-mail: llinos.madeley@senedd.wales

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Dyddiad | Date: 05 Tachwedd 2021

Annwyl Elizabeth,

May I take this opportunity at the outset to welcome you to your post and to wish you well in carrying out the responsibilities it entails.

I am mindful that we have not yet had the opportunity to meet formally since you have taken on the post of Chair of the Board as the Fifth Senedd was drawing to a close against the unprecedented backdrop of the global pandemic, on top of the more familiar pressures associated with the pre-election period.

I would, nevertheless, welcome the opportunity to meet with you at a mutually convenient time to look forward to the aspirations we have for the Sixth Senedd – including in the crucial area of Senedd reform – and the Board's contribution to that all important work.

In the interim, there is one specific matter of concern which I would like to bring to the Board's attention and request that it be considered at your next meeting which I understand is scheduled to take place before the end of this month.

I am drawing the Board's attention to this matter on the basis of i) my responsibilities as the remunerated Group Leader in the employment of the Party Group's staff and ii) my understanding and interpretation of my wider leadership role as the remunerated Group Leader in having ultimate oversight of and responsibility for maintaining a cohesive, well governed and disciplined Group thereby contributing to the wider parliamentary framework and success of the Senedd institution.

The context of this correspondence is a request for legal advice on two specific matters towards the end of the Fifth Senedd in readiness for the Sixth Senedd, reflecting on experiences in operating as a Group during the period 2016-2021 and how procedures and employment

practices may be strengthened further as preparations for a new Group were underway. It was explained that it was not possible for the Senedd Commission's MBS Team or Legal Services to provide the advice sought, therefore an application was submitted to draw on remaining Group office costs to source external advice. This was turned down at the MBS level and at appeal by the Clerk through the established appeals procedure. The decision is recorded in the public facing appeals log (**[Formal Appeals on Members' Expenses \(senedd.wales\)](#)**) as follows:

'A Group sought access to funds, from their Group allowance, for external legal advice for two issues. Firstly, advice was sought about a potential internship scheme aimed at BAME candidates. Secondly advice was sought about internal Group arrangements. Paragraph 8.1.1 of the Determination provides that the allowance is for parties to assist in the discharge of their work in the Senedd. It is payable only in respect of costs which are wholly, exclusively and necessarily for the purpose of discharging their duties as Members. The Chief Executive and Clerk did not consider that the two requests fell within the scope of paragraph 8.1.1 and the appeal was dismissed.'

I have included as an annex to this letter an extract from exchanges between my Chief of Staff and an official within MBS in relation to the specific matter. The position taken is generally consistent with the Clerk's basis for rejecting the appeal. I should like to place on record that I make no criticism of officials who presumably took this position based on their own legal advice, but rather include it for context in relation to the application and interpretation of the relevant provisions of the Determination in this instance.

Without wanting to unhelpfully rehearse or appear to be attempting to reopen the appeals process which has clearly now been exhausted in the case of the specific applications made in the Fifth Senedd, and which is the responsibility of the Clerk, I will attempt to outline the potential wider significance of the matter for the future, drawing on the context of the legal advice that was being sought and why.

My objective in doing so is to query whether the Determination should be adjusted – whether in terms of substance or simply in terms of drafting to remove any uncertainty or ambiguity – to ensure that Party Groups in the Senedd are able to carry out their work in the most appropriate and comprehensive manner and are equipped and empowered with the necessary resources to do so.

BME parliamentary internship scheme

Summary of proposal and issue

It has been an aspiration of mine for a while to offer a parliamentary internship scheme, rewarded at the real living wage, which would be more structured and extensive in terms of duration than the brief periods of unpaid work experience we have offered in recent years. The renewed focus

on structural racial inequalities in Welsh society and around the world in light of the Black Lives Matter movement also resulted in renewed consideration of the diversity of our own workforce.

I was therefore keen to explore whether these two strands could be combined through the creation of a parliamentary internship role targeted specifically at people from black and minority ethnic backgrounds. Similar schemes have been successfully run by organisations in Wales and other parliaments too – that exist to support people from all backgrounds into politics.

The driver for my interest in setting up such a programme as an employer of Party Group staff is that I want to make sure that we do not miss out on diversity of thinking, skills and experience in our own workforce, as well as ensuring we play our part in tackling structural underrepresentation of people from black and minority ethnic backgrounds in Welsh politics and Welsh public life more broadly. I want to ensure that our own workforce within the Senedd Group reflects the Wales that we serve and proactively leads the way towards the new Wales we are determined to create. Setting up a scheme of this nature would be one positive step in this direction, though would need to be considered alongside other wider changes to make progress on several fronts.

My team took advice from the Members' Business Support team in the Senedd Commission and shared our proposal. The principle of offering a temporary (3-6 months contract) Band 3 post as an internship opportunity, paid the real living wage in the pay framework set by the Remuneration Board, was not queried. MBS sign posted my team to other organisations and advised on the general principles of positive action, which was useful to an extent. Following advice, we then undertook an anonymous workforce diversity monitoring survey at the end of the last Senedd to develop the evidence base for the proposal and to verify that it could reasonably be defended as a proportionate means of achieving a legitimate aim.

However, given this was uncharted territory for the Group and given the potential for reputational damage if it was challenged, I felt we needed a suitably qualified person to provide assurance that as an employer the legality of both the process undertaken to capture the diversity profile of our workforce and the wording and presentation of the proposed scheme was robust – to sense check the documentation that had been prepared and to give the 'green light' to advertise.

Regrettably, given the inability to obtain the legal advice and assurance required, the scheme has been unable to proceed further. Alongside this letter I have provided, by way of further context, a copy of the draft documentation prepared at the end of the Fifth Senedd; I am anxious to ensure that the scheme can proceed at the earliest convenience in this Sixth Senedd.

Significance

My observation would be that:

- Equality has been enshrined into the foundations of the devolution arrangements established in 1999, with the then National Assembly's founding legislation, the Government of Wales Act 1998, requiring the new institution to '*make appropriate arrangements with a view to securing that its functions are exercised with due regard to the principle that there should be equality of opportunity for all people*'.
- As far as I am aware, equality has never been viewed as something that is desirable, additional or nice to have: it is, and should continue to be, enshrined into every aspect of our work and this proposal, in my own view, follows in that trajectory.
- If this basic premise is accepted, I believe that it follows logically that explicit confirmation be ensured that the Determination is a document to empower and support Members in their role as employers to proactively take positive action and to enhance equality and diversity by whatever means that are deemed appropriate and necessary.

In addition to asking the Board to consider what changes, if any, may be required to the Determination itself so as to explicitly enable Groups to seek the sort of advice required and operate to proactively strive for equality in its widest sense, I would be grateful for any guidance that can be given in the meantime to allow the proposal to proceed given that if the Board considered changes to the Determination necessary then it will likely involve a consultation process which would not be concluded presumably until the next financial year 2022-23.

Governance of Group disciplinary arrangements

Summary of proposal / issue

Again in the context of preparing for the Sixth Senedd, the Group undertook a review of its governance arrangements. The need for specific legal advice arose in the context of reviewing the section of our Group standing orders relating to the discipline and conduct of Members. At a fundamental level, it appears that there is no consensus on the principle that Groups/Group Leaders have a legitimate role in maintaining robust and effective processes to maintain discipline and can therefore legitimately make use of resources provided under the Determination to discharge such an obligation. The position taken is that these are matters belonging exclusively to the party, rather than parliamentary space.

Significance

My observation would be that:

- Party Groups are not creatures that exist in a vacuum in any parliamentary context. Senedd Groups are usually an organ or entity within a wider whole of a political party – in the case

of Plaid Cymru and most others – a membership organisation. That may very often be seen in the case of disciplinary processes and procedures where there are *parallel* processes in the parliamentary and party space, clearly requiring read across from time to time, but which does not take away from the fact that parliamentary Groups have obligations to uphold and maintain discipline. For instance, the “removal of the whip” is fundamentally a parliamentary concept, not a party political one. Jeremy Corbyn MP is back in the Labour *Party*, but currently has not been readmitted into the *Parliamentary* Labour Party in the UK Parliament.

