

National Assembly for Wales: Standards of Conduct Committee
Creating the right culture: Inquiry into the Review of the
Code of Conduct for Assembly Members

SoC(5) RCC01

Evidence from Chwarae Teg

Introduction

We welcome the Committee's inquiry into this important issue. We are concerned that there remains a culture in which people, particularly women, are uncomfortable coming forward with complaints. While the terms of reference for this inquiry are far reaching, we wanted to focus our submission on this area in particular, and set out the key themes we think should be considered as part of any likely changes to the Code of Conduct.

1. Clarity of process

- 1.1. The Code of Conduct for Assembly Members and the Procedure for Dealing with Complaints about Assembly Members are rightly comprehensive documents. However, we are concerned that many people, even those regularly in contact with AMs and the National Assembly, are unaware of the process for lodging a complaint.
- 1.2. While the Code outlines the principles of public life, there is a lack of clarity as to the types of behaviour that would be deemed to fall short of this. For example, the Code does not explicitly outline that behaviour deemed as sexually inappropriate or intimidating would fall within the remit of the Standards Commissioner to investigate.
- 1.3. The current document is largely focused on outlining expectations related to registered interests. This risks overshadowing the role of the Code in setting out expected behaviour. The proposed respect and dignity policy may help to address this.

2. Anonymity

- 2.1. The Code as written does not set out whether complainants can maintain their anonymity during the course of investigations. In Wales and elsewhere we have seen instances where complainants' details are shared with those they have complained about and wider audiences, which has resulted in public attacks and intimidating behaviour, often on social media.
- 2.2. There is a risk that fear of abuse, and hostile and potentially intimidating behaviour due to a lack of anonymity could further discourage individuals, particularly women, from coming forward with valid complaints.
- 2.3. Any revisions to the Code of Conduct and complaints procedure should consider the issue of anonymity to ensure women are able to come forward with valid complaints.

3. Social media

- 3.1. Social media is increasingly an arena for abuse, and hostile and potentially intimidating behaviour. Chwarae Teg as an organisation, and our staff have experienced this, often from anonymous online accounts in response to our advocacy work.
- 3.2. The extent and impact of online abuse experienced by women has been the focus of numerous reports and campaigns recently including work by the Fawcett Society, Amnesty International and Reclaim the Internet.¹
- 3.3. We are concerned that fear of targeted, sustained aggression and harassment on social media might discourage women from coming forward. We would urge the Committee to consider whether the Code as written, is clear enough on expectations of conduct on social media by AMs and whether this behaviour would be taken into account in any investigation.

4. Patterns of behaviour

- 4.1. A further area we wish to highlight is whether there is, or should be, a process for those who regularly demonstrate behaviour that is directly in breach of the Code or not in the spirit of either the Code or the new dignity and respect policy. There may be instances where a single incident does not meet the current requirements for sanction, but when viewed with other instances, indicates a pattern of behaviour that is in breach of the standards we expect from elected representatives.
- 4.2. We would suggest that consideration be given to the sanctions process for an individual who may have had multiple complaints made over time, which individually might not call for more severe sanction but when viewed together, demonstrate consistent failure to conduct themselves in a manner expected under the Code.
- 4.3. The Code currently states that complaints must be made within 12 months of the incident complained about. We would question whether consideration should be given to instances when a complaint might spark further complaints from others who have experienced similar behaviour from the individual complained about. As written, it is unclear whether older complaints might be considered as part of the investigation process.

5. Role of political parties

- 5.1. We think there remains uncertainty as to when complaints should be raised with the Standards Commissioner and when they should be raised with political parties directly. We would suggest that consideration be given to improving this clarity.
- 5.2. Furthermore, we think consideration should be given to how the Standards Commissioner can engage with political

¹ <https://www.fawcettsociety.org.uk/news/twitter-failing-women-experiencing-online-threats-harassment> Accessed 30.01.2018 / <https://www.amnesty.org.uk/press-releases/more-quarter-uk-women-experiencing-online-abuse-and-harassment-receive-threats> Accessed 30.01.2018 / <http://www.reclaimtheinternet.com/> Accessed 03.01.2018

parties. It might be considered whether there could be scope for the Commissioner to refer more serious cases to political parties, as well as applying the appropriate sanctions available to them. For example, where the Committee concludes that an individual has brought the Assembly into disrepute, it may be appropriate to refer the case to political parties as well.

Conclusion

We believe that it is vital that individuals, particularly women, are able to come forward with valid complaints about the behaviour of AMs. This inquiry provides an opportunity to bring greater clarity as to the behaviour that would fall short of the expectations placed on AMs and the process that those making complaints should follow.

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.

