

Creating the Right Culture

September 2018



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About the Committee

The Committee was established on 28 June 2016 to carry out the functions of the responsible committee set out in Standing Order 22. These include:

- the investigation of complaints referred to it by the Standards Commissioner;
- consideration of any matters of principle relating to the conduct of Members;
- establishing procedures for the investigation of complaints; and
- arrangements for the Register of Members' interests and other relevant public records determined by Standing Orders.

Committee Chair:



Jayne Bryant AM

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Current Committee membership:



Gareth Bennett AM

UKIP Wales
South Wales Central



Paul Davies AM

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Chair's foreword

As elected politicians we have a responsibility to ensure that we set the highest standards as an example to wider society. Every one of us must take responsibility for the kind of environment in which we want to work. We must not tolerate inappropriate behaviour within our institution and it must be called out wherever we see it.

Issues around dignity and respect have become apparent over the last few years in numerous walks of life. Problems have been widely documented in the film industry, higher education and politics. A power imbalance where one party appears to wield more influence than the other is a common factor among the sectors where this type of inappropriate behaviour has occurred.

In 2016, the TUC and Everyday Sexism project conducted a survey which found that 52% of women have experienced sexual harassment at work. It is very worrying that 79% of these women did not tell their employer.

Evidence received by the Committee and reports in the media suggest that there have been a number of incidents of sexual harassment at the Assembly and that these had not been formally reported. We must ensure that we create a culture where people feel able and supported to report any incidents.

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 Wales. We were instead able to utilise informal advice and will continue to seek to engage with all interested parties in the coming months.

Through this report the Committee has sought to outline how we can create a culture where everybody feels empowered to call out inappropriate behaviour. It is the start of a very important conversation and the Committee will welcome feedback on our recommendations. We encourage people to make suggestions regarding further steps which might be taken in future.

We want to encourage a wide and diverse range of people into politics and to do this we need a culture which is inclusive and enabling. Everyone must have an understanding of what constitutes inappropriate behaviour so that they will know if they experience it themselves or see it happening to somebody else.

The cultural change required is not achievable overnight. It will take a long-term commitment and dedication. This report is not a final position but sets out a clear direction of travel for the Committee and the Assembly as a whole.

If you do have any concerns about the behaviour of anyone who works on the Assembly Estate, we encourage you to discuss these. There are a number of options available:

- a confidential telephone line: 0800 020 9550 can help direct you to the right avenue;
- email dignityandrespect@assembly.wales; and
- Assembly website - [Complaints about Conduct](#).

If you wish to make a complaint about an Assembly Member, we also have an independent Standards Commissioner:

- telephone: 0300 200 6539;
- email standards.commissioner@assembly.wales; and
- website - the [Standards Commissioner](#).

Jayne Bryant AM
Chair, Standards of Conduct Committee

Recommendations

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1. Introduction

- 1.** The Standards of Conduct Committee agreed in December 2017 to undertake an inquiry into “Creating the right culture: Ensuring the National Assembly is an exemplary place to work”. This was a result of a commitment signed by the Llywydd of the National Assembly for Wales, political Party leaders and the Standards of Conduct Committee to ensure that the Assembly is an inclusive, positive and open working environment.
- 2.** The Committee has taken a broad range of evidence both in public and in private, depending on the preference of the witness and/or the nature of the evidence presented.
- 3.** The Committee is very grateful to those who shared their experiences. Some of the evidence was very sobering, but it has helped the Committee immeasurably. Without understanding the experiences of others, it is very difficult to identify the challenges within the Assembly and ascertain precisely how the culture can be improved. As a Committee, we hope that these views have been adequately reflected in this report.
- 4.** One of the key messages the Committee heard, was that there is a need for strong leadership from across the whole Assembly. Many of the issues and challenges facing the Assembly are prevalent throughout society. Therefore, we need to be shaping and developing the sort of inclusive and open culture we want to see reflected in wider society.
- 5.** One of the significant challenges facing the Assembly is that the political nature of our organisation leads to a power imbalance. This is not unique to the Assembly, or indeed politics, but is one that needs to be addressed. It is essential to empower individuals to be confident in coming forward, and not to be concerned about the potential repercussions of doing so.
- 6.** This report is part of an ongoing conversation around dignity and respect; this conversation must continue following the publication of this report. We need to achieve meaningful cultural change and are aware this cannot happen overnight. It will take significant commitment and persistence. It is our firm belief that an important aspect will be maintaining dialogue. To ensure the necessary cultural change, we cannot let up as progress is made. We must continuously reflect and seek to improve.