- One consideration which featured in the context of changes discussed to the Senedd’s own Standing Orders in preparation for the Sixth Senedd was about how many members constitute a group and the wider matter of the conditions around Members being able to switch Groups within a Senedd term, including as a result of the formation of new groups. The specific concern raised in Business Committee papers prepared was the potential risk that limiting the ability of Members to establish new groups within the term could lead to dissenting members remaining in current groups and speaking out against the agreed Group line and causing disruption, which would suggest that it is generally accepted that Groups and Group discipline are an important component in the maintenance of order and the proper functioning of the wider institution.
- The Dignity and Respect Policy (**Welsh Parliament Dignity and Respect Policy (senedd.wales)**) agreed by the Senedd Plenary states that complaints can be raised through one of two routes, but not both.

‘Choose option A or B but not both.

A. Report directly to the Senedd's Standards Commissioner

or

B. Report to the political party's own procedures if that is your preference’

- If, as I suggest, it is accepted that Groups/Group Leaders both as employers and in their wider leadership role have such an obligation and responsibility, it would appear to follow logically that they must be equipped with the means and resources, including the ability to obtain advice, to ensure proper processes are in place to allow them to discharge those responsibilities effectively.
- The suggestion that matters of Group discipline belong exclusively to the party sphere is potentially problematic and possibly incompatible with the reporting routes for the Dignity and Respect Policy, specifically in particular respect of any dignity and respect complaints raised by Party Group/Support Staff employees. There is a potential issue of confidentiality meaning that were it the desire of staff to raise complaints through an internal route, rather than the Standards Commissioner route, it may not be appropriate to refer complaints relating to the Party Group to the wider Political Party, which in such a scenario would appear to be in employment terms a separate entity/organisation. The duty of the employer to have a procedure to address workplace harassment complaints and to have a robust mechanism to take action when necessary and if complaints are upheld, including

potentially against Members of a Party Group, surely cannot be outsourced to another entity/employer.

Again, I would be grateful to understand the Board's position on this matter and whether any changes may be required to the Determination in the interests of clarity.

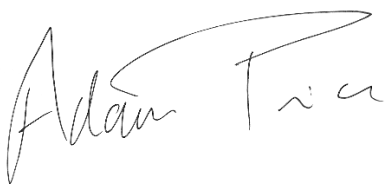
Finally, I believe there is one wider point to highlight. The instances referred to above are examples where there was a proactive desire (i) to take positive action to improve the diversity of our workforce and also (ii) to review and strengthen the Group's procedures to ensure robust procedures to provide a safe workplace for staff, fellow Members and other colleagues and to uphold and enhance the Senedd's reputation – in other words *going over and above* the minimum and seeking assurances to err on the side of caution. However, in the event that advice would need to be taken in a reactive context and if the position stands that MBS nor the Legal Services can provide such advice, I would welcome the Board's guidance on who would have to meet the costs considering legal advice can be costly in employment/dispute contexts and may impact budgets – with Group/support for political parties budgets having to cover staff and office costs.

For completeness, I should mention that I understand that following the most recent meeting of the Member and Support Staff Representative Groups the Board proactively requested specific information around the procurement of offices for new Members and other matters for consideration at your November meeting. My colleague Rhun ap Iorwerth MS has been diligently coordinating feedback from fellow Members on that specific request in his role as the Group's representative on the Board's Member Representative Group which I hope the Board will be able to also consider at its next scheduled meeting.

However, given that the issues raised in this letter directly relate to specific responsibilities conferred on me as the employer of Group staff and my understanding of my wider leadership responsibilities, I considered it best to write to you directly on this specific matter.

I shall look forward to hearing from you in due course. Please let me know if there is any further information or points of further clarification which would be useful to the Board in relation to this particular matter.

Yn ddiffuant,



Adam Price AS/MS

Arweinydd Plaid Cymru / Leader of Plaid Cymru

Appendix 1 – extract of reasoning of MBS official in correspondence with CoS

"I have considered both requests in further detail and discussed with colleagues. On the basis of the description provided, we cannot see a sufficient link between the legal advice being sought and what might be considered the duties of a Member. It does not appear that either set of costs would be incurred *"wholly, exclusively and necessarily for the purpose of discharging their duties as Members"*. As such, they do not fall within the scope of the Support for Political Parties allowance under the Determination.

The Determination states that the Support for Political Parties allowance *"exists to assist parties and individual Members in the discharge of their work in the Assembly"*. It goes on to say that the allowance is only payable for costs *"wholly, exclusively and necessarily for the purpose of discharging their duties as Members"* (paragraph 8.1.1 of the Determination).

The duties of Members are not defined in the current Determination, although they may reasonably be expected to cover constituency and regional business arising from their election.

In relation to the legal advice on employment matters, although the development of a BME internship scheme and recruitment policies aimed at increasing the diversity of the group's workforce may be seen as a positive step, they are not matters which *"wholly, exclusively and necessarily"* arise in order for the group to support its Members to discharge their duties. Although Members are required to comply with various obligations as employers, including those under the Equality Acts, those obligations do not require a scheme or policies of the like being sought.

In relation to the legal advice on the discipline of Members, having considered the Senedd's Standing Orders, the Code of Conduct for Members of the Senedd, Guidance on the proper conduct of Senedd business (issued by the Llywydd) and the Dignity and Respect Policy, there does not appear to be any obligations on Group Leaders in relation to discipline, as suggested in your email. Although all of those documents, to one extent or other, set out rules concerning the conduct of Members, there does not appear to be an obligation on either a Group or a Group Leader to put in place the *"robust and effective processes to maintain discipline"* mentioned. As such, the development of such rules is a matter for the political party rather than a duty of Members of the Senedd."

Senedd Cymru
Y Pwyllgor Safonau Ymddygiad
[Ymchwiliad i Urddas a Pharch](#)
DR06
Ymateb gan: Llafur Cymru

-
Welsh Parliament
Standards of Conduct Committee
[Dignity and Respect Inquiry](#)
DR06
Evidence from: Welsh Labour

Ymchwiliad y Pwyllgor Safonau Ymddygiad i Urddas a Pharch

Ymateb Grŵp Llafur Cymru

Ionawr 2024

Mae Grŵp Llafur Cymru yn croesawu'r cyfle i roi adborth fel rhan o ymchwiliad y Pwyllgor Safonau Ymddygiad i Urddas a Pharch.

Rydym wedi ymrwymo'n fawr i chwarae ein rhan i gryfhau'r diwylliant o urddas a pharch ar draws y Senedd ac rydym am weld system gwynion sy'n ymatebol, yn gadarn ac yn deg.

Gweler isod farn y Grŵp ynghylch y materion allweddol a gwmpesir gan y ddogfen ymgynghori.

Rydym hefyd wedi gwneud sylwadau ar nifer o faterion cysylltiedig yr oeddem am dynnu sylw'r Pwyllgor atynt.

“Felly, awgrymir y dylid disodli'r polisi presennol gyda datganiad trosfwaol yn ailddatgan yr ymrwymiad i gynnal urddas a pharch at Aelodau, staff cymorth yr Aelodau, staff y Comisiwn a phob ymwelydd arall.”

Mae aelodau'r Grŵp yn cytuno â'r cynnig hwn - credwn y byddai'n helpu i symleiddio'r system gwynion a sicrhau dull gweithredu cyson.

Awgrymwyd y dylai'r system ar gyfer adrodd am bryderon ynghylch urddas a pharch gael ei gweinyddu a'i rhedeg gan gorff annibynnol.

Mae'r Grŵp yn credu bod gwerth go iawn mewn sefydlu corff cwbl annibynnol i weinyddu a rhedeg y broses gwyno yn lle'r system bresennol.

