



Cynulliad National  
Cenedlaethol Assembly for  
Cymru Wales

**The National Assembly for Wales**  
(Assembly Members and Officers)  
**Salaries & Allowances**  
**Determination**  
**2009**

March 2009

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## **SECTION 1: INTRODUCTION, DEFINITIONS AND GENERAL PROVISIONS**

### **1.1. Introduction**

1.1.1. This Determination, which is made by the National Assembly for Wales Commission under sections 20, 21 and 53 of the Government of Wales Act 2006 (“the Act”) and Standing Order 1.7, is called the National Assembly for Wales (Assembly Members and Officers) Salaries & Allowances Determination 2009 and comes into force on 1 April 2009.

1.1.2. This Determination sets out the salaries and allowances payable to Assembly Members with effect from 1 April 2009. Subject to any saving and transitional provisions which it contains, this Determination supersedes the following which will cease to apply:

- the National Assembly for Wales (Assembly Members & Officers) (Allowances) Determination 2008; and
- the National Assembly for Wales (Assembly Members & Officers) (Salaries) Determination December 2008; and
- sections 1, 2, 13 – 17 and 19 of the National Assembly for Wales (Assembly Members and Officers) (Salaries, Allowances, etc) Determination 2006. .

This means that the 2008 Determinations will no longer apply and only section 18 of the 2006 Determination remains in force.

### **1.2. Definitions**

1.2.1. Unless the context otherwise requires, the following words and phrases have the meaning shown.

|           |  |
|-----------|--|
| Cardiff   | Any point within a five mile radius centred on the National Assembly building at Cardiff Bay   |
| Main home | The home which a Member has registered with the Members’ Business Support Team. This should be the normal home occupied by the Member on which the Member would normally pay full Council Tax. |
| Salary    | The gross amount payable to a Member before any deductions e.g. income tax and National Insurance contributions  |
| Year      | The 12 months ending with 31 March   |
| Staff     | Assembly Member Support Staff – unless stipulated  |

|  |           |
|--|-----------|
|  | otherwise |
|--|-----------|

1.2.2. Other terms used have the same meaning as in the Act or, as the case may be, the Standing Orders of the Assembly.

1.2.3. References to the Chief Executive & Clerk are references to the Clerk to the Assembly as defined by section 26 of the Act.

### ***1.3. Members' Allowances***

1.3.1. Allowances are only payable in respect of expenditure necessarily incurred for Assembly business.

### ***1.4. Chief Executive & Clerk's decision***

1.4.1 Any questions of entitlement to an allowance shown in this Determination shall be decided by the Chief Executive & Clerk. The Chief Executive & Clerk may consult the Assembly Commission.

### ***1.5. Part Year Allowances***

1.5.1. The allowances specified below are expressed as a financial limit for a year so that such allowances payable to a Member who enters or leaves the Assembly part way through a year will be limited on a pro-rata basis. In general terms Members are not restricted to any limit for claiming on a month by month basis but a refund may in some cases have to be made when a Member ceases to be a Member in the course of the financial year, for example if a Member has claimed a full year's allowance by the beginning of December and left the Assembly in mid December.

1.5.2. The specified allowances are Additional Costs Allowance, Office Costs Allowance and Staff Salaries Allowance.

### ***1.6. Annual Uprating***

1.6.1. The Additional Costs Allowance as defined in section 3 of this Determination and Office Costs Allowance as defined in section 9 of this Determination will be increased with effect from 1 April 2010, and on the same date each year thereafter, in accordance with the increase over the previous year in the UK Retail Price Index for the preceding December.

### ***1.7. Vouchers and Receipts***

1.7.1. Assembly Members who desire to claim an allowance shall submit their claim for payment of the allowance at such time and in such manner

as the Chief Executive & Clerk may specify and the Chief Executive & Clerk may specify different times and different manners for different claims.

1.7.2. Without prejudice to the generality of paragraph 1.7.1, the Chief Executive & Clerk may specify that a claim for an allowance must be accompanied by such vouchers and other documents in support of the claim as he/she considers appropriate.