7. As an Assembly, we are determined not to be complacent and are committed to making a change. A number of actions have been identified during the course of this work that we believe enhance dignity and respect provisions in the Assembly. We have sought to implement these with the other responsible parties as this inquiry has been progressing. For example, the Assembly has:

- approved a dignity and respect policy (May 2018);
- ensured ACAS training on inappropriate behaviour has been undertaken by all Party groups;
- nominated contact officers to complete training to help people through the existing complaints procedure; and
- set up a confidential telephone number for anyone to report any instances where they have experienced uncomfortable behaviour from anyone connected with the Assembly and has been advertised across the estate.

8. These steps are just the beginning of the journey, and not the only solutions to the issues faced. A number of clear themes and areas for further action have emerged from the Committee's work, which are detailed in the remainder of this report.

2. Recognising Inappropriate Behaviour

In order to be able to affect meaningful cultural change, it is essential that there is a clear understanding of what constitutes inappropriate behaviour.

Lack of Complaints

9. There have not been any formal complaints relating to inappropriate behaviour by Assembly Members since the inception of the National Assembly for Wales. It became apparent during the inquiry that the lack of such complaints might be symptomatic of the issues we face.

10. We heard that people are reluctant to come forward and make complaints for reasons such as the potential impact it may have on career progression; reputational damage to their Political party; concern about whether it would be dealt with appropriately and a lack of confidence in the system to be able to achieve change.

11. These are the stark challenges we face, and we are determined to address them.

Different types of Harassment

12. There are different types of behaviour, which impact on the dignity of somebody else. Cerys Furlong, Chief Executive Chwarae Teg, highlighted that:

“... a lot of this inappropriate behaviour stems from a power disconnect between two individuals, where somebody is in a position of power and influence and somebody is not, and that might be an elected member, it might be a senior civil servant, it might be somebody who’s your line manager—there are a whole range of different scenarios there. So, I think you can’t have an exhaustive list. You can have one that says, ‘These kinds of things would be deemed unwelcome or inappropriate conduct.’”¹

13. The Dignity and Respect policy agreed by the Assembly on **16 May 2018** set out:

¹ Record of Proceedings (RoP), 27 February 2018, Paragraph 52

“Inappropriate behaviour means any behaviour that adversely affects the dignity of another person. It includes harassment, sexual harassment, bullying, intimidation and unlawful discrimination. Instances of inappropriate behaviour may constitute criminal offences, such as criminal harassment, common assault or sexual assault. But it is wider than that. It covers all unwanted behaviour – that is, behaviour which is not encouraged or reciprocated by the recipient, regardless of whether it was meant to cause offence, and whether it is repeated or an isolated incident.”²

14. We believe this is a clear definition, which lists types of behaviour. We welcome that this does not seek to be an exhaustive list, as we believe that this would not be helpful in ensuring people come forward.

15. However, the Committee heard that sexual harassment is increasingly being recognised as a form of violence against women. The Committee received evidence that there may need to be additional processes/systems for dealing with sexual harassment. For example, the Equality and Human Rights Commission (EHRC) said:

“You can choose to deal with sexual harassment complaints through your existing grievance policy or through your anti-harassment policy. However, you should be aware that complaints of sexual harassment are often very sensitive and complex. Anybody dealing with sexual harassment complaints should receive specialist training.”³

16. The recommendations in this report recognise that sexual harassment complaints are potentially very difficult and sensitive to make and we have reflected this throughout the report.

Survey

17. During April and May 2018, the Assembly Commission undertook an anonymous survey on dignity and respect. The survey asked Assembly Members (AMs), Assembly Members Support Staff (AMSS) and Commission Staff to answer questions on their experiences of inappropriate behaviour. The responses were published in June 2018.

