

Rules and Guidance on the Use of Senedd Resources

Last updated: 18 July 2022

Contact: Head of Commission and Member Support

Status of the Rules and Guidance

1. These Rules and related guidance are issued by the Clerk as the principal accounting officer of the Senedd Commission and in the exercise of powers delegated to the Clerk by the Senedd Commission following consultation.
2. The purpose of these Rules is to ensure the regularity and propriety of the management of the public money provided to the Senedd Commission and for which the Clerk is accountable as principal accounting officer of the Senedd Commission under section 138 of the Government of Wales Act 2006.
3. These Rules apply to Members whenever they make use of Commission resources (as defined in these Rules) and compliance with these Rules is required by Rule 8 of the Members Code of Conduct.
4. Should the Clerk as principal accounting officer have reasonable grounds for suspecting a failure to comply with these Rules then the Clerk is under a duty under section 9 of the National Assembly for Wales Commissioner for Standards Measure 2009 to refer those grounds to the Senedd Commissioner for Standards for investigation.
5. In addition, complaints about the alleged misuse of Commission resources may be made to the Senedd Commissioner for Standards by any other person.
6. It is each Member's responsibility to ensure they understand and comply with these rules.
7. The Guidance set out after each Rule does not form part of the Rules but is intended to assist Members and Commission officials in following and applying the Rules. Additional information to assist Members in complying with these Rules is also available on the Members' intranet. The Senedd Commissioner for Standards may also have regard to the Guidance.

8. Members should seek advice in advance from staff of the Senedd Commission where there is any doubt about whether a proposed activity is a permitted use of Commission resources.
9. Members should also bear in mind that elections and referendums are periods of heightened political sensitivity and special provisions may be applied during such periods in addition to provisions in other Rules relating to election periods. Such measures will be notified to Members.
10. Members should also ensure that they are familiar with their obligations under statute with regard to accepting donations (including property, facilities and services) and reporting these to the Electoral Commission.

Interpretation

11. In these Rules and in the Guidance the following expressions are to be interpreted as follows:

“the Clerk” – means the Chief Executive and Clerk of the Senedd;

“Commission resources” – means any resource whether financial or otherwise provided to Members by the Commission either pursuant to section 27(5) of the Government of Wales Act 2006 (provision of property, staff and services to the Senedd) or in accordance with the Determination;

“the Determination” – means the Determination on Members’ Pay and Allowances issued by the Independent Remuneration Board of the Senedd, and where Commission resources are provided in accordance with the Determination these Rules are to be interpreted and applied in a manner consistent with the Determination;

“Member’s duties” – means activity in relation to business of the Senedd and constituency or regional business, wherever undertaken, in the public office of Member of the Senedd;

“Media operations” – means broadcasting, filming or recording by a Member (or any person or organisation on their behalf) carried out on any part of the Senedd estate.

Rule 1 – Personal accountability

Members are personally accountable for the use of Commission resources made available to them and must not use them for party political activity or for any purpose other than the discharge of their duties as a Member.

Guidance

Members are personally responsible for all the expenses they incur or the resources used in their name. Members may delegate the organisation and carrying out of activities to others, such as members of their staff, but Members should bear in mind that when they put in place such arrangements they remain personally accountable for the use of Commission resources provided to them.

The following are examples of activities that would breach this Rule:

- *personal, business or commercial activities or communications;*
- *party political activity of any kind, such as, seeking to affect support for a political party; work which is conducted for or at the behest of a political party; the organisation, publicising of or attendance at party political meetings; or maintaining the internal organisation of a political party;*
- *campaigning to achieve a particular result in an election to any public office, or in a referendum;*
- *activities resulting in financial gain to the Member or any other person.*

It is recognised that maintaining a strict separation between business that properly relates to Members' duties and party political activity can sometimes be difficult. However, while this Rule is intended to be strictly observed, an incidental occurrence of or reference to something party political during the otherwise proper conduct of a Member's duties is unlikely to amount to a breach of this Rule.

The misuse of Senedd resources may also constitute a donation to the Member or their Party, potentially attracting criminal or civil liability for those concerned. The rules around donations apply at all times but have particular significance in the run-up to an election. Members should take special care to ensure that they comply with the detailed rules set out in the Political Parties, Elections and Referendums Act 2000 and, where relevant, the Representation of the People Act 1983 and the National Assembly for Wales (Representation of the People) Order 2007. Members should refer to the Electoral Commission for guidance on these matters

Guidance relating to the use of staff time can be found at rule 3.

Rule 2 – Value for money, sustainability and reputational obligations

In making use of Commission resources Members must act prudently and have regard to:

- (a) the need to secure value for money in the expenditure of public funds,

- (b) the Commission's obligations in discharging its function in relation to securing equality of opportunity for all people and the promotion of sustainable development, and
- (c) the good name and reputation of the Senedd.