1.7.3. In any case, claims in respect of any invoices and receipts may only be submitted where the invoice or receipt is addressed to the Assembly Member concerned or a member of their support staff and not where the invoice/receipt is addressed to a third party (such as a constituency party) unless satisfactory documentary proof is produced to confirm that the expenditure relates solely to Assembly business.

### ***1.8 Prompt Submission of Claims***

1.8.1 Claims should be submitted within three months of the end of the month to which the expenditure relates. Claims submitted after this should be accompanied by an explanation for the delay. The acceptability of such late claims will be considered by the Members' Business Support Team, acting on behalf of the Chief Executive & Clerk. In cases of doubt, or where novel or contentious issues are involved, the Members' Business Support Team will refer the matter to the Chief Executive & Clerk for a decision.

### ***1.9 Returning Member dies or is otherwise prevented through ill-health from taking the oath***

1.9.1 If an individual who ceases to be a Member at an ordinary election by virtue of sections 3 and 14 of the Government of Wales Act 2006 but who is subsequently returned at that election should die before, or be otherwise prevented through ill-health from, taking the Oath required by section 23 of the Government of Wales Act 2006, a Winding Up Allowance shall be available under the terms set out in section 14 of this Determination.

## SECTION 2: MEMBERS' SALARIES

### 2.1. Amount Payable

2.1.1. The salary payable to Members shall consist of a basic salary equal to 82.0 per cent of the salary of a Member of Parliament together with an additional office-holder's salary if the Member holds one of the offices listed in paragraph 2.1.3. A Member's salary does not become payable until he/she has taken the oath or made affirmation required by law in accordance with section 23 of the Government of Wales Act 2006.

2.1.2. Assembly Members who are also Members of Parliament or Members of the European Parliament will have their Assembly salary reduced, in accordance with section 21 of the Government of Wales Act 2006, by an amount equal to two thirds of the basic salary which that Assembly Member would otherwise be entitled to receive.

2.1.3. Members who hold any of the following offices are entitled to receive an additional salary as follows:

| <b>Office</b>   | <b>Additional Office-Holder's Salary</b>   |
|---|--|
| First Minister  | an additional office-holder's salary at the same level as a Secretary of State                 |
| Welsh Minister / Counsel General / Presiding Officer / Leader of the largest party without an executive role  | an additional office-holder's salary at the same level as a Minister of State                  |
| Deputy Minister / Deputy Presiding Officer / Government Chief Whip  | an additional office-holder's salary at the level of 62.9 per cent of that of a Welsh Minister |
| Leader of parties without an executive role (other than the largest) / Assembly Commissioners / Opposition Chief Whip if also the Opposition Business Manager | an additional office-holder's salary at the level of 27.9 per cent of that of a Welsh Minister |

|                               |   |
|-------------------------------|---|
| Chairs of Assembly Committees | an additional office-holder's salary at the level of 27.9 of that of a Welsh Minister if the Committee is listed in Part 1 of the Annex or 14.6 per cent of that of a Welsh Minister if the Committee is listed in Part 2 of the Annex. |
|-------------------------------|---|

2.1.4. A Member who holds more than one of the offices specified in paragraph 2.1.3 is only entitled to receive an additional office-holder's salary in respect of one of those offices, namely the higher or, as the case may be, the highest paid of those offices.

**2.2. *Counsel General who is not an Assembly Member***

2.2.1. A Counsel General appointed under section 49 of the Government of Wales Act 2006 but who is not an Assembly Member is entitled to receive salary at the same level as the total salary payable under paragraphs 2.1.1 to 2.1.3 to a Counsel General who is an Assembly Member.

**2.3. *Payment of Salaries***

2.3.1. Salaries are paid monthly in arrears on the last working day of each month. Payment is made direct to the Member's account by electronic transfer (Bankers Automated Clearing Services - BACS).

## **SECTION 3: ADDITIONAL COSTS ALLOWANCE – for expenses necessarily incurred in staying overnight away from home**

### **3.1. Purpose and Amount**

3.1.1. The Additional Costs Allowance reimburses Members for expenses necessarily incurred in staying overnight away from their main home for the purpose of performing their duties as a Member.