Credwn y byddai symud i'r cyfeiriad hwn yn helpu i fynd i'r afael â llawer o'r prif bryderon yn ymwneud â'r system bresennol.

Byddai'r Grŵp yn croesawu rhagor o waith gan y Pwyllgor i edrych ar sut y gallai corff o'r fath weithredu, gan gynnwys asesiad o sut mae systemau

chwynion yn gweithio mewn deddfwrfeydd eraill a'r hyn y gallwn ei ddysgu o ran eu manteision a'u hanfanteision cymharol.

Mae hefyd yn bwysig, ym marn y Grŵp, bod corff o'r fath yn cael digon o adnoddau, gan gynnwys y staff a'r arbenigedd angenrheidiol i gyflawni ei swyddogaethau'n effeithiol ac yn amserol.

Byddai angen ystyriaeth ac ymgynghori pellach hefyd ynghylch cylch gorchwyl corff o'r fath.

Yn benodol, hoffai Grŵp Llafur Cymru weld trafodaeth bellach ynghylch a ddylai corff o'r fath ymdrin â phob cynw yn erbyn Aelodau ynteu dim ond materion sy'n ymwneud ag Urddas a Pharch, ac y dylid ymdrin â chwynion ynghylch y defnydd o adnoddau'r Senedd, er enghraifft, yn rhywle arall.

Credwn fod rhai manteision cryf mewn creu corff annibynnol i edrych ar bob cynw - gan gynnwys cael dull gweithredu cyson a'r symlrwydd o gael proses unedig.

Fodd bynnag, gall fod anfanteision hefyd, gan gynnwys effaith llwyth gwaith o'r fath ar y gallu i flaenoriaethu cwynion difrifol ynghylch urddas a pharch ac ymdrin â nhw mewn modd amserol.

I gydnabod y ddeinameg sy'n bodoli yn y Senedd a phob deddfwrfa o ran pŵer, credwn yn gryf y dylai unrhyw system newydd fod yn un y mae'r holl staff yn ymddiried ynddi.

Dylai staff cymorth, staff y Comisiwn a rhanddeiliaid eraill gael eu cynnwys yn llawn yn y broses o ddylunio a gweithredu unrhyw system newydd.

Credwn hefyd y byddai gwerth mewn penodi aelodau annibynnol i gorff o'r fath i sicrhau bod safbwyntiau gwahanol yn cael eu cynrychioli. Byddai'r grŵp yn annog y Pwyllgor i edrych ar arfer gorau o ddeddfwrfeydd eraill.

Pwysigrwydd arbenigedd

Mae'r Grŵp yn credu'n gryf y dylid gwneud mwy o ddefnydd o arbenigedd allanol, ni waeth a yw'r system bresennol yn parhau neu y caiff corff annibynnol ei greu. Credwn fod hyn yn hanfodol ar gyfer cwynion sy'n ymwneud â honiadau o dorri'r polisi urddas a pharch, megis honiadau o aflonyddu rhywiol.

Yn ein barn ni, byddai trefniadau'n cael eu cryfhau'n fawr o benodi panel o gynghorwyr arbenigol y cytunir arnynt y gallai'r Comisiynydd / Corff Annibynnol droi atynt wrth ymdrin â chwynion.

Credwn y byddai gwneud mwy o ddefnydd o gynghorwyr arbenigol yn gwella ansawdd y broses gwyno yn fawr i bawb sy'n rhan ohoni ac yn sicrhau bod safbwyntiau pwysig yn cael eu hadlewyrchu yn ystod y trafodion.

Byddai cael defnyddio ymgynghorwyr arbenigol hefyd yn helpu i gynyddu capasiti'r system gwynion i ymateb mewn modd amserol.

Yr amser a gymerir i ymdrin â chwynion

Mae Grŵp Llafur Cymru o'r farn bod angen cymryd camau pellach i wella'r amser a gymerir i ymchwilio i gwynion ac adrodd arnynt.

Nid yw'r sefyllfa bresennol yn deg i achwynwyr nac i'r rhai sy'n destun cwynion, gan y gall rhai cwynion gymryd blwyddyn neu fwy.

Gall yr oedi hwn arwain at drallod sylweddol i'r rhai sy'n gysylltiedig a gall ddwyn anfri ar y broses gyfan.

Mae'r Grŵp yn credu y dylai amserlen gael ei nodi ar ddechrau proses gwyno a'i chyfleu'n glir i'r achwynydd a'r Aelod sy'n destun y gŵyn.

Rydym yn deall y gallai cwynion cymhleth neu amgylchiadau annisgwyl olygu bod rhai achosion yn para'n hirach nag eraill, ond byddai amserlenni clir o'r cychwyn yn helpu i gynnal ffydd yn y system.

Byddent hefyd, yn ein barn ni, yn helpu i atal ymdrechion i 'chwarae'r system' drwy greu oedi diangen mewn cyfnodau allweddol.

Ochr yn ochr â hyn, credwn y dylai'r broses apelio gael ei hadolygu i sicrhau ei bod yn parhau'n gadarn ac yn ymatebol.

Cwynion ynghylch defnydd Aelodau o gyfryngau cymdeithasol

Mae gan y Grŵp bryderon difrifol am y ffordd yr ymdriniwyd â chwynion a wnaed ynghylch ymatebion Aelodau ar gyfryngau cymdeithasol.

Mae gan Aelodau hawl i ymateb yn gadarn i gam-drin ar-lein ac rydym yn teimlo bod yr ymdriniaeth o achosion diweddar yn peri risg o danseilio gallu'r Aelodau i ymdrin â'r mater hwn sy'n peri pryder ac sydd ar gynydd.

Nid ydym yn credu y dylid ymdrin ag ymatebion cadarn ar gyfryngau cymdeithasol yn yr un modd â'r materion ymddygiad difrifol sy'n brif ffocws yn y Cod Ymddygiad presennol a'r Polisi Urddas a Pharch.

Dylid hefyd ymdrin â'r cwynion hyn mewn modd llawer mwy prydlon na'r hyn a welwyd yn y blynyddoedd diwethaf.

Credwn y dylai unrhyw gwynion sy'n ymwneud â sylwadau gan Aelodau sy'n cynnwys iaith wahaniaethol, iaith casineb neu iaith fygythiol gael eu trin yn gadarn o dan y Cod Ymddygiad a'r Polisi Urddas a Pharch.

Cytundebau Peidio â Datgelu

Byddai'r Grŵp hefyd yn croesawu trafodaeth bellach ar ddefnydd Aelodau a'r Comisiwn o Gytundebau Peidio â Datgelu, yn enwedig mewn perthynas â chwynion sy'n ymwneud â materion urddas a pharch wedi'u cadarnhau.

Credwn fod materion pwysig o ran tryloywder, safonau ymddygiad a diogelu y dylid eu harchwilio mewn perthynas â'r cytundebau hyn.

Dylai ystyriaethau gynnwys archwiliad o arferion gorau mewn mannau eraill, megis y prosesau cymodi sy'n cael eu gweithredu gan Undebau Llafur yng Nghymru a'r DU.

Rydym hefyd yn cydnabod y byddai rhagor o waith yn y maes hwn yn gofyn am gyfranogiad Comisiwn y Senedd, yn enwedig o ran trefniadau cyflogaeth.

Senedd Cymru
Y Pwyllgor Safonau Ymddygiad
[Ymchwiliad i Urddas a Pharch](#)

DR07

Ymateb gan: Cangen Staff Cymorth y Senedd - Unite

-

Welsh Parliament
Standards of Conduct Committee
[Dignity and Respect Inquiry](#)

DR07

Evidence from: Unite Senedd Support Staff Branch

This submission is on behalf of support staff members of the Unite Senedd Staff Branch and we focus our response on the area of most concern to our members which is the current system for raising concerns and making complaints. With that in mind, we have endeavoured to answer the questions set out in the section of the consultation related to this and as part of our response are sharing direct feedback from members.