18. The results of the survey were stark and sobering; and raised a number of serious concerns. It showed a significant number of individuals had experienced

² National Assembly for Wales, [Dignity and Respect Policy](#)

³ Written Evidence, SoC(5)-04-18 P5, 27 February 2018

or witnessed inappropriate behaviour and had little confidence that it would be dealt with.

19. The Committee understands that an action plan to address some of these concerns is currently being developed and we would welcome updates as this progresses. We recommend that this survey is carried out annually, followed by a full evaluation of the results and that an action plan is subsequently drawn up. This would:

- highlight how effective the measures put in place have been; and
- ensure that this topic maintains a high profile, and people become more comfortable discussing these issues.

20. We believe consideration should be given to developing the survey to identify the type of inappropriate behaviour that has been experienced. This would require the necessary safeguards and support for those completing the survey to be put in place if required. This will enhance the understanding of the challenges faced by the National Assembly and help to build up a strong knowledge base around any trends and patterns of inappropriate behaviour.

Recommendation 1. The Committee recommends that the Assembly Commission issue an annual dignity and respect survey of AMs, AMSS and Commission staff and present the findings and an accompanying action plan to the Standards of Conduct Committee

Recommendation 2. The Committee recommends that the Assembly Commission evaluates the dignity and respect survey of AMs, AMSS and Commission staff and develops it to identify types of inappropriate behaviour.

21. In addition to the Assembly Commission survey, the BBC undertook a survey of AMSS. The results⁴ of this survey found:

“Three who responded said they had been sexually assaulted at work:

- One said they had been ‘inappropriately touched’ by a person working for the BBC;
- Another said they had been sexually assaulted by a member of BBC staff; and
- One said they had been sexually assaulted by an AM.”

⁴ [BBC Wales Article](#) [accessed 12 July 2018]

- 22.** The Director of BBC Wales has undertaken publically to look into these complaints, although given the survey was anonymous he did state that it would be difficult to verify the findings.
- 23.** This survey highlights a concern for the Committee that there may be similar issues relating to other users of the Assembly estate who are not directly accountable to the Commission. The Committee recognises that a lack of accountability limits the options for the Commission to require others to be governed by the same principles as we are. However, we need to take action to ensure all estate users adhere by the same principles.
- 24.** We believe that there are a number of different options that could be implemented such as including this as a lease requirement for subletting areas of the building and contract requirement for service providers (such as catering/cleaning).
- 25.** Given the number of events involving external bodies on the Assembly estate, the Committee believes that it is important to ensure that those organising and participating in events abide by the Assembly's dignity and respect policy.

Recommendation 3. The Committee recommends that the Assembly Commission include in leases and contracts for the use of the Assembly estate the condition that organisations must have a/or abide by the Assembly's dignity and respect policy.

Recommendation 4. The Committee recommends that an agreement to abide by the dignity and respect policy is included in any event booking

Training

- 26.** The Assembly Commission has been working with ACAS to deliver training to all AMs, AMSS and Commission staff around inappropriate behaviour. We believe this is an excellent starting position to make sure that all those associated with the Assembly are aware of what is and what is not appropriate. The Committee notes that there has been an excellent uptake of this training. We believe that such a course should be part of the induction process for all AMs, AMSS and Commission staff, and offered periodically throughout the course of an Assembly.
- 27.** In addition to this training course, the Committee believes that there are a number of other improvements that could be made to the training offered by the Assembly Commission.

Training for sexual harassment disclosures

28. Cardiff University has introduced a disclosure team, who support anybody who raises concerns and sets out the different routes available to the complainant, ensuring that they have the support they need.

29. The Committee heard evidence about the need for specific training for sexual harassment disclosures from a number of witnesses. Responding to disclosure of sexual violence/harassment is an often a sensitive and complex issue, and therefore we are keen to ensure the Assembly has the skills to respond appropriately and empathetically. We believe that everybody should have a good understanding of what constitutes sexual harassment and would like to see training developed for this. We also believe the Commission should identify key individuals including AMSS staff representatives, the Occupational Health Nurse, and the nominated contact officers that may be more likely to have disclosures made to them. The Commission must ensure comprehensive training is provided for these people.