3.1.2. Two levels of Additional Costs Allowance (known as Higher Level Additional Costs Allowance and Lower Level Additional Costs Allowance) apply depending on the location of a Member's main home.

### **3.2. Lower Level Additional Costs Allowance - Inner area Members**

3.2.1. Subject to the provisions of this section, Members whose main home is located within one of the following constituencies are entitled to the Lower Level Additional Costs Allowance.

|                           |                 |                   |
|---------------------------|-----------------|-------------------|
| Caerphilly                | Cardiff Central | Cardiff North     |
| Cardiff South and Penarth | Cardiff West    | Newport East      |
| Newport West              | Pontypridd      | Vale of Glamorgan |

3.2.2. Members who are eligible for the Lower Level Additional Costs Allowance may claim an amount not exceeding £4,135 in the year commencing 1 April 2009.

3.2.3. The Lower Level Additional Costs Allowance is payable in respect of the costs of any overnight stay away from home.

### **3.3. Higher Level Additional Costs Allowance - Outer area Members**

3.3.1. Subject to the provisions of this section, Members whose main home is not located within one of the constituencies listed in paragraph 3.2.1 are entitled to the Higher Level Additional Costs Allowance.

3.3.2. Members who lived in a property in respect of which the Higher Level Additional Costs Allowance was payable on 1 April 2007 may continue to receive the Higher Level Additional Costs Allowance even if the property would not otherwise qualify by virtue of electoral

constituency boundary changes so long as they remain resident in that property.

3.3.3. Members who are eligible for the Higher Level Additional Costs Allowance may claim an amount not exceeding £13,115 in the year commencing 1 April 2009.

3.3.4. The Higher Level Additional Costs Allowance is payable in respect of the costs of any overnight stay away from home. It is also payable in respect of costs to the Member of providing a second home in Cardiff for items such as furniture, mortgage interest and rent. Purchases of individual items of furniture or other individual items costing more than £2,000 must be referred to the Members' Business Support Team for approval before the cost is incurred.

3.3.5. Members who claim for reimbursement of mortgage interest on a second home must, at least once in any twelve month period, submit a statement of interest paid in order that any adjustment in interest rates may be accounted for.

3.3.6 Members may claim a flat rate of £30.65 for expenses necessarily incurred in any overnight stay away from their main home for the purpose of performing their duties as Assembly Members. This sum may be claimed without the need to submit receipts for each expense incurred during the overnight stay away from their main home.

## **SECTION 4: MEMBERS' NORMAL TRAVEL (within Wales)**

### **4.1. Introduction**

4.1.1. This section deals with travel on Assembly business by Assembly Members within Wales (referred to as “normal travel”); it does not cover travel on Assembly business in other parts of the UK or elsewhere (see sections 5 and 8). Subject to what is said in paragraph 4.2.1, a Member may travel by road, rail, air or sea on the journeys specified in paragraph 4.1.2 at public expense provided that the journey is necessarily undertaken for the purpose of discharging their responsibilities as Assembly Members.

4.1.2. A Member may only claim reimbursement for any journey to the extent that it is not reimbursed by another source, even though a particular journey may cover business on behalf of the Assembly and other organisations.

### **4.2. General Principles**

4.2.1. Members are expected to travel by the most cost effective means, taking into account the actual cost of the travel and the cost of any overnight stay expenses. However, the time involved in a journey may also be taken into account and where benefits from savings in a journey time can be demonstrated, exceptionally it may be possible to claim at a higher rate of reimbursement. A Member who, in the opinion of the Chief Executive & Clerk, does not travel by the most cost effective means may have the amount of his/her claim abated by an appropriate amount.

### **4.3. Normal Travel**

4.3.1. Subject to paragraph 4.2.1, a Member is entitled to travel at the expense of the Assembly when travelling on Assembly business by any reasonable route.

### **4.4. Travel by Road**

4.4.1. Subject to paragraph 4.2.1, a Member may undertake normal travel by car and claim a mileage allowance based on the actual mileage travelled.