- *Would you feel comfortable making a complaint about a Member of the Senedd or somebody who works on the Senedd estate? If not, why?*

The overwhelming feeling from our members is that they would neither be comfortable nor confident in making a complaint about a Member of the Senedd or somebody who works on the Senedd estate. Concerns have been flagged around how the current structure exacerbates the power imbalance that already exists within a workplace, one which is magnified in such a political environment as the Senedd and a Senedd Member's office. Concerns have been raised around complaints being responded to with the correct levels of seriousness and a lack of trust in sufficient accountability for inappropriate behaviour, at the end of what could be a traumatic complaints process. Members have told us that they would rather go to their Union Rep in the first instance or to the head of the Labour Group Office but would not feel comfortable making a complaint through the current process. In addition, there is the perception that MBS are predominantly there to support Members of the Senedd not their staff – a perception that is often born out in reality. How can MBS support and advise both Members and support staff within the same small working environment without a conflict of interest and in a way which assures all parties?

- *Do you know how to make a complaint about a Member of the Senedd or somebody who works on the Senedd estate?*
- *Do you feel there are any barriers to you raising concerns about the inappropriate behaviour of a Member of the Senedd or somebody who works on the Senedd estate?*

MS Support staff are not clear on the steps to take and any support available from the Senedd itself when it comes to making a complaint full stop, let alone in respect of inappropriate behaviour. Feedback from support staff says they might try and find some information on the intranet but wouldn't know where to start and it isn't easy to find the information. However, concerns extend much further than simply not being clear on where to access support or how to go about making a complaint – support staff members have raised consistent and considerable concerns about a lack of faith and confidence in the system and process as stands. They understandably ask, how can they make a complaint to the commission or the Senedd process as they deal with both Members of the Senedd and support staff. Significant concern has also been flagged regarding the role Members of the Senedd have in the complaints/standards process – this does not give people in more vulnerable

positions confidence in coming forward in making a complaint regarding inappropriate behaviour against a fellow MS.

- *Do you have any suggestions regarding how the complaints procedure could be improved?*

It is clear that there is an absolute absence of confidence in the present procedure - it is not clear, not transparent and a lack of trust in the system as currently constituted. When an allegation is made all reasonable steps should be taken to protect those that have come forward. It is not uncommon in other organisations or workplaces to take measures to protect alleged victims by preventing people from attending places of work – it can be seen as a neutral act.

However, from the conversations we have had with support staff members and the experiences we are aware of and continue to be made aware of, the current complaints procedure needs more than small changes. It is not fit for purpose and needs a complete overhaul.

Given the evidence we have heard from our members and also more widely, the current procedure needs to be replaced with a completely independent system – independent from members and separate to every day HR structures (eg MBS). There needs to be a stand alone process, that is separate for both parties involved with a complaint. The nature of a Member of Senedd's support staff team means the offices are too small and not equipped to deal with complaints adequately. Support staff are also less likely to trust a process that serves both employer and employee. Additionally, there is a need for the people entrusted to deal with the complaints processes to have a sufficient amount of expertise. Our members have spoken about the need to have an intersectional and trauma-informed approach to the process, where there is understanding of the complexities and barriers individuals from different backgrounds with various life experiences may face when bringing forward a complaint. Without this understanding, there is a real risk of exacerbating an already upsetting situation and of deterring people from coming forward at all.

This would not only aid confidence in the system in respect of ordinary workplace power imbalances but also the 'political' dynamic that is central to working as part of a small team for a politician from a party the support staff member is likely active in and would like to progress in the future. Many support staff members don't presently feel comfortable making a complaint because they would be worried about the political ramifications – for the politician in question, for themselves and for the party of which they are a member.

Victims need to know complaints are taken seriously and investigation will be handled within reasonable timescales. It is not easy making a complaint and if at the outset you feel it could go on for years this becomes a barrier.

Senedd Cymru
Y Pwyllgor Safonau Ymddygiad
[Ymchwiliad i Urddas a Pharch](#)

DR08

Ymateb gan: Undeb Gwasanaethau Cyhoeddus a Masnachol Plaid Cymru

-

Welsh Parliament
Standards of Conduct Committee
[Dignity and Respect Inquiry](#)

DR08

Evidence from: Plaid Cymru Public and Commercial Services Union

PCS Plaid Cymru Branch

Response to the Standards of Conduct Committee Consultation into Dignity and Respect

Context

Five years on since the Senedd agreed the Dignity and Respect Policy in 2018, and the subsequent work undertaken by the Fifth Senedd's Standards Committee ("the Committee") on 'Creating the Right Culture', the Committee is keen to review progress and consider what further action needs to be taken. The Senedd Commission ("the Commission") has also recently undertaken an internal review of the Dignity and Respect Policy and produced a report (Annex A) which sets out the actions undertaken and makes a number of recommendations around enhancing the provisions for dignity and respect within the Senedd. The Committee has taken these recommendations as the starting point for this consultation.

The Plaid Cymru PCS Branch was established in September 2023 and we are a multi-employer branch representing 26 members. The Branch welcomes the opportunity to respond on behalf of our members and we have consulted members working in the Senedd individually which has informed and is reflected in the response.

Response to the Consultation Document and Annex A

General comments and observations

Trends in confidence and awareness

In the section on "Reporting Mechanisms" it is noted that **"amongst Member support staff, 61.7% of respondents said that they would feel comfortable raising concerns using the existing process"**. (*Consultation Doc, Para 9*)

However, it is noted in the Annex that over 90% of Senedd Commission survey respondents reported that they knew how to raise a concern in the 2022 survey. (*Annex A, Para 6.*)

These two figures are a cause for significant concern, in that despite the increased awareness of processes, there is demonstrably a lack of confidence in those processes delivering the correct outcomes, so much so that more than 1 in every 3 members of support staff could not say that they felt comfortable raising concerns and/or complaints under existing process arrangements.

Therefore, there cannot be total confidence that the reported decrease in the number of concerns raised during the Sixth Senedd (*Annex A, Para 7*), is in fact due to the effective implementation of the Dignity and Respect Policy, and not due to a lack of confidence in the processes around making a complaint or raising a concern. The risk mentioned in this same paragraph that cases are going unreported must be given serious consideration in light of the above statistics.

The tri-partite approach

The consultation document references the aim back in 2018 was to ensure “that Members of the Senedd, Member support staff and Senedd Commission staff could be held to the same standards and by one policy”. Whilst this aim, in principle, is correct, the reality is that there is a myriad of different ways this single policy may be applied in practice and that this would vary according to the three main groups of personnel covered by the same policy. The procedures and mechanisms to give effect to the policy – their effectiveness, their accessibility, and their independence – is deemed to be the biggest barrier. In that context, it appears that little progress if any has been made since 2018 in reality. It should be noted that there is a distinction to be drawn between a concern and a complaint and also within the Senedd context there are a variety of reporting routes, including:

- Raising a complaint with the Standards Commissioner against a Member of the Senedd
- Raising a concern or complaint with a Member directly (about them or about a member of their staff)
- Raising a concern or complaint with the Political Party or Political Party Group (there are often two different processes to do so through the Political Party centrally or through the Senedd Party Group and Whip system in the Senedd)
- Raising a concern or complaint with the Senedd Commission about a Senedd Commission Staff member or contractor

These routes are all likely to lead different outcomes for the complainant and the subject of the concern/complaint.

Despite being highlighted on the Senedd website guidance section which accompanies the Dignity and Respect policy as one of the routes available to raise a concern or complaint, the option of raising a concern or complaint either with the party directly and/or with the Senedd party group and Whip system in the Senedd is mostly overlooked in the Senedd Commission’s audit provided in Annex A. This would appear to be a significant omission in the effectiveness or otherwise of the practical implementation of the Dignity and Respect policy.