Managing a small office

30. We also believe that there needs to be training around managing a small office. Each AM's office, both in the Assembly and the constituency, is technically an individual office, with the AM being the responsible employer. This means AMs should be fully aware of their responsibilities around staff welfare, and potential liability for any inappropriate behaviour of their staff. However, given that AMs enter this role from all "walks of life", it seems prudent to assume that not all AMs will necessarily have experience in the responsibility of managing an office, and a group of staff. The Committee believes that such training may help to ensure that AMs are doing everything they can to empower staff to feel more comfortable in talking about these issues of inappropriate behaviour, and bring forward concerns and complaints.

Recommendation 5. The Committee recommends that training on Dignity and Respect in the workplace is included as part of the induction process, and offered periodically throughout the course of an Assembly.

Recommendation 6. The Committee recommends that the Assembly Commission offers specific training around sexual harassment and responding to disclosures of sexual violence/harassment, and that this is required training for identified individuals

Recommendation 7. The Committee recommends that the Assembly Commission provides specific training for AMs on managing a small office.

3. Support for Making a Complaint

To ensure that individuals feel empowered to come forward with concerns or complaints, the Committee would like to see improvements to the complaints process, including a simplification of and better communication about the procedure.

Communication

31. The Committee heard that it was crucial that people felt empowered to come forward, and to achieve this it was important that there is consideration of the language and methods used. Ruth Coombs, Head of Wales Equality and Human Rights Commission said:

“I think it’s very important that it’s done in multiple ways, because you have different people who prefer different means of communication. So, by having a multi platform—. I think that things on websites need to be really, really clear, and it needs to be accessible language, in plain language, whether it’s plain Welsh or plain English. And, I think, for this type of work, consideration of other community languages is really important—that it’s not limited. But, for some people, having a leaflet when they come in is the way they like to hear information, for others, it might be an Instagram message or a tweet or any other form of social media, and, for some people, they like it in different ways depending on where they’re at the time. It would be very important to ensure that it’s communicated in a way that people with different protected characteristics can access it, so British sign language, for example, large print, braille—what we consider to be the usual, but the full range. But the full range on those multiple platforms.”⁵

32. The Commission has updated the website to make it easier for people to navigate and understand the complaints process. However, the information on how to make a complaint could be made much clearer, and less process focused. We believe consideration must be given to how this can be improved. To address this, the Commission could undertake a “mystery shopping” exercise to better understand the user experience of this.

⁵ RoP, 27 February 2018, Paragraph 26)

33. In addition to the website, we think there should be more proactivity in raising awareness of the complaints procedure. We received significant feedback that people were unable to find information about the process or understand it. The Committee welcomes the approach taken to promoting the confidential hotline, with a series of posters being displayed on the Assembly Estate. However, more needs to be done. We would like to see a broad range of information available about the standards of conduct people can expect from those associated with the Assembly. This information should be available in a number of different formats and include details of the different courses of action available if these standards are not met. These should be displayed/available in all public spaces and AM's constituency offices.

34. Alongside communication to Members, we believe that there could be better communication to staff about the complaints process. We recognise that information is provided at induction but this is not effective enough. There need to be regular reminders about the information and opportunities for staff to consider this information.

Recommendation 8. The Committee recommends that the Assembly Commission undertake a “mystery shopping” exercise on the existing material on how to make a complaint to ensure the available information is accessible and user friendly by end of 2018.

Recommendation 9. The Committee recommends that the Assembly Commission produce a suite of information by spring 2019 relating to dignity and respect including leaflets, posters and online content. This information must be readily available for people to access and should be informed by the findings of the mystery shopping exercise

Recommendation 10. The Committee recommends that the annual dignity and respect survey and/or staff surveys include a series of questions around awareness of the Complaints procedure and processes.

Multiplicity of routes

35. There are at present a number of different routes available for people to make a complaint about an Assembly Member. These routes include the Commissioner for Standards, the Political Party and the Ministerial Code.

36. The Committee are concerned that this multiplicity of routes could potentially lead to a number of different outcomes and findings, and might be unclear for members of the public who may wish to complain.

37. We understand the need for party structures and would not seek to take away people's opportunity to raise concerns this way, given the different dynamics in parties. We welcome the work done by the Standards Commissioner to standardise these processes to date.⁶

Recommendation 11. The Committee recommends that each Party's policy is made available on the Complaints page of the Assembly website, once the processes have been finalised.