### **4.5. Mileage Rates**

4.5.1. Travel by car, motor cycle and bicycle will be paid at the HM Revenue & Customs Approved Mileage Rates.

#### **4.6. Allowable Return Journeys**

4.6.1. When a Member uses a car for travel from the main home to the nearest suitable railway station or airport the cost of the return journey may be claimed if undertaken by another person. A similar return journey is allowed where the Member is driven to the constituency from the main home and then travels on to Cardiff by public transport.

#### **4.7. Travel by Taxi**

4.7.1. Subject to paragraphs 4.2.1, 4.7.2 and 4.7.3, if a Member undertakes normal travel by taxi on Assembly business they are entitled to claim reimbursement not exceeding the higher rate of the motor mileage allowance specified in paragraph 4.5.1.

4.7.2. If it was not reasonably practicable for the member to travel other than by taxi, they are entitled to claim the actual level of expense incurred by them.

4.7.3. In any event the maximum amount that a Member can claim by way of reimbursement under this allowance is the actual level of expense incurred by them.

#### **4.8. Travel by Hire Car**

4.8.1. Subject to paragraph 4.2.1, if a Member undertakes normal travel by hire car on Assembly business they are entitled to claim the actual level of expense incurred by them.

#### **4.9. Rail Travel**

4.9.1. Subject to paragraph 4.2.1, a Member who uses their personal funds for normal travel by rail shall be entitled to claim the actual level of expense incurred by them. Assembly Members may travel by either First or Standard class depending on personal preference and availability.

#### **4.10. Travel by Air**

4.10.1. Subject to paragraph 4.2.1, a Member is entitled to claim the cost to them of travel by scheduled air transport for normal travel. A Member is entitled to claim the cost of travel by private or chartered aircraft for normal travel arrangements up to a maximum cost of the journey had it been made by scheduled air transport.

#### ***4.11. Committee Travel***

4.11.1. A Member may travel on official Committee business on the same terms as set out above. Mileage may be claimed at the higher rate specified in paragraph 4.5.1 but such mileage will not count against the limits specified by HM Revenue & Customs.

## **SECTION 5: EXTENDED TRAVEL**

### **5.1. Introduction**

5.1.1. In addition to journeys under "normal travel" arrangements (section 4) a Member may also travel elsewhere in the UK at public expense on Assembly business under an "extended travel allowance", provided that the reason for the journey meets one of the following criteria:

- It is for a stated Assembly reason;
- It is related to a matter currently before the Assembly or one of its Committees on which the Member serves;
- It is pertinent to a constituent or has relevance as a general constituency interest.

5.1.2. A Member is entitled to claim extended travel allowance for any journey to the extent that it is not reimbursed by another source, even though a particular journey may cover business on behalf of the Assembly and other organisations. A Member is entitled to claim extended travel allowance only where the journey to which the claim relates has been agreed in advance with the Members' Business Support Team. The acceptability of any other claims for extended travel allowance not so agreed will be at the discretion of the Chief Executive & Clerk.

### **5.2. Amounts and Conditions**

5.2.1. The levels of allowance and the conditions subject to which they are paid set out in section 4 will apply to extended travel.

## **SECTION 6: PARTNER AND CHILDREN'S TRAVEL**

### **6.1. *Limit on Number of Journeys***

6.1.1. A Member is entitled to claim for the cost to them of his/her partner and any child under the age of eighteen making a journey by public transport between Cardiff and the constituency, or Cardiff and the Member's main home. Members do not need to travel with their family. However, a Member may only claim for 12 single journeys in each year for members of their family.

6.1.2. A partner is defined for the purposes of this allowance as:

- A legally married spouse;
- Civil Partners as defined in the Civil Partnership Act 2004;
- A person of either sex who is co-habiting with the Member and who has been nominated in writing to the Members' Business Support Team as the Member's partner.

6.1.3. A return journey counts as two single journeys.

### **6.2. *Definition of Child***

6.2.1. A child for the purpose of this allowance includes a step child, an adopted child, a foster child, or any other child living as one of the Member's family who has not yet reached the age of eighteen.

### **6.3. *Travel by Car***

6.3.1. The partner of a Member and any child under the age of eighteen may travel by car as an alternative to travelling by public transport between Cardiff and the constituency, or Cardiff and the Member's main home. In such cases the Member may claim the appropriate mileage rate. Claims for a partner's travel by car should be made separately from the Member's own car travel unless they are travelling with the Member. The mileage rates applied will be those applicable to Members. Any such journey shall count against the total entitlement of 12 single journeys for the year. A partner or child may not claim for journeys made if they travel in the same car as the Member.