Novel employment framework

It should be noted that in the case of our branch members working in the Senedd, either for individual Members of the Senedd or for the Party Leader in the case of the Senedd Group staff, a particularly novel framework governs their employment.

In 2018 in the wake of an employment tribunal case by a former UKIP Group staff member in the Assembly as it then was, a question arose about who the employer of support staff and Senedd Group staff is. It was confirmed that the individual Members are the employer and the Group Leader in the case of Group staff.

However, several other entities play a part in the employment relationship including the Remuneration Board (an independent, statutory body, established by an Act of the Senedd in 2010) which sets the employment framework and provides the funding for Members to be able to employ staff and also the Senedd Commission which facilitates the work of Members as employers by advising them on HR issues and offering administrative support, for example payroll and administration of staff recruitment (discharged through the MBS department within the Senedd Commission). Each individual Member/Group office may have their own ‘local’ HR functions for the staff working in their offices (discharged through an Office Manager or Chief of Staff role or similar).

The Remuneration Board issues specific, mandatory employment policies that Members must follow when receiving public funds to employ staff, as well as suggested template policies which Members are encouraged to adopt as part of a model staff handbook, falling into two sub-categories (i) optional but the Member must consult Members’ Business Support (MBS) before amending the policy and (ii) optional which would be at the discretion of the individual Member as the employer to adapt as they see fit. The policies are as follows per category:

Mandatory	Optional but MBS must be consulted on any changes	Optional
<ul style="list-style-type: none"> • Grievance • Disciplinary • Compassionate Leave 	<ul style="list-style-type: none"> • Flexible working policy • Holiday • Shared Parental Leave • Time off for dependents • Paternity • Parental leave • Maternity • Antenatal appointments • Adoption 	<ul style="list-style-type: none"> • Anti-corruption and Bribery • Anti-harassment and bullying • Equal opportunities • Health and Safety • Non-smoking • Social media • IT • Whistleblowing • Data protection

The Remuneration Board also publishes a Determination¹ each financial year – which contains the principal employment conditions of Senedd support staff. Unusually, in light of this multi-faceted arrangement, Members' hands – as the employers – are somewhat tied as to the main elements of staff employment conditions as they are excluded from the process: they can make representations to the Remuneration Board but ultimately it is the Board that sets pay scales and the main terms and conditions of employment. Whereas the employment relationship would normally be managed between the worker and the employer, this adds another dimension which should be highlighted.

Given the subject of this inquiry, it is very worrying and perhaps representative of the fact that systemic change has yet to percolate throughout the institution beyond high-level statements of intent and principles, that there is no centrally imposed requirement for Members of the Senedd as employers to have an operational Anti-harassment and bullying procedure or Equal Opportunities policy in their workplaces. Again, there is little discussion in the Senedd Commission audit on the implications of this novel employment framework and necessity for any changes. It appears that the audit at Annex A has also not identified the fact that some key procedures and policies are not mandated. There could in theory therefore be 60 different Anti-harassment and Bullying policy for staff working for each of the 60 Members of the Senedd to bring concerns or complaints under the single policy, by virtue of the fact that the procedure is not mandated and there is no requirement to consult MBS on any adaptations to it. The language and emphasis of the Anti-harassment and Bullying policy appears somewhat unfortunate:

If you are being harassed or bullied

4.1 If you are being harassed or bullied, consider whether you feel able to raise the problem informally with the person responsible. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing, you should speak to

¹ bwrddtaliadau.cymru/media/4yvdraxx/gen-ld15775-w.pdf

your line manager, who can provide confidential advice and assistance in resolving the issue formally or informally.

The mandated Grievance procedure (and the Anti-harassment and Bullying & Equal opportunities policies where they have been adopted) would presumably be the principal document covering dignity and respect related grievances/concerns/complaints that are not raised through the Standards Commissioner or the party / group route. However, a feature of that system is that the employing MS can select a fellow MS to investigate the grievance when it concerns them. It has to be questioned whether this is appropriate.

Specific consultation questions

The consultation document proceeds to ask the following questions:

“Would you feel comfortable making a complaint about a Member of the Senedd or somebody who works on the Senedd estate? If not, why?”

A majority of Plaid Cymru PCS members answered this question with “no” – many of the reasons were around examples where it hadn’t worked out well for complainants, a feeling that they would be “jeopardizing their job and career”. Members discussed fears of being “victim shamed” and the issue of potentially having to work with the subject of your complaint for a long time due to the complaints process dragging on. Several references were made to the complaints guidance not being good enough, and that the limitations of support services like MBS to intervene were a factor.

“Do you know how to make a complaint about a Member of the Senedd or somebody who works on the Senedd estate?”

A survey of our membership showed some variation in understanding of the complaints process. Almost 50% of respondents answered “no” to this question, and several of those who answered “yes” admitted they didn’t fully understand the process whilst knowing where the starting point was.

“Do you feel there are any barriers to you raising concerns about the inappropriate behaviour of a Member of the Senedd or somebody who works on the Senedd estate? “

The responses to this question in our membership survey noted several barriers, including the lack of anonymity (raised near unanimously), even down to the fact that viewing the complaints process on the Sharepoint is visible to others on the system. The inability of MBS or other Senedd support services to compel Members to make changes was also raised as a potential barrier. Concerns were noted around this leading to potential ostracism or having a stigma regardless of the end decision about the veracity of claims.

Some members noted that working part time means that such an intensive process could seem exhausting to them – if they are only meant to be working 2 days a week, making a complaint would add an incredible amount of pressure to their own workload, further adding to their stress.

A majority of respondents noted they did not have confidence that the complaints system was delivering just outcomes – many noted high profile examples of cases that had dragged on for extended periods of time, or where complainants had suffered as a result of coming forward.

In terms of improvements to the system, the key themes emerging from our survey of Plaid Cymru PCS Members was the need for more independent actors as part of the process – be that via a Panel or otherwise – and better access to HR support for staff.

In other informal conversations held in order to respect the sensitive nature of this line of questioning, several themes emerged.

Firstly, was the high-profile examples there have been over the years where people making a complaint have not had their anonymity respected, and have been targeted both online and in real life. One such example saw a former Member Support Staff, who decided to share their story, be targeted with abuse to the point that the police had to be contacted.

The need for a name to be stated and for that name to be disclosed to the Member who is the subject of the complaint was a strong theme here. Frankly, this is not a conducive environment to encourage people to call out bad behaviour from Members, and has likely directly led to some of the aforementioned targeting. There **must** be better protection for those making complaints, and the inability to guarantee anonymity to complainants is a significant barrier to making people feel comfortable making a complaint.

Secondly, the lack of confidence in the process to yield a just outcome was clear. Plaid Cymru PCS Members pointed to current and previous examples of complaints made about Senedd Members across multiple parties, where the process either did not yield what they believed to be a just outcome, or where the case had been dragged on for such a period of time that it felt no real satisfactory outcome could be reached. The lack of appeal process, with the Commissioner's decision being final and only challengeable by judicial review added to this lack of confidence, as it places a single point of failure in the process at the feet of the Commissioner.

Additionally, it was pointed out that the reporting timescales in the complaints procedure of the Standards Commissioner was unhelpful, particularly in the wording. The timescale of 6 months for a complaint to be lodged since the alleged conduct is not realistic, particularly in the context of the power dynamics that exist within the Senedd between Members and Member Support Staff.

There also needs to be better consideration that the nature of some complaints made may mean that people are unable to come forward within that initial 6 months. Whilst appreciating that there is a provision for the Commissioner to grant exemption if they are satisfied there is good reason for the delay, this criteria should be removed.

Do you have any suggestions regarding how the complaints procedure could be improved?

A general observation that should be made here is, as demonstrated in the previous sections of this response, there is no single "complaints procedure". Neither does there appear to be a single "guidance" document. It would appear to be a series of (often unconnected or contradictory) information on the Senedd public website, intranet, staff handbook, in the various policies and procedures referenced already etc. If there is such a central "guidance document" it is not very accessible.