Guidance

Members must make use of the Commission resources made available to them prudently and within the limitations of the overall resources made available to Members.

This Rule extends to Members' expenditure on travel and attention is drawn to the "Principles for Commission expenditure on travel by Members" and the travel allowances set by the Determination.

Rule 3 – The employment of staff funded by Commission resources

Members must ensure that all staff employed by them only undertake work in connection with a Member's duties, and activities permitted by the Remuneration Board, during the time they are contracted to undertake work which is remunerated with Commission resources.

Guidance

The application of this rule means that Support staff employed by a Member must not be actively engaged in political party activity or campaigning as part of their contracted hours of work. There is no Commission restriction on staff undertaking such activity outside their contracted working hours (for these purposes taking account of any Member's time off in lieu (TOIL) or Flexi-time arrangements with their staff), while on annual leave or while on unpaid special leave. Any periods of unpaid special leave must be notified to Members' Business Support in advance in order that the appropriate financial adjustment may be made.

Members must consider the processes they need to put in place in order to ensure that their staff only undertake work in connection with the Member's duties (ie the purpose for which the provision is made) during their working time. That process might, but is not required to, include keeping accurate records of hours worked by each staff member.

Members or their staff may, on occasion, also hold another job, office or role (e.g. a local councillor). Where this arises, Members should ensure that their staff do not carry out work during their contracted working hours paid for by Commission resources on business which properly relates to such other roles, unless permitted by the Remuneration Board. This applies whether or not resources are provided by the body concerned.

Rule 4 – Items, services and facilities acquired with Commission resources or provided by the Commission

- (1) Items, services and facilities acquired with Commission resources or provided by the Commission for the use of Members must only be used in connection with a Member's duties.
- (2) Items acquired with Commission resources become and remain the property of the Commission and are to be returned promptly when requested.
- (3) Items provided by the Commission for the use of Members must be used in accordance with the Commission's conditions relating to their use specified from time to time.

Guidance

This rule applies to items and services that Members acquire with Commission resources or are provided by the Commission for the use of Members (for example, ICT equipment and contracts with service providers).

Rule 4(3) covers, in particular, the ICT equipment is provided by the Commission subject to the ICT Use and Security Conditions, including the limited incidental personal use permitted under the Conditions.

Members should be mindful that items acquired with Commission resources become and remain the property of the Commission and they and their staff should take good care of such items accordingly. Members are accountable, in particular, for returning items when they cease to hold office.

The Guidance to Rule 3 relating to the situation where a Member, or a member of their staff, holds another role, also applies to the use of items and facilities covered by this Rule.

Rule 5 – Observance of financial procedures

Members must observe the financial procedures, and arrangements to counter fraud, in connection with the expenditure and use of Commission resources communicated to Members by the Commission from time to time.

Guidance

This Rule requires adherence to the arrangements and procedures specified by the Commission and/or the Determination (which is

communicated to Members through the Commission, including by the Commission Members' intranet) to include (but without prejudice to the generality of this Rule) year-end guidance, financial loss details, anti-fraud measures, arrangements about the creation and retention of records (such as the purpose and detail of travel, staff working hours and receipts and invoices relating to purchases) and providing information and submitting claims promptly when requested to do so, details required for the Commission's accounting or audit purposes, or other purposes for which financial information can properly be required e.g. in connection with a standards investigation.

Rule 6 – Data protection

Members must comply with the applicable law relating to the protection of personal data when using Commission resources.

When any Commission funded communication or engagement activity will result in the collection of personal data, a simple clear statement must be used to make clear that the personal data collected will not be shared, other than to necessarily support casework.

Guidance

This wording would meet the requirement for a statement about personal data "Personal data provided in response to this [survey/publication] is to inform my parliamentary work and will not be shared, other than necessarily to support casework."

The effect of this Rule is that constituents' personal data gathered through Commission funded activity cannot be made available to third parties other than to necessarily support case work. In particular, personal data may not be shared with registered political parties or political campaign organisations.

Information collected to inform research or policy development may be shared for that purpose, providing the information is anonymised of personal data.

The rule does not preclude provision of information which can properly be required by law e.g. in connection with a police or standards investigation.

Members must ensure that their privacy notices accurately reflect the terms of the statement required by Rule 6.

Rule 7 – Equal treatment of constituents in using Commission resources

Members must treat all constituents equally when engaging or corresponding with them using Commission resources.

In this Rule, "equally" means irrespective of the actual or suspected party political opinions or allegiance of constituents.

Guidance

Members must exercise care and judgement in the production of materials, in whatever format, to ensure that the content does not breach this Rule and Rules 8 to 12 below.