### **6.4. *Direct payment to spouse or child***

6.4.1. The Member may instruct the Members' Business Support Team to

pay any amount claimed under this allowance directly to the partner or child concerned.

## **SECTION 7: TRAVEL BY MEMBERS' STAFF**

### ***7.1. Limit on Number of Journeys***

7.1.1. Each Member is entitled to claim the cost to them of members of their staff making up to a total of 18 return journeys by public transport each year between Cardiff and the Member's constituency. For this purpose, support staff means those who are paid on the Member's behalf from the Staff Salaries Allowance, funding for groups or Temporary Staffing Allowance.

### ***7.2. Travel by Car***

7.2.1. A Member may claim the cost to those staff making car journeys between Cardiff and the Member's constituency. The mileage rate payable for the journey will be as directed by the Member subject to a maximum amount equal to that allowed to the Member for the same journey. Any such journey counts against the total entitlement of 18 return journeys for the year.

### ***7.3. Direct payment to staff***

7.3.1. The Member may instruct the Members' Business Support Team to pay any amount claimed under this allowance directly to the member of staff concerned.

## **SECTION 8: TRAVEL TO EUROPEAN COMMUNITY INSTITUTIONS etc.**

### **8.1. Entitlement**

8.1.1. In any year each Member is entitled to make a total of three return journeys between the United Kingdom and any of the European Community institutions in Brussels.

8.1.2. In any year each Member is entitled to make one return journey to any one of the European Community institutions in Luxembourg or Strasbourg or the national parliament of another European Union Member State in addition to any journeys undertaken under paragraph 8.1.1.

8.1.3. In either case, the principal purpose of the visit must be undertaken for purposes in connection with the responsibilities of the Member as an Assembly Member.

8.1.4. A Member is entitled to claim the actual cost to him/her of travel expenses incurred and an entitlement to a subsistence allowance subject to the following maxima:

- the cost of the cheapest, suitable and available return air fare to one of the destinations set out in paragraph 8.1.1 or 8.1.2; plus
- two nights accommodation, meals and incidental travel.

8.1.5. A Member not travelling by air may claim actual travelling costs within the maximum set in paragraph 8.1.4 above.

### **8.2. Application**

8.2.1. Members must submit in advance of the journey to the Members' Business Support Team a statement of the visit's purpose, location and duration and the persons or organisations to be met. A Member is entitled to claim this allowance only where the journey to which the claim relates has been agreed in advance by the Members' Business Support Team. The acceptability of any other claims for this allowance not so agreed will be at the discretion of the Chief Executive & Clerk.

### **8.3. Travel to regional parliaments, councils or assemblies**

8.3.1. A Member may apply to the Chief Executive & Clerk for permission to form a delegation to visit a regional parliament, regional council or

regional assembly within the European Union. The application must show clearly the likely benefits of the visit to the business or interests of the National Assembly for Wales and clearly indicate the people or organisations to be visited. Any visit made under this paragraph shall be in place of a visit that might otherwise be made under paragraph 8.1.2.

## SECTION 9: OFFICE COSTS ALLOWANCE

### **9.1. Purpose and Amount**

9.1.1. Members are entitled to claim an Office Costs Allowance to cover the costs to them of furnishing and maintaining an office where those costs are wholly, exclusively and necessarily incurred in connection with his/her duties as an Assembly Member.

9.1.2. Subject to paragraph 10.6.1, a Member may claim an amount of Office Costs Allowance not exceeding £15,135 in the year commencing 1 April 2009.

