

Guidance for Members of the Senedd on the employment of family members with the support of commission funds

Last updated: March 2021



The Welsh Parliament is the democratically elected body that represents the interests of Wales and its people. Commonly known as the Senedd, it makes laws for Wales, agrees Welsh taxes and holds the Welsh Government to account.

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- 1.** The Independent Remuneration Board of the Senedd agreed on 17 January 2019 that Senedd Commission funding will not be given for employment of family members who were not already employed before 1 April 2019. Members are therefore prohibited from employing members of their own family with the use of Senedd Commission funds. However, family members who were appointed before 1 April 2019 will continue to have their salaries funded by the Commission until the end of the Sixth Senedd, although the contracts of family members may not be enhanced by the employing Member during that time. In addition, Members may continue to employ the family members of other Members. The rules on recording the employment of family members with Commission funds therefore continues to apply in the circumstances outlined above, and Members are still required to record such details, in accordance with Standing Order 3.
- 2.** The purpose of this guidance is to assist Members in discharging the duties placed upon them under Standing Order 3. It is not, however, a substitute for Standing Order 3. Responsibility for complying with the duties placed upon them rests with Members alone, although they may seek advice from the Presiding Officer, Chief Executive and Clerk to the Senedd or the Registrar of Members' Interests (through the Senedd's Table Office).
- 3.** The main elements of the Senedd's Standing Order 3 are:

 - 3.1** Members who employ family members (as defined in the Standing Order) must make a notification under this Standing Order.
 - 3.2** Provides the definitions of who is to be regarded as a "family member" under this Standing Order. (NB the requirement to notify also extends to members of the families of other MSs).
 - 3.3** Sets the requirements for what be included in any notification made under this Standing Order.
 - 3.4 and 3.5** Provide details of the deadlines by which notifications under this Standing Order must be made.
 - 3.6** Notification must be given by completing and signing the form prescribed by the Presiding Officer.
 - 3.7** The record of notifications made under this Standing Order is open for public inspection.

3.8 There is a continuing duty on Members to ensure that the record of notifications is correct.

4. These provisions are explored in greater detail below.
5. Standing Order 3 covers the recording by Members of their employment of family members. Failure to record employment of family members is a matter that the Committee for Standards of Conduct may investigate under Standing Order 22 and can recommend action if it finds that a Member has not complied with the provisions of Standing Order 3.

The record of the employment of family members with the support of commission funds (SO3)

6. Under Standing Order 3 any Member who at any time, with the support of Commission funds, employs, either directly or indirectly, a person whom that Member knows to be a family member of that Member or of another Member must, no later than the date specified in Standing Order 3.4, make a notification under this Standing Order.
7. This provisions of Standing Order 3 are modelled on those in Standing Order 2 and 5, as can be seen in the timescales for recording the employment of family members. Like Standing Order 2 and 5, the provisions are neither optional nor voluntary.

Recording of Employment in practice

8. The definitions of what needs to be recorded by notification are set out in Annex A.
9. Details of the specific matters that need to be included in any notification are set out in Annex B.
10. There are two main questions that Members need to consider in deciding whether or not they are required to make a formal notification of employment under this Standing Order. If the answer to the two questions below is **yes**, then formal notification will be required:
 - Is the person I employ a 'family member' of mine, or a 'family member of another Member of the Senedd?
 - Is the employment of that 'family member' being made with the support of Commission Funds?

- 11.** Standing Order 3.2 provides a definition of what constitutes a family member (Annex A). Standing Order 3.1 only requires notification, of course, if a Member knows that the person they employ is a family member of theirs or another Member before notification of the employment is required.

- 12.** The provisions of this Standing Order also clearly state that Members are not only required to record details of where they employ family members **directly**, but also where they employ family members on an **indirect basis**. Direct employment is more easily identified; however, Members are advised to consider in greater detail whether employment of family members might fall under the indirect category. As a guide, the following are examples of what would constitute direct or indirect employment. Members should note however that this is not a definitive list, and it is their responsibility to ensure that they comply with the Standing Order:
 - **Direct Employment:** Employment of a family Member as: a member of their Support Staff' constituency office receptionist; case-worker; etc.

 - **Indirect Employment:** Employment of a small company of firm from which a family member derives a significant benefit; for example, a Member who employs a small cleaning firm in which the 'family member' is a partner or which employs the 'family member' as a cleaner. But a Member need not give notification in relation to a family member who is employed by a large concern, such as a utility, just because the Member receives a supply of services from that company.

The deadlines for the recording of employment - SO 3.4 and 3.5

- 13.** Standing Order 3.4 requires Members to make a formal notification of the employment of family members:
 - (a)** Within **eight weeks** of taking the oath or making the affirmation; or

 - (b)** Within **four weeks** of:
 - (i)** The first occasion on which the family member receives a payment with the support of Commission funds,

 - (ii)** The date on which the employee becomes a family member of that Member or of another Member, or

(iii) The date when the Member first becomes aware of the fact that the employee is a family member of that Member or of another Member, whichever is the later.

- 14.** It is also the responsibility of Members under Standing Order 3.5 to provide formal notification of any changes to the details already recorded (e.g. a change to the capacity in which a family member is employed) within **four weeks** of each change occurring.
- 15.** Because of the requirement in Standing Order 3 to provide notification of any change in the details recorded within four weeks of that change occurring, Members are advised to review their notifications regularly.
- 16.** The content of the Record of the Employment of Family Members is available for public inspection on each Members' Register of Interests page. These pages are updated as soon possible after a revision to a Members' register is received.

Annex A

Definitions of the categories of matters that must be recorded in accordance with Standing Order 3.

Standing Order 3 requires:

3.1 A Member who at any time, with the support of Commission funds, employs, either directly or indirectly, a person whom that Member knows to be a family member of that Member or of another Member must, no later than the date specified in Standing Order 3.4, make a notification under this Standing Order.

3.2 In this Standing Order:

(i) “family member” means:

(a) A partner of a Member;

(b) A child or grand-child of a Member;

(c) A parent or grand-parent of a Member;

(d) A brother or sister of a Member;

(e) A nephew or niece of a Member; or

(f) An uncle or aunt of a Member.

(ii) “partner” means a spouse, civil partner or one of a couple whether of the same sex or of the opposite sex who although not married to each other are living together and treat each other as spouses;

(iii) The expressions "child", "grand-child", "parent", "grand-parent" "brother", "sister", "uncle" and "aunt" apply equally to half-, step-, foster- and adoptive relationships and also apply to persons having the relationship in question to the partner of the Member;

(iv) “Commission funds” means amounts paid by the Commission by way of allowances under Standing Order 1.7.

Annex B

Details of the specific matters that need to be included in any notification made in accordance with Standing Orders 3.

Standing Order 3 requires Members to include the following information in any notification made:

- (i)** The Member's name;
- (ii)** If the employee is a family member of another Member or Members, the name of that other Member or of those other Members;
- (iii)** The full name of the employee;
- (iv)** The relationship of the employee to the Member (or, where appropriate, to the Member or Members referred to in (ii));
- (v)** The capacity in which the employee is employed, including any job title;
- (vi)** The date on which the employment commenced;
- (vii)** If the employment has ceased, the date on which it ceased; and
- (viii)** The hours which the employee is contracted to work each week.

Members are also required to make a notification of any changes to the information that has been recorded. Therefore, if the details of employment set out above change in any way, Members must make a notification of those changes.

Notification under Standing Order 3.1 (initial notification) or Standing Order 3.5 (changes in detail) must be made by completing and signing the form which has been prescribed by the Presiding Officer. This form may be submitted to the Table Office either electronically or in hard copy.