Ministerial Code

38. We are concerned by the potential for confusion around the Ministerial code. The Ministerial code states:

“(viii) Ministers must keep separate their roles as Minister and Assembly Member;”

39. We believe that this does appear to create, at the very least, a perception of ambiguity regarding when a Minister is performing their duties as a Minister and when they are acting as an AM. Especially as the two roles may not necessarily be incompatible. If this unclear perception exists for us within the political structure, then it must be significantly greater for those outside the system. We believe that if you have taken the important step to come forward to make a complaint about inappropriate behaviour, then you should not have to face the possibility of being told this was not the correct path and then being signposted to other channels. Complaints need to be dealt with from that initial point of contact.

40. The system of separate codes as exists in Wales is comparable with the provisions in the other UK parliaments. However, as a Committee we believe that Wales can take a bold step, to improve provision and increase confidence in the system.

41. Complaints against Assembly Members are currently considered by an independent statutory Standards Commissioner. This appointment is made via an open and transparent process. This is a recognised parliamentary system for dealing with Members.

42. The Committee would like to see complaints relating to AMs, including Ministers, to be referred to the Independent Standards Commissioner. We would envisage that following the completion of their investigation, the Commissioner would report to the First Minister in a similar way to the reporting process for the

⁶ Standard's Commissioner Annual Report 2017-18 (July 2018)

Committee. As with AMs, we would like to see any reports relating to Ministers made public once the First Minister had reached a conclusion.

43. While we agree completely that the First Minister should be able to decide which Ministers remain within the cabinet, we believe that the initial complaint and investigation should be dealt with by the independent Standards Commissioner.

44. We recognise that an independent adviser has been appointed in relation to the Ministerial Code, but we believe that public confidence in the system could be improved by utilising the same route and process as Assembly Members. We believe this will be simpler to understand and easier to access for the public.

Recommendation 12. The Committee recommends that the First Minister work with the Standards Commissioner to establish a protocol by Summer 2019 whereby all complaints are referred to the office of the Commissioner and that the Commissioner subsequently report to the relevant body.

Support for the Standards Commissioner

45. The office of the Standards Commissioner is much valued and respected in the Assembly and beyond. The independence of this office is vital to ensure confidence in the system, and the Committee received positive feedback from some who had approached the Commissioner on sensitive matters relating to complaints.

46. The Committee has also heard evidence that the Standards Commissioner may not be the best avenue for everybody wishing to make a complaint. A number of reasons were suggested for this including;

- uncertainty about whether people wanted to make a “formal” complaint,
- a perception that complaining to the Standards Commissioner was a “nuclear option”, and
- concern about the lack of specialist support available at the Standards Commissioner’s Office for dealing with complaints, such as those based around sexual harassment, which are complex and sensitive matters requiring professional support.

47. In light of these reasons, and particularly the Standards Commissioner being considered a nuclear option, the Committee would like to emphasise that the

Standards Commissioner can be approached informally to discuss concerns or potential complaints. This can be done before deciding whether to make a formal complaint or at any point during the process.

48. The Committee would not want to undermine this important statutory role by establishing an alternative system. Yet we do believe that there is room for an intermediary step prior to making a complaint to the Commissioner. This could offer help and support to those who are uncertain about whether to make a complaint and advise on the possible paths available. This support function should also be required to provide the necessary specialist support for those wishing to complain about sexual harassment. We are in no doubt that to empower people to come forward this needs to be independent and based outside of Assembly staff.

Recommendation 13. The Committee recommends that the Assembly Commission work with the Standards Commissioner to develop a proposal for an advice and support function to sit alongside the Commissioner's office by spring 2019.

Anonymous Reporting

49. A universities taskforce published Changing the Culture: Report of the Universities UK Taskforce examining violence against women, harassment and hate crime affecting university students in 2016.

50. It made a number of recommendations about how harassment in the Higher Education sector may be addressed. Several initiatives have subsequently been developed, including anonymised reporting and active bystander schemes. An example of the work includes this [website from Cambridge University](#).⁷ This has resulted in 173 complaints being registered in 9 months.