### **9.2. Office Costs**

9.2.1. It is not possible to produce an exhaustive list of admissible items but the following examples may assist Members in deciding whether or not they can make a claim:

- The cost of maintaining an office in the Assembly Member's constituency (including rent, insurance, council tax or business rates, electricity, gas, water and telephone charges and the cost of equipping such offices);
- Legal costs relating to the lease or rental of the office;
- Measures to ensure the security of a constituency office;
- The cost of hiring or renting rooms situated in the Assembly Member's constituency for the purposes of holding "constituency surgeries";
- The cost of advertising the holding of constituency surgeries;
- Newspapers and periodicals;
- Mobile telephone bills;
- Accountancy fees relating to the costs of furnishing and maintaining an office;
- Stationery not available directly from the National Assembly for Wales;

- The wages and other costs of directly employed cleaning staff not covered elsewhere.

9.2.2. Claims for individual items of furniture or other individual items costing more than £2,000 shall be referred to the Members' Business Support Team for approval before the cost is incurred.

9.2.3. The costs of repaying a mortgage, including mortgage interest, cannot be claimed under this allowance.

9.2.4. Invoices for office rent must contain the address of the property being rented.

### **9.3. Office Security**

9.3.1. An additional amount shall be available to fund any expenditure by Members of more than £2,000 in any financial year in respect of safety precautions which Members propose to carry out to safeguard themselves, their staff, their constituency office and their office equipment, where such safety precautions have been recommended by the police. Such recommendation must be in writing and Members must submit the recommendations and at least 3 competitive quotations for the cost of carrying out such works in advance of any expenditure being incurred.

### **9.4. Health & Safety / Disability Access**

9.4.1. An additional amount shall be available to fund any expenditure by Members of more than £2,000 in any financial year in respect of health and safety precautions or alterations to improve access to their premises which Members propose to carry out where such measures have been recommended by an appropriate person as approved by the Chief Executive & Clerk and described in guidance issued by the Members' Business Support Team. Such recommendation must be in writing and Members must submit the recommendations and at least 3 competitive quotations for the cost of carrying out such works in advance of any expenditure being incurred.

9.4.2. No Member will be required to fund more than £2,000 from their Office Costs Allowance in respect of both paragraphs 9.3.1 and 9.4.1 in the same financial year.

### **9.5. Virement**

9.5.1. A Member may vire up to 25 per cent from their Office Costs Allowance to their additional Staff Salaries Allowance (as defined in

paragraph 10.3.1) provided prior written notification is given to the Members' Business Support Team.

## SECTION 10: STAFF SALARIES ALLOWANCE

### **10.1. Purpose and Amount**

10.1.1. A Member is entitled to claim a Staff Salaries Allowance to cover the costs to them of persons employed by them in an administrative, clerical or secretarial capacity or to undertake research where those costs are wholly, exclusively and necessarily incurred in connection with their duties as a Member of the Assembly.

10.1.2. In the year commencing 1 April 2009 an Assembly Member may claim an allowance to cover the salary and related Employer's National Insurance Contributions for up to 3.0 full-time equivalent staff. No more than 1.0 full-time equivalent staff may come from Band 1 as defined below. No more than 1.0 full time equivalent staff may come from Band 2 and the remainder from Band 3.

| Band | Posts covered   |
|------|---|
| 1    | Office Managers   |
| 2    | Senior Secretaries<br>Senior Caseworkers<br>Research Assistant<br>Press Officer |
| 3    | Caseworker<br>Junior Secretary  |

10.1.3. The full time equivalent salary scales for these posts are as follows:

| BAND | Point 1 | Point 2 | Point 3 | Point 4 | Point 5 |
|------|---------|---------|---------|---------|---------|
| 1    | £21,250 | £23,204 | £25,337 | £27,667 | £30,212 |
| 2    | £18,072 | £19,931 | £21,982 | £24,244 | £26,739 |
| 3    | £16,314 | £17,618 | £19,025 | £20,544 | £22,185 |

10.1.4. These scales will be revalued on 1 April 2010 and on the same date each year in line with the increase in the Average Earnings Index for the preceding December.

## ***10.2. Progression***

10.2.1. Individual support staff in post on 1 April 2005 will move up the incremental scale one point at a time on 1 April each year until they reach the scale maximum for their band subject to satisfactory performance. Support staff appointed after 1 April 2005 will move up the incremental scale one point at a time on the anniversary of their commencement of employment each year until they reach the scale maximum for their band subject to satisfactory performance.

10.2.2. Any individual member of support staff who was paid above the scale maximum on 1 April 2005 will have his or her salary protected until the scale maximum exceeds the salary payable at which point he or she will be paid the scale maximum.

10.2.3. New support staff will enter on the scale minimum for the appropriate pay band unless there are compelling reasons to justify a higher starting salary. Members are required to submit a case for such treatment before such a higher salary is offered to the Members' Business Support Team in the first instance with any disputes being referred to the Chief Executive & Clerk for a final decision if necessary.

10.2.4. New starters will move up the incremental scale one point at a time on the anniversary of their commencement of employment subject to satisfactory performance.

## ***10.3. Other Staff Costs***

10.3.1. Subject to paragraph 10.6.1., a Member may claim an additional amount of Staff Salaries Allowance not exceeding £5,801 in the year commencing 1 April 2009 to cover the costs of overtime, training, travel, bonuses etc (including the additional Employer's National Insurance Contributions relating to any such payments), which sum will be increased each year in line with the increase in the Average Earnings Index for the preceding December.

## ***10.4. Contracts of employment***

10.4.1. Members are required to provide each of their employees with a written statement of the terms and conditions of employment and to give the Members' Business Support Team a copy within one month of the commencement of employment.

## ***10.5. Payment of Salaries***

10.5.1. Support staff salaries shall be paid monthly in arrears on the last

working day of each month. Payment must be made direct to the individual's account by electronic transfer (Bankers Automated Clearing Services - BACS).

#### ***10.6. Virement***

10.6.1. A Member may vire up to 25 per cent from their additional Staff Salaries Allowance as defined in paragraph 10.3.1 to their Office Costs Allowance provided prior written notification is given to the Members' Business Support Team.

#### ***10.7. Direct payment to staff***

10.7.1 The Member may instruct the Members' Business Support Team to pay any amount claimed under paragraph 10.3.1 directly to the Member of staff concerned.

10.7.2 The maximum amount of bonus that a Member may pay to staff employed by him/her is 15% of the staff member's gross salary in the relevant financial year. For the purposes of this paragraph, the gross salary shall be the gross salary payable to the staff member before any salary sacrifice arrangement which is in place.

## **SECTION 11: PENSION AND ASSOCIATED PROVISION FOR MEMBERS' STAFF**

### ***11.1. Pension***

11.1.1. A Member is entitled to claim an allowance in respect of the cost to him/her of contributions made to the personal pension plan of any staff paid from:

- (a) the Staff Salaries Allowance;
- (b) funding for groups; or
- (c) Office Costs Allowance in respect of directly employed cleaning staff.

11.1.2. The maximum amount payable is 10% of the actual salary paid to the relevant member of staff. This allowance does not count against either the Staff Salaries Allowance, the funding for groups or the Office Costs Allowance.

### ***11.2. Life Cover***

11.2.1. A Member is entitled to claim an allowance in respect of the cost to him/her of contributions made to any life assurance policy authorised by the Assembly Commission in respect of any staff paid from:

- (a) the Staff Salaries Allowance;
- (b) funding for groups; or
- (c) directly employed cleaning staff funded through the Office Costs Allowance.

### ***11.3. Critical Illness Cover***

11.3.1. A Member is entitled to claim an allowance in respect of the cost to him/her of contributions made to any critical illness cover policy authorised by the Assembly Commission in respect of any staff paid from:

- (a) the Staff Salaries Allowance;
- (b) funding for groups; or
- (c) Office Costs Allowance in respect of directly employed cleaning staff.

## **SECTION 12: TEMPORARY STAFFING ALLOWANCE**

### ***12.1. Purpose***

12.1.1. A Member may claim a Temporary Staffing Allowance to meet the costs of any additional expenses wholly, exclusively and necessarily incurred in respect of his/her Assembly duties in obtaining temporary secretarial or research assistance whilst a person to whom a salary is paid by them under the Staff Salaries Allowance is prevented through illness, maternity leave, paternity leave or adoptive leave from providing such assistance.

### ***12.2. Qualifying for Temporary Staffing Allowance***

12.2.1. Temporary Staffing Allowance can only be claimed if the member of staff for whom cover is required:

