

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
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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.

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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.

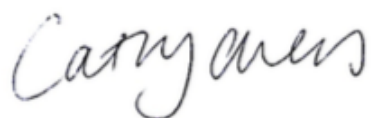
We can be no clearer. The process to date has failed a number of women, and no doubt men too. Many of us have extensive stories to tell about harassment in Welsh politics, and the Assembly, the Commission and the Office of the Standards Commissioner have not acted to tackle this over the last 20 years.

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.