51. The Committee heard from the NUS and Cardiff University about the recent introduction of their anonymous reporting tool. The tool utilised in Cardiff University allows for full disclosure or anonymised reporting, which allows the victim to have control. This is considered to be a more positive approach than the completely anonymous tool used by other organisations; whereby there is no ability for people to make a named complaint. We understand that an important benefit of an anonymous reporting tool is that it empowers people to come forward with concerns while feeling in control of the process. This has helped to identify patterns of behaviour – an aspect which is of particular interest to the

⁷ Cambridge University, [Breaking the silence - preventing harassment and sexual misconduct](#)

Committee. We heard concerns around the cumulative impact of multiple incidences - something that is indicative of the need to address potential wider patterns of behaviour. For example, Cerys Furlong, Chief Executive Chwarae Teg, said:

“...the other point that we’ve tried to make is about patterns of behaviour, so cumulative patterns of behaviour where perhaps somebody has not done something grossly inappropriate, but consistently operates at a level that makes people feel uncomfortable.”⁸

52. The Committee believes that an anonymous reporting tool has a number of benefits including helping to signpost people in the right direction for support. This would be a welcome additional step for those who many not want to pursue a formal complaint- something people might be reluctant to do for a variety of reasons.

Recommendation 14. The Committee recommends that the Assembly Commission develops an online reporting tool which allows people to report incidents of inappropriate behaviour either anonymously or through a named disclosure by summer 2019.

Support for Assembly Member Support Staff

53. The Committee heard evidence around the need for more support for staff. The Assembly Commission’s dignity and respect survey highlighted that there were issues around staff confidence in the system, and concern about the repercussions of reporting inappropriate behaviour.

54. As mentioned earlier in the report, each AM technically operates a small office. It is therefore it is important that every member of staff is aware of the wider support available to them, particularly those in constituency offices. This should include an awareness of the Trade Unions support in the Assembly. We believe our earlier recommendation on training for AMs will in part address this. However, we also believe that there should be a provision to ensure that AMSS staff representatives are informed about new starters within a group, something we understand from evidence received that does not happen routinely. This additional step will ensure that AMSS joining the Assembly can be made aware of where they can access support.

⁸ RoP, 27 February 2018, Paragraph 53

55. The Committee is also concerned that there is insufficient support for the staff of independent Members as they are typically not within a party group structure. Those working for independent Members do not have access to the group structure that provides AMSS with an additional support route to raise concerns. Additional support may be needed in particular when a Member decides to leave a political group, and therefore the AMSS working life changes. We need to be mindful of the position of staff in these circumstances as they will be working in a different environment and will experience a change in relationships with previous colleagues.

Recommendation 15. The Committee recommends that the Assembly Commission put in place a method for notifying AMSS staff representatives about new starters in the Political group by October 2018.

Recommendation 16. The Committee recommends that the Assembly Commission work with the Remuneration Board to bring forward a proposal by December 2018, on the support that can be offered to AMSS working for independent AMs.

4. Rules Governing the Complaints Procedure

The Committee believes that there are a number of improvements that could be made to the complaints procedure and code of conduct. These would make it easier to understand and help to address the power imbalance that exists within a political setting.

Reporting timeframe

56. The current complaints procedure sets out that a complaint is admissible if:

“it is made within one year from the date when the complainant could reasonably have become aware of the conduct complained about.”

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

“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.

The Assembly is obviously in a very unique, well, not unique—. Elected institutions are in a unique situation and there might be some issues with how to deal with that. But, as we pointed out in our response, that person, even if they’re not an Assembly Member at that time, they can easily become an Assembly Member again and be back into the institution where this situation happened. So, having some limitation on investigations is highly problematic and detrimental to those that have been affected.”

She went on to highlight:

“...it’s about a cultural change and so the investigation isn’t just about investigating what happened in that instance. It’s also about investigating why and how it was allowed to happen and why that

happened in the institution. So, it's not just about looking at that individual that maybe perpetrated the incident, but it's also looking at the culture of the institution that allowed it to happen. So, the investigation needs to happen to change that and prevent it from happening in the future as well."⁹

58. In certain circumstances, the Committee does not believe that the 12-month window is fit for purpose. We are convinced by the argument that the nature of inappropriate behaviour, in particular sexual harassment, means that it may take those subjected to it longer to feel able to come forward. We need to empower people to disclose their experiences and raise concerns rather than placing time restrictions on reporting incidents.