Rule 8 – Communication and engagement with constituents using Commission resources

- (1) Communication and engagement by Members with their constituents using Commission resources must not give the impression that they have been funded by a political party or be used in such a way that they could be perceived as seeking to affect political support for a political party or candidate.
- (2) Any materials must state clearly that they are funded by the Senedd Commission from public funds, and must not be supplemented with additional materials that would not be permitted using Commission resources.
- (3) A single use of an unobtrusive party or political group logo on engagement materials is permitted.

Guidance

This wording would meet the requirement for a statement about funding "This [item] has been funded by the Senedd Commission from public funds."

Members may refer to their own political affiliation in a way that is brief, factual and proportionate. Party, group or other distinguishing logos may be used once in any communication and only as an identifier of a Member's party or Senedd group affiliation or non-affiliated status.

Members are reminded that in exercising their judgement about their use of a logo, colours and photos in engagement materials, these will contribute to the way those materials are likely to be perceived. Care should be taken to prevent a perception of the materials being party political.

Use of the Senedd logo is permitted where it is compliant with the Commission style guide for use by Members.

Targeting of the promotional activity must be directed at the constituency or region the Member represents.

Correspondence by letter, email or similar electronic medium with individual persons is excluded from the requirement to state that they are funded by the Commission but anything that is directed at multiple individuals or a wider audience is included.

Signage on a Member's office/shop front façade is also excluded from the requirement for the statement about funding by the Commission.

Other than where specified, a distinction is not made in the application of the requirements between physical and digital materials.

Where no claim is being made these rules would not apply, for example the delivery mechanism for items/materials produced for constituent engagement would only be subject to these rules where costs for the delivery are claimed.

An example of supplementary materials would be additional materials attached to or enclosed with a permitted newsletter.

Rule 9 – Official Languages Scheme

Communication and engagement activity using Commission resources must be in accordance with the Official Languages Scheme.

Guidance

The Scheme can be found [here](#)

Rule 10 – Members' websites

A Member's website that is built or maintained using Commission resources must only be used in connection with a Member's duties, and must display clearly a statement that the costs of the website have been met by the Senedd Commission from public funds.

A Member will reimburse the Commission promptly upon being required to do so, in the event that a Member is found to have breached this Rule.

Guidance

This wording would meet the requirement for a statement about funding "Costs of this website have been met by the Senedd Commission from public funds."

A website funded using Commission resources must not contain or embed party political content. However, the following content, which identifies the Member for the benefit of visitors to the website, will not be considered party political content under this Rule:

(a) Identification of a Member's party allegiance, which may include a single, unobtrusive party or group logo;

(b) Links on the website to one or more external websites (without displaying content) that carry party political content.

(c) *The individual Member's own social media feeds embedded as content on their own website.*

Where links are included, the Member's website should make a clear statement that the Senedd Commission is not responsible for embedded content and that links lead to websites that are not funded from Commission resources.

Rule 11 – Media operations

Media operations:

- (a) must not disrupt other activities on the Senedd estate or impede visitor access;
- (b) must not take place in the Siambr, committee rooms, public galleries, or other areas to which general public access is restricted unless approved in advance by the Llywydd;
- (c) if they have party political content can only take place in the publicly accessible areas of the Senedd estate or within a Member's own or their party group's offices; and
- (d) may not take place anywhere on the Senedd estate in relation to any election campaign for public office where campaigning is taking place in Wales.

Guidance

The consent of the Llywydd should be sought through the Media Office.

Rule 12 – Member Sponsored events

Members must not sponsor or organise events on the Senedd estate, or otherwise supported by Commission resources, which involve:

- (a) personal, business or commercial activities or communications;
- (b) party political activity, including use of party logos or branding, or campaigning for a particular result in an election or referendum;
- (c) fund-raising of any kind or for which any charge is made for persons attending;

- (d) events, exhibitions or displays of material that in the opinion of the Clerk is likely to cause offence;
- (e) general meetings (whether annual or extraordinary) of external organisations; or
- (f) other activities resulting in financial gain to the Member or any other person.

Guidance

When sponsoring events Members should recall that the use of the Senedd estate by Members for events is to enable the Senedd to be a pioneering legislature that puts the voice of the people of Wales at the heart of what we do through meaningful engagement and the conduct of Senedd business.

In determining whether something is likely to cause offence, regard will be had to the Senedd policies in place at that time relating to dignity and respect.

Rule 13 – Security vetting

The use of Commission resources, other than by Members, is restricted to persons who have first been security vetted at the appropriate level.

Guidance

No-one, other than Members, may start work which involves use of Commission resources before they have been security vetted, whether based in Tŷ Hywel or elsewhere.

Individuals without photo security passes are able to attend the Senedd estate as visitors.