Firstly, the guarantee of anonymity for complainants is totally central to a complaints procedure that attempts to challenge poor behaviour. This is acknowledged as best practice and is widespread across several sectors.

The Senedd is frankly an outlier in not embracing this concept, and whilst needing contact information for the purposes of communication is understandable, there is no justification for the disclosure of the complainant's name to the Member who is the subject of that complaint.

Additionally, the anonymity of the complainant from any finalised report that goes before a Committee should be baked into the process as standard procedure. People willing to come forward and challenge poor behaviour should be protected by the institution from potential retaliation or being thrust into the public eye. Their privacy needs to be valued and respected.

The removal of the 6 months eligibility for complaints is another critical aspect of how the complaints procedure could be improved vastly. While there are examples set out in the guidance on what constitutes an exemption, they can be so vague and open-ended that it would be better to remove the 6 months limit altogether, and respect the fact that people can take a long time to come forward, or can be triggered by future events to share their experiences, much as we have seen in the #MeToo movement.

There needs to be consideration for adding to the complaints process an explicit ability for those evaluating a complaint to consider previous complaints of a similar nature / patterns of behaviour from those subject to a complaint. From reading the complaints process, it treats every complaint in isolation, which is not representative of the real-world context these events happen in. Anyone presiding over a complaint should be armed with any and all relevant information in order to come to a decision, and to give context to their fact finding.

To support this process, there should be an additional process for registering a concern that does not constitute a full complaint which triggers an investigation. This would empower those who witness behaviour they think may fall short of the Code of Conduct but are unsure of whether it constitutes a complaint. This would of course need to have checks and balances to ensure that if a concern was communicated in this way and did in fact constitute a breach of the Code, that it could be escalated to a full complaint.

Ultimately, it is the view of the branch and its members that there should be an external independent panel/function that would contain experts adept at dealing with concerns and complaints of various kinds – bullying, sexual harassment etc. Either alongside or instead of the Standards Commissioner regime. This would remove the single point of failure from the complaints system that the Senedd currently has, where regardless of the effectiveness of the Standards Commissioner themselves, there is too much responsibility on the shoulders of one person arbitrating over the entire process. Such a panel/function could also provide a source of independent advice on the routes available and filter concerns/complaints pertaining to dignity and respect.

Summary and suggested action for change

Rather than restating the policy itself, it is suggested that the main focus should be on ensuring the procedures and mechanisms in place to give effect to the policy are suitably robust and command the confidence of staff and complainants, ensuring read across between the various reporting routes whilst at the same time ensuring choice and flexibility for the needs and circumstances of the individual raising concerns or complaints.

The Senedd Commission should clarify what function and responsibility MBS have in servicing and upholding the interests of individual staff members – can individual staff members approach MBS for independent and confidential advice or is their primary loyalty to the employing Member of the Senedd and what would sometimes appear to be ‘damage limitation’ for the institution as a whole? When there is clarity on its role, this should be promoted and advertised as such.

The Senedd Commission should identify a political lead and an official lead for driving the systemic and structural change that is required (working across the relevant authorities, including the Senedd

Commission itself (in terms of MBS/HR support), Standards Commissioner, the Remuneration Board, the Standards of Conduct Committee and developing any new structures that should emerge).

An independent body or function should operate alongside or in place of the Standards Commissioner as regards the recording and/or investigation of concerns/complaints.

Whilst maintaining and enhancing the reporting routes as appropriate, there should be some agreed general principles for raising concerns and complaints under the single Dignity and Respect policy, regardless of the route or procedure taken. Each procedure should be complementary to one another (and certainly not contradictory) guarantee and address issues of:

- Confidentiality and anonymity
- The ability to submit a collective grievance
- A target timescale for acknowledgment and resolution
- Who is responsible for providing support to the complainant and those subject to concerns/complaints
- A step-by-step guide to the practicalities of the process under that specific procedure and potential outcome/outcomes

There should be a single guidance document available online on the public internet, on the staff intranet, in the staff handbook and on paper/posters in the building.

Resources and support to deal with concerns and complaints should be provided to the Party Groups / Whips by the Senedd Commission and Independent Remuneration Board.

The Remuneration Board should establish how many offices have adopted the Anti-harassment and bullying policy and the Equal opportunities policy, how many have done with adaptations and how many as is. Is this model template robust, clear and fit for purpose? It should ensure that all employers under its locus should have a mandated, consistent policy and keep its operation and effectiveness within the Dignity and Respect landscape under review. The same goes for the Grievance Procedure.

Senedd Cymru
Y Pwyllgor Safonau Ymddygiad
[Ymchwiliad i Urddas a Pharch](#)

DR09

Ymateb gan: Comisiwn Cydraddoldeb a Hawliau Dynol

-

Welsh Parliament
Standards of Conduct Committee
[Dignity and Respect Inquiry](#)

DR09

Evidence from: Equality and Human Rights Commission



Comisiwn
Cydraddoldeb a
Hawliau Dynol

Equality and
Human Rights
Commission

Ymateb i'r ymgynghoriad

Urddas a Pharch

Manylion yr ymgynghoriad

Teitl yr ymgynghoriad: Ymchwiliad Urddas a Pharch

Ffynhonnell yr ymgynghoriad: Pwyllgor Safonau Ymddygiad y Senedd

Dyddiad: 22 Ionawr 2024

Am ragor o wybodaeth, cysylltwch â

Ruth.Coombs@equalityhumanrights.com

Comisiwn Cydraddoldeb a Hawliau Dynol
Ty'r Cwmniau (Llawr 1af), Ffordd y Goron, Caerdydd, CF14 3UZ

Cyflwyniad

1. Y Comisiwn Cydraddoldeb a Hawliau Dynol (y Comisiwn) yw'r rheoleiddiwr cydraddoldeb annibynnol ar gyfer Cymru, Lloegr a'r Alban, ac mae'n Sefydliad Hawliau Dynol Cenedlaethol statws 'A' a gydnabyddir gan y Cenhedloedd Unedig. Mae gan y Comisiwn fandad statudol i gynghori'r Llywodraeth a'r Senedd ar faterion sy'n ymwneud â chydraddoldeb a hawliau dynol, ac i hyrwyddo a diogelu cydraddoldeb a hawliau dynol ledled Prydain.
2. Rydym yn croesawu'r cyfle i roi cyngor i lywio'r Ymchwiliad i urddas a pharch.
3. Gwnaethom ymateb i [Adolygiad y Pwyllgor Safonau Ymddygiad o'r Cod Ymddygiad ar gyfer Aelodau'r Cynulliad: Creu'r Diwylliant Cywir yn 2018](#), a gofynnwn i'r ymateb hwn gael ei ystyried ochr yn ochr â'n hymateb yn 2018, am fod sylwedd yr ymateb hwnnw'n berthnasol yma. Nid ydym wedi ymateb i'r cwestiynau ymgynghori, yn hytrach rydym wedi nodi sylwadau perthnasol isod sy'n dod o fewn ein cylch gorchwyl.
4. Mae'r Comisiwn yn gorff statudol a sefydlwyd o dan Ddeddf Cydraddoldeb 2006. Mae'n gweithredu'n annibynnol i annog cydraddoldeb ac amrywiaeth, dileu gwahaniaethu anghyfreithlon, ac amddiffyn a hyrwyddo hawliau dynol. Fel rhan o'r rôl hon, rydym yn tynnu sylw at faterion sy'n peri pryder, yn llywio ac yn arwain arfer da, yn ymgysylltu ag eraill mewn datrysiadau, ac yn dylanwadu ar newid mewn arferion cyflogaeth.

Ein hymateb

Atal gwahaniaethu ac aflonyddu

Prif ffocws yr ymgynghoriad yw'r gweithdrefnau adrodd ar ôl achos o gamymddwyn. Mae'n bwysig rhoi mwy o flaenoriaeth i atal gwahaniaethu ac aflonyddu – neu unrhyw fath o gamymddwyn – yn y lle cyntaf.

