

Committee on Standards in Public Life

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Sent by email

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Dear Jane,

Thank you for writing to me regarding our Standards Matter 2 consultation, and for the Standards of Conduct Committee's invitation to contribute to your ongoing consultation on revisions to the Welsh Assembly Code of Conduct. There are many overlapping issues between our two reviews, and so although I hope this contribution is of some assistance, I cannot comment definitively on matters currently under consideration by my Committee.

As Lord Nolan argued in CSPL's original 1995 report, Codes of Conduct are the cornerstone of any public standards regime. My Committee issued guidance on how such Codes should be formed in our 2013 report, *Standards Matter*. I shared that advice with the House of Commons Standards Committee in their recent consultation on MPs' Code of Conduct, and it is equally relevant here. Specifically, the Members' Code of Conduct should be seen as relevant to MSs' everyday work and not exceptional; proportionate, giving enough detail to help guide action whilst not over-complicating compliance; clear about the consequences of non-compliance; framed positively, where possible; and personalised, to emphasise individual responsibility to uphold the highest standards of ethics and propriety.

I welcome your Committee's decision to structure the Welsh Assembly Code of Conduct as a hybrid of principles and rules. The Nolan Principles are intended to guide high level behaviour but must be supplemented by rules that outline their application in specific contexts. The Nolan Principles are not intended to be directly enforceable, and so it is important that context-specific rules are.

I also note your decision to add an additional eight principle of 'Respect' to Nolan's original Seven, and to tailor the descriptors of the principles to the roles of MSs. The Committee has kept a close watching brief on issues of bullying and harassment in the House of Commons. We are considering the continuing relevance of Nolan's original Seven Principles in our current review, *Standards Matter 2*, and will give due consideration to the case behind this additional principle as we move forward.

On the implementation of the Code, it is vital that the investigative process for complaints is sufficiently independent, so that it is perceived as fair by potential complainants and respondents. An investigatory process that is not perceived as fair will deter complainants from coming forward and will lead to respondents challenging the legitimacy of the process and its outcomes. The former is a particular problem for those who are victims of bullying or harassment, for whom confidence that their complaint will be taken seriously and processed fairly will often determine whether or not they complain at all.

On sanctions, it is important that standards authorities have access to an appropriate range of measures. Sanctions should reflect the nature of the breach. Apologies and recommendations of expulsion (or a process for recall) have been adopted by both Houses of Parliament for breaches that are respectively minor or inadvertent, or extremely serious. If the Welsh Assembly Code of Conduct is not to include either then there should be in place alternative sanctions that are proportionate for the most minor or the most serious offences.

I look forward to seeing the outcome of your consultation. We will also be inviting the Welsh Assembly Commissioner for Standards to give evidence to our Standards Matter 2 inquiry.

Yours sincerely,

Lord Evans of Weardale KCB DL

Chair, Committee on Standards in Public Life