

National Assembly for Wales

Code on Different Roles and Responsibilities of Constituency Members and Regional Members

1. Introduction and Statutory Framework

- 1.1 This code has been drafted by the Committee on Standards of Conduct, in accordance with section 36(6) of the Government of Wales Act 2006 and Standing Order 1.13.
- 1.2 Section 36(6) provides that standing orders must include provision about (or for the making of a code or protocol about) the different roles and responsibilities of Assembly constituency members and Assembly regional members and that –
 - (a) Assembly constituency members must not describe themselves in a manner which suggests that they are Assembly regional members, and
 - (b) Assembly regional members must not describe themselves in a manner which suggests that they are Assembly constituency members.
- 1.3 Accordingly Standing Order 1.13 provides that the Committee on Standards of Conduct must draft, and the Assembly must make, a code or protocol, in accordance with section 36(6) of the Act, about the different roles and responsibilities of constituency Members and regional Members. The code or protocol must include provision in line with five specified key principles (SO1.13 (i)-(v)) and which must include provision for nine matters set out in the Annex to Standing Order 1.
- 1.4 The Code must therefore be read in the light of the following five key principles:
 - (i) all Members have a duty to be accessible to the people of the areas for which they have been elected to serve and to represent their interests conscientiously;
 - (ii) in approaching the Member of their choice, the wishes of constituents and/or the interests of a constituency or locality are of paramount importance;
 - (iii) all Members have equal status;
 - (iv) Members should not misrepresent the basis on which they are elected nor the area they serve; and
 - (v) no Member should deal with a constituency case or constituency issue that is not within his or her constituency or region (as the case may be), unless by prior agreement.

2. In accordance with the Annex to Standing Order 1 the Code makes provision in nine areas:

2.1 Describing Members

“Provision for regional and constituency Members to describe themselves accurately and for requirements regarding the use of Assembly resources, for example, stationery.”

2.1.1 Members should not misrepresent the basis on which they are elected or the area they serve.

2.1.2 Regional Members and constituency Members must describe themselves accurately so as not to confuse those with whom they deal.

2.1.3 Constituency Members should always describe themselves as:

“[Name], Member of the National Assembly for Wales for [x] constituency”
or
[Name], A.M. for [x] constituency.”

2.1.4 Regional Members should always describe themselves as:

“[Name], Member of the National Assembly for Wales for [y] region”
or
“[Name], A.M. for [y] region.”

2.1.5 Regional Members must not describe themselves as a “local” Member for or having a particular interest in) only part of the region for which they were elected.

2.1.6 Constituency Members should not describe themselves as the sole AM for a particular area or constituency.

2.1.7 Members should take note of guidance issued by the Presiding Officer regarding the use of Assembly resources, for example, stationery, including guidance issued as appropriate in the context of a period prior to an election.

2.2 Dealing with Constituency/Regional Issues

“Provision for Members to be able to take up a matter affecting the constituency or region for which they were elected whilst ensuring that courtesy is shown on matters affecting more than one constituency.”

2.2.1 Any Assembly Member is entitled to take an interest in or take up a matter affecting the constituency or region for which that Member was elected. AMs may wish to contact one another, as a matter of courtesy, where they are involved or planning to become involved in a major local issue, which affects more than one constituency area or region.

2.3 Individual Constituents' Cases

“Provision to protect the right of a constituent to approach his or her constituency Member, and/or any of the four regional Members elected in his or her region.”

- 2.3.1 The basic principle is that the wishes of the constituent are paramount. Every constituent is represented by one constituency Member and four regional Members. It is for each constituent to decide whether to approach his or her constituency Member or any of the regional Members elected in his or her region and request that Member to take on a case. Constituents can approach any of the Assembly Members (constituency or regional) elected to represent them as all AMs have equal formal and legal status. Having agreed to take on a case, each AM must then take into account the wishes of the constituent in deciding how best to progress a case.
- 2.3.2 It is expected that each Member will take on a case when approached although it is recognised that there may be legitimate reasons for a Member to decline a constituent's case e.g. if that case seeks action which would represent a conflict of interest with existing casework or is contrary to the Member's political beliefs. If so, the Member would ordinarily be expected to inform the constituent that the Member is not taking up the case.
- 2.3.3 In very exceptional circumstances it may be appropriate for an AM to pursue an issue on behalf of a person who does not reside in that AM's constituency or region. Before doing so, an AM must be satisfied that there are circumstances which make it genuinely impractical or inappropriate for the issue to be taken up by one of the AMs who represent the person in question. Where such circumstances arise, an AM who proposes to take up the matter on behalf of such a person must, notify the AMs who represent that person, must provide an explanation and must seek the agreement of those AMs. Since such a course of action will only be appropriate in very exceptional circumstances it is possible that the information which it will be appropriate to provide by way of explanation in such a case may be limited. An AM may not take such a matter up without the agreement of the AMs who represent the person in question. AMs should not with-hold agreement unreasonably.