Rydym yn falch o nodi bod y Cod Ymddygiad ar gyfer Aelodau'r Senedd a'r Polisi Urddas a Pharch presennol bellach yn cyfeirio at wahaniaethu ac aflonyddu, gan gynnwys aflonyddu rhywiol, ond rydym yn parhau i bryderu am y diffyg polisiâu ac arweiniad ategol. Byddem hefyd yn awgrymu bod cyfeiriad penodol at y ffaith bod gwahaniaethu ac aflonyddu yn anghyfreithlon o dan Ddeddf Cydraddoldeb 2010.

Yn ein hymateb yn 2018, gwnaethom sylwadau y dylai fod gan y Senedd bolisi gwrth-aflonyddu cadarn ar waith. Fel y nodir yn ein canllawiau technegol, Aflonyddu Rhywiol ac Aflonyddu yn y Gwaith,¹ dylai fod gan bob cyflogwr:

- polisi gwrth-aflonyddu, sy'n cael ei gyfathrebu i weithwyr ac sy'n cael ei roi ar waith, ei fonitro a'i adolygu'n effeithiol;
- gweithdrefn briodol ar gyfer adrodd am aflonyddu, amddiffyn dioddefwyr aflonyddu, a gweithredu os bydd aflonyddu yn digwydd.

Ni ddylai cyflogwyr gyfuno gwahanol fathau o aflonyddu. Dylai fod ganddynt gwahanol bolisiâu i ymdrin ag aflonyddu rhywiol ac aflonyddu sy'n gysylltiedig â nodweddion gwarchoddedig, neu fod ag un polisi sy'n gwahaniaethu'n glir rhwng y gwahanol fathau o aflonyddu. Dylai cyflogwyr hefyd ystyried paratoi dogfennau strategaeth ar wahân i gyd-fynd â'u polisi neu bolisiâu gwrth-aflonyddu, gan nodi pa fesurau y byddant yn eu cymryd i fynd i'r afael â'r gwahanol fathau o aflonyddu. Dylai'r dogfennau hyn ystyried materion megis gwahanol achosion mathau gwahanol o aflonyddu, a'r risg y bydd gwahanol fathau o aflonyddu yn digwydd yng ngweithlu penodol y cyflogwr.

¹<https://www.equalityhumanrights.com/sites/default/files/2021/sexual-harassment-and-harassment-at-work.pdf>

Canllaw Technegol Aflonyddu Rhywiol ac Aflonyddu yn y Gwaith

Yn 2020, cyhoeddodd y Comisiwn ganllawiau technegol sy'n darparu arfer gorau ar gyfer atal ac ymateb yn effeithiol mewn perthynas ag aflonyddu ac aflonyddu rhywiol yn y gweithle, ac mae'n cynnwys:

- diffiniad ac enghreifftiau o beth yw aflonyddu rhywiol
- eich cyfrifoldebau fel cyflogwr
- beth ddylai polisi aflonyddu rhywiol eu cynnwys
- sut i roi'r polisi ar waith
- sut i ddelio â chwynion aflonyddu rhywiol
- ymddygiad troseddol

Wrth osod rhwymedigaethau cyflogwyr, mae'r canllawiau'n nodi:

Bydd cyflogwyr yn atebol am aflonyddu a gyflawnir gan eu gweithwyr yn ystod eu cyflogaeth, oni bai y gallant ddefnyddio'r amddiffyniad 'camau rhesymol'. Nid oes ots a yw'r cyflogwr yn gwybod am yr aflonyddu ai peidio.

Nid oes isafswm rhagnodedig ynghylch yr hyn y gall cyflogwr ei wneud i atal aflonyddu ac amddiffyn ei weithwyr. Mae'n brawf gwrthrychol ynghylch yr hyn y mae'n rhesymol i'r cyflogwr ei wneud o dan yr amgylchiadau.

Bydd polisi gwrth-aflonyddu da (neu bolisïau lle, er enghraifft, mae gan gyflogwr bolisïau ar wahân i ddelio ag aflonyddu rhywiol a mathau eraill o aflonyddu) yn:

- Cadarnhau i bwy y mae'r polisi'n gymwys.
- Datgan na fydd aflonyddu rhywiol, aflonyddwch ac erledigaeth yn cael eu goddef.
- Datgan bod aflonyddu rhywiol, aflonyddwch ac erledigaeth yn anghyfreithlon.
- Datgan y gall aflonyddu neu erledigaeth arwain at gamau disgyblu hyd at ac yn cynnwys diswyddo os caiff ei gyflawni:
 - mewn sefyllfa gwaith;
 - yn ystod unrhyw sefyllfa sy'n gysylltiedig â gwaith, megis mewn digwyddiad cymdeithasol gyda chydweithwyr;
 - yn erbyn cydweithiwr neu berson arall sy'n gysylltiedig â'r cyflogwr y tu allan i sefyllfa gwaith, gan gynnwys ar gyfryngau cymdeithasol; neu
 - yn erbyn unrhyw un y tu allan i sefyllfa gwaith lle mae'r digwyddiad yn berthnasol i'w addasrwydd i gyflawni'r rôl. Aflonyddu rhywiol ac aflonyddu yn y gwaith.
- Datgan y bydd ffactorau gwaethyngol megis cam-drin pŵer dros gydweithiwr iau yn cael eu hystyried wrth benderfynu pa gamau disgyblu i'w cymryd.

- Diffinio'r nodweddion gwarchoddedig y gallai aflonyddu fod yn berthnasol iddynt.
- Diffinio aflonyddu sy'n gysylltiedig â nodweddion gwarchoddedig, aflonyddu rhywiol, triniaeth lai ffafriol am wrthod neu ildio i aflonyddu rhywiol, ac erledigaeth, ar wahân. Ni ddylid cyfuno gwahanol fathau o aflonyddu (os yw bwlio wedi'i gynnwys o fewn yr un polisi) – dylid gwahaniaethu rhwng bwlio ac aflonyddu.
- Darparu enghreifftiau clir i ddangos pob diffiniad o'r gwahanol fathau o aflonyddu, sy'n berthnasol i amgylchedd gwaith y cyflogwr ac sy'n adlewyrchu'r ystod amrywiol o bobl y gallai aflonyddu effeithio arnynt.
- Cynnwys gweithdrefn effeithiol ar gyfer derbyn ac ymateb i gwynion o aflonyddu.
- Mynd i'r afael ag aflonyddu trydydd parti. Dylai'r adran hon amlinellu:
 - y gall aflonyddu trydydd parti arwain at atebolrwydd cyfreithiol;
 - na fydd yn cael ei oddef;
 - bod gweithwyr yn cael eu hannog i'w adrodd;
 - pa gamau sy'n cael eu cymryd i'w atal? Er enghraifft, hysbysiadau rhybuddio i gwsmeriaid neu negeseuon wedi'u recordio ar ddechrau galwadau ffôn;
 - pa gamau a gymerir i wneud iawn am gŵyn neu ei hatal rhag digwydd eto. Er enghraifft, rhybuddio cwsmer am ei ymddygiad, gwahardd cwsmer, adrodd unrhyw weithredoedd troseddol i'r heddlu, neu rannu gwybodaeth â changhennau eraill y busnes.
- Cynnwys ymrwymiad i adolygu'r polisi yn rheolaidd ac i fonitro ei effeithiolrwydd.
- Cwmpasu pob rhan o sefydliad y cyflogwr, gan gynnwys unrhyw safleoedd tramor, yn ddarostyngedig i unrhyw gyfreithiau lleol cymwys sy'n gosod unrhyw ofynion ychwanegol ar y cyflogwr.

Byddem yn awgrymu'n gryf bod y Pwyllgor yn ystyried ein Canllawiau Technegol fel rhan o'r Ymchwiliad hwn, ac yn sicrhau bod polisiau cadarn ar waith i adlewyrchu cyfrifoldebau'r Senedd fel cyflogwr.