59. To achieve lasting cultural change, you need to be aware of any incidents that may have happened and as such we are minded that consideration should be given to investigating and reporting on historic inquiries. This record would be an important point of reference even if it is not possible to bring forward a complaint relating to a current AM. Furthermore, given the potential for AMs to lose and regain seats; a record of previously reported incidents should be easily accessible. The Committee will consider further how the procedure for dealing with complaints might be changed to remove the requirement, where appropriate, for complaints to be made within 12 months by the end of 2018.

Code of conduct focus

60. The Committee considered the Code of Conduct in light of the dignity and respect issues raised. The Commissioner for Standards has made clear his position that the existing provisions within the Code would cover complaints relating to inappropriate behaviour. The Committee fully agrees with this opinion.

61. However, we believe it could be more explicit. To achieve this, we have agreed to recommend incorporating the dignity and respect policy within the Code of Conduct.

62. We also think that further improvements should be made to the clarity in the Code of Conduct. It appears to the Committee that the UK Parliamentary expenses scandal shaped the current Code– and that this financial emphasis does not necessarily help people understand the broader standards they can expect of AMs.

⁹ RoP, 27 February 2018, Paragraph 87

Recommendation 17. The Committee will bring forward considered proposals by spring 2019 for amending the Code of Conduct.

Confidentiality and Anonymity

63. The Committee heard a great deal about the need for confidentiality throughout the process. It was suggested that keeping the process confidential helps to empower individuals and build confidence in the system.

64. We also heard calls for anonymity to be built into the system. The Committee believes that there is an important distinction between anonymity and confidentiality – anonymity suggests that complaints would proceed without the name being known by the accused or potentially even the investigator while confidentiality suggests that the names of those involved would be protected from wider release but known where necessary.

65. We do not believe complete anonymity is achievable through the complaints process. The accused should be aware of who has made allegations against them at a relevant point, although this information may not need to be more widely shared. We noted with interest the Scottish Parliament report relating to a complaint against Mark McDonald MSP, where the victim of the sexual harassment was anonymised throughout the report. This is the sort of confidential reporting the Committee would envisage when appropriate.

66. As we have noted earlier in the report, we recognise the importance of anonymity in the process. We have recommended that there needs to be provision for people to report anonymously concerns and complaints – but in doing this, the limitations on anonymous reporting would need to be clear.

67. To help the Committee further achieve maximum confidentiality where appropriate, we believe there needs to be a change to the complaints procedure whereby the Committee attach either the Commissioners report, or a summary of the report. This may increase confidence of people to disclose more evidence on which we can base our consideration of complaints on.

Recommendation 18. The Committee will bring forward proposals for amending the provision that the Committee must attach the Standards Commissioner’s report in full to its report relating to a complaint the end of 2018.

Social Media

68. Social Media was highlighted as an area where there are increasing levels of inappropriate behaviour. Andrew White, Director, Stonewall Cymru said that

elected Members should be mindful of the responsibility of having a verified blue tick from Twitter and that it should be made clear in the Code of Conduct that:

“...this is a public statement, this is publishing material, as is retweeting, as is engaging in the hashtag #AllLivesMatter as a counter to #BlackLivesMatter, or #NotAllMen as a counter to the #MeToo movement, or #PeakTrans. All these things that are being used, they’re really pervasive.”

69. And that he felt:

“...those principles of respect and dignity should absolutely underline everything, but made clear that that extends to your social media presence—and not just to elected Members, actually, but the hundreds of staff who work in this place. Social media should come under their code of conduct as well.”¹⁰

70. We believe that there needs to be a more explicit link between what is acceptable on social media and the Code of Conduct. This is an area where the Committee has previously identified that guidance is needed, and this will form part of our future work programme.