2.4 Raising Matters with a Member of the Government

“Provision to ensure that any Member is entitled to raise with the relevant member of the government a matter on behalf of a constituent in the area (constituency or region) for which they were elected.”

- 2.4.1 Any Member is entitled to raise with the relevant Minister in the Welsh Assembly Government a matter on behalf of a constituent in the area for which that AM was elected.

2.4.2 AMs are reminded of the requirements of the Data Protection Act 1998 when processing personal data¹ and sensitive personal data². (Particularly strict rules apply to the processing of sensitive personal data.) Members should not provide personal data or sensitive personal data about a constituent without the agreement of the constituent. In corresponding with Ministers or other agencies, AMs must ensure that any initial written or oral communication makes clear the basis upon which any personal data or sensitive personal data about a constituent is being provided³.

2.5 Members Operating in their Areas

“Provision reflecting the expectation that Members will work throughout the area (constituency or region) for which they were elected.”

2.5.1 It is expected that Members will work throughout the area (constituency or region) for which they were elected.

2.6 School Visits

“Provision for notifying Members about official school visits to the Assembly organised by the Commission.”

2.6.1 When schools and colleges are invited to visit the Assembly by the External Communications Service that service will notify the relevant Members (constituency and region). The level of participation in visits is at the Member’s own discretion.

NB: These provisions do not cover visits arranged by individual Members.

2.7 Telephone Enquiries

“Provision to guide the way in which telephone enquiries from members of the public to the Assembly’s switchboard, seeking to contact a Member, are dealt with.”

2.7.1 Members of the public calling the switchboard for a particular Member (constituency or regional) will be put through only to the Member concerned. If the Member is unavailable the person calling will be given the option of leaving a message. In approaching the Member of their choice, the wishes of constituents are of paramount importance. Members

¹ Personal data means data which relates to a living individual who can be identified from the data or other information e.g. a person’s name along with their home address is personal data.

² Sensitive personal data is data which describes racial or ethnic origin of the individual who is subject to the data, their political opinions, religious beliefs or other beliefs of a similar nature, trade union membership, physical or mental health or condition, sexual life, commission or alleged commission of any offence or proceedings for any offence committed or alleged to be committed.

³ For example, whether the constituent has agreed that their personal or sensitive information can be shared by the Minister or agencies, with others.

of the public who do not know the name of the Assembly Member they wish to speak to will be put through to the Assembly Information Line. The Information Line enters the caller's post code onto the constituency locator and information is given on the names of their constituency and regional Members. The member of the public will then decide which Member to be put through to.

2.8 Members' Staff

“Provision that Members should ensure that staff working for them, both within the Assembly and locally, including others working on their behalf with constituents, are aware of and act in accordance with Standing Order 1.13 and any code or protocol drawn up as a result of it.”

- 2.8.1 Members should ensure that staff working for them, both within the Assembly and locally, including others working on their behalf with constituents, are aware of and act in accordance with Standing Order 1.13 and this Code.

2.9 Enforcement

“Provision for any complaint against a Member in respect of the code or protocol to be referred to the Committee on Standards of Conduct.”

- 2.9.1 Any complaint against a Member in respect of the Code should be made to the Commissioner for Standards in accordance with the National Assembly for Wales' procedure for dealing with complaints against Assembly Members (the Complaints Procedure). The complaint will be handled in accordance with the Complaints Procedure. If the Commissioner considers that the complaint is admissible, the Commissioner will proceed to a Formal Investigation into the complaint and will make a report to the Committee on Standards of Conduct.