Rhyddid mynegiant

Rhaid i gyrrff cyhoeddus barchu'r hawliau i ryddid mynegiant a rhyddid rhag gwahaniaethu. Maent hefyd yn ddarostyngedig i ddyletswyddau penodol sy'n ei gwneud yn ofynnol iddynt roi sylw priodol i'r angen i hyrwyddo cysylltiadau da rhwng gwahanol gymunedau a ddiogelir gan gyfraith cydraddoldeb. Efallai y bydd hyn yn ei gwneud yn ofynnol iddynt fynd ati'n rhagweithiol i herio'r defnydd o gyfathrebu sarhaus.

Proses gwyno

Dylai'r gweithdrefnau ar gyfer adrodd am wahaniaethu, aflonyddu neu ymddygiad digroeso fod mor dryloyw a hygyrch â phosib, ac unrhyw rwystrau diangen wedi'u dileu. Rydym yn nodi gyda phryder mai 61.7% yn unig o staff cymorth Aelodau fyddai'n teimlo'n gyfforddus yn codi pryderon gan ddefnyddio'r broses bresennol. Mae hyn yn arwydd o broblem sylweddol, a bydd angen i unrhyw newidiadau yn y polisi gael eu cyfleu i'r holl staff, a darparu hyfforddiant perthnasol i sicrhau ei fod yn cael ei ddefnyddio gan bawb. Byddem hefyd yn awgrymu bod rhagor o waith yn cael ei wneud i ganfod pam nad yw gweithwyr yn teimlo'n gyfforddus yn defnyddio'r weithdrefn gwyno bresennol.

O fewn y 12 mis diwethaf, rydym wedi cael achos i ohebu â'r Llywydd, Pwyllgor Safonau'r Senedd a'r Comisiynydd Safonau yn dilyn cwyn a wnaed i ni gan randdeiliad am sylw gwahaniaethol a sarhaus a wnaed gan Aelod Seneddol ynghylch aelodau'r cymunedau Sipsiwn, Roma a Theithwyr yn ystod cyfarfod llawn y Senedd. Er i'r Llywydd ofyn am ymddiheuriad gan yr Aelod Cynulliad ar unwaith, dewisodd y Llywydd beidio cyfeirio'r mater at Gomisiynydd Safonau'r Senedd. Ni wnaeth yr AS ymddiheuriad cyhoeddus i'r cymunedau yr oedd wedi eu sarhau.

Yn rhinwedd paragraff 3 Cod Safonau Ymddygiad Aelodau'r Senedd, dim ond y Llywydd neu Gadeirydd y Pwyllgor all gyfeirio mater sy'n ymwneud ag ymddygiad Aelod yn ystod cyfarfod llawn y Senedd, sef Comisiynydd Safonau'r Senedd. Gan fod y Llywydd wedi dewis peidio â gwneud atgyfeiriad yn yr achos hwn, ni ellid symud y mater ymhellach. Byddem yn cynghori adolygu'r broses hon i sicrhau bod dulliau ar gael ar gyfer gwneud atgyfeiriad er mwyn i'r Comisiynydd ymchwilio mewn sefyllfaoedd lle nad yw'r Llywydd wedi cyfeirio'r mater.

Ystyriaethau Eraill

Yn ymateb Mawrth 2021 y Comisiwn i ymchwiliad Senedd Sensitif i Rywedd WEC ([Pwyllgor Menywod a Chydraddoldeb](#)), rydym yn nodi ein hawgrymiadau ar sut y gall y Llywodraeth, y Senedd a phleidiau gwleidyddol gymryd camau i greu amgylchedd gwaith mwy cynhwysol ac ymatebol, gan gynnwys drwy atal ac ymateb i aflonyddu yn y gweithle, cynyddu hyblygrwydd, a diwygio absenoldeb rhieni. Bydd llawer o'r ymateb ac argymhellion yr ymgynghoriad hwn yn ddefnyddiol i'r Pwyllgor Safonau Ymddygiad.

Argymhellodd y Comisiwn y dylai Llywodraeth y DU gyflwyno dyletswydd orfodol ar gyflogwyr i gymryd camau rhesymol i amddiffyn gweithwyr rhag aflonyddu ac erledigaeth yn y gweithle, y gellir eu gorfodi gan unigolion a'r EHRC, ac ailgyflwyno darpariaethau adran 40 ar aflonyddu trydydd parti i ddarparu mwy o amddiffyniad i unigolion rhag aflonyddu. Byddai dyletswydd ataliol yn lleddfu'r baich ar staff ASau sy'n adrodd am aflonyddu, ac yn hytrach yn rhoi'r cyfrifoldeb ar y cyflogwr i atal a datrys aflonyddu yn effeithiol. Byddai ailgyflwyno'r adran hon o ddeddfwriaeth y DU o fudd i bobl Cymru.

Un o'r heriau allweddol mae Aelodau o'r Senedd/Senedd Cymru yn eu hwynebu yw nad oes ganddynt statws cyflogaeth ffurfiol, felly nid ydynt yn cael eu hamddiffyn rhag gwahaniaethu gan y darpariaethau cyflogaeth yn Neddf Cydraddoldeb 2010. Fodd bynnag, mae gan bleidiau gwleidyddol rwymedigaethau penodol i amddiffyn eu haelodau rhag gwahaniaethu, aflonyddu ac erledigaeth.

Rydym yn cytuno â chanfyddiadau adroddiad cynharach Llywodraeth Cymru ar [Aflonyddu Rhywiol yn y Gweithle](#) nad oes rheswm pam na ddylai sefydliad sy'n defnyddio gwirfoddolwyr ac interniaid fod yn gyfrifol am sicrhau eu bod hwythau hefyd yn gallu gweithio mewn amgylchedd sy'n rhydd o aflonyddu, yn enwedig oherwydd gallant fod yn rhai o'r bobl fwyaf agored i niwed mewn sefydliad.

Credwn y dylai seneddau a phleidiau gwleidyddol fod ar flaen y gad o ran creu amgylchedd enghreifftiol i'r rhai sy'n gweithio ynddynt.

Rhan o sicrhau parch ac urddas yn y Senedd yw annog gweithredu gan bleidiau gwleidyddol. Mae gan bleidiau gwleidyddol oblygiadau o dan Ddeddf Cydraddoldeb 2010 i ddileu gwahaniaethu, aflonyddu ac erledigaeth anghyfreithlon. Ond dangosodd ein hymchwil i'r rhwystrau y mae ymgeiswyr yn eu hwynebu mewn etholiadau lleol fod angen i bleidiau fod yn well o ran sicrhau bod diwylliannau ac ymddygiadau yn bodloni'r safonau a nodir yn rheolau ffurfiol y pleidiau. Gwyddom fod menywod yn arbennig yn teimlo nad oedd hyn yn digwydd bob amser, a bod methiant i ymateb i adroddiadau o wahaniaethu, aflonyddu neu ymddygiad amhriodol yn rhwystr i'w cyfranogiad a'u dilyniant.

Cyngor pellach

Oherwydd cwmpas eang y pynciau a drafodwyd yn yr ymchwiliad hwn, estynnwn wahoddiad i'r Pwyllgor Safonau Ymddygiad gwrdd â'r EHRC, fel y gallwn roi arweiniad pellach a phenodol. Mae ein timau polisi a chyfreithiol ar gael i gynghori neu i roi tystiolaeth y tu hwnt i derfynau tystiolaeth ysgrifenedig i'r ymchwiliad.

Darllen pellach

[Diversity of candidates and elected officials in Great Britain](#) EHRC 2019

[Turning the Tables: ending sexual harassment at work](#)

[Response to Call for Evidence: Intimidation of Parliamentary candidates](#) EHRC 2017

[Barriers to participation in standing for election to local government in Scotland](#) EHRC 2019