71. The Committee heard evidence about the need to be proactive in calling out inappropriate behaviour online, rather than just having provisions about what is not acceptable. For example, in relation to anonymous accounts Gwendolyn Sterk, Welsh Women’s Aid, said:

“... while we might not be able to effectively hold that individual person to account through a complaint process, we can as organisations and institutions call out that behaviour and say that we don’t accept it and that we will not put up with it. We’re going out to students at the moment talking about bystander initiatives about students calling out in bars and stuff when they see inappropriate, sexist and harassing behaviour. We should do the same online. Especially people around the table with a significant amount of power—they should be calling that out.”¹¹

72. The Committee wholeheartedly agrees with this principle of being active bystanders and notes that there are many successful existing campaigns such as Live Fear Free, which promote this principle. It is incumbent on us all as elected

¹⁰ RoP, 27 February 2018, Paragraphs 77 – 78

¹¹ RoP, 27 February 2018, Paragraph 75

Members to make clear that inappropriate behaviour not only has no place in our institution but also in society as a whole.

Recommendation 19. The Committee will develop guidance on the use of Social Media, which will be reflected in the Code of Conduct, by summer 2019.

Recommendation 20. The Committee recommends 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 to.

The Right of Appeal

73. The current complaints procedure allows AMs to appeal against any decision of the Standards of Conduct Committee. However, there is no third party right of appeal throughout the complaint process.

74. The Committee heard that introducing the right of appeal for both parties would be a positive step to ensure that there is equality in the process and would help to redress the imbalance of power that exists. It was also suggested that this might help make people feel more empowered to come forward and help bring about cultural change.

75. The current appeals process within the procedure for dealing with complaints against Assembly Members was used for the first time since the establishment of the independent Commissioner for Standards in February 2018., In light of this experience the Committee has indicated it wishes to consider the appeals process for Members. We will therefore include consideration of ensuring equality for all parties in this process.

Recommendation 21. The Committee will bring forward proposals for amending the appeal provision in the procedure for dealing with complaints by the end of 2018.

5. Next Steps

76. This report sets out a number of recommendations we believe are necessary to start bringing about cultural change. The table below sets out the actions we want to see happen and an indicative timeframe for this.

Action	Delivered by	Timescale
Dignity and Respect Survey		
Undertake an evaluation of the dignity and respect survey and action plan	Assembly Commission	April 2019
Develop the dignity and respect survey to identify types of inappropriate behaviour	Assembly Commission	April 2019
Run the Dignity and Respect survey on an annual basis	Assembly Commission	Annually from April 2019
Training		
Run ACAS training	Assembly Commission	Immediately
Specific training Sexual Harassment	Assembly Commission	Immediately
Small office training	Assembly Commission	Immediately
Review of the Complaints Procedure and Code of Conduct		
Review the timescale for making complaints (currently within 12 months)	Standards of Conduct Committee	December 2018
Review the appeals procedure	Standards of Conduct Committee	December 2018
Consider whether the Committee needs to attach the complete Commissioner's report or just a precise	Standards of Conduct Committee	December 2018
Include guidance on Social Media in the Code of Conduct	Standards of Conduct Committee	Spring 2019
Review the Code of Conduct to make sure it reflects the Dignity and Respect Policy	Standards of Conduct Committee	Spring 2019

The Assembly Estate		
Including the need for a dignity and respect policy in the lease conditions and contracts for external bodies	Assembly Commission	Immediately
Organisations asked to abide by the Assembly's Dignity and Respect policy in event bookings	Assembly Commission	Immediately
Run an active bystander campaign	Assembly Commission	December 2018
Reporting Complaints		
Develop a protocol for the independent standards Commissioner to deal with Ministerial complaints	Standards Commissioner/First Minister	Summer 2019
Develop proposals for an advice and support function to sit alongside the Commissioner's office	Standards Commissioner/ Assembly Commission	Spring 2019
Develop an online reporting tool to allow people to disclose incidents either named disclosures or anonymously	Assembly Commission	Summer 2019
Run a "mystery shopper" exercise on the available information on how to make a complaint	Assembly Commission	December 2018
Produce a range of information outputs on the complaint process eg leaflets, online guides	Assembly Commission	Spring 2019
Support for AMSS		
Notifying AMSS staff representatives of new starters	Assembly Commission	Immediately
Support for AMSS working for independent AMs	Remuneration Board /Assembly Commission	Immediately

77. However, this is just a step in the process and we are keen to ensure the conversation continues in this area. We would welcome any feedback on our findings and recommendations, so that we can build these into the next stages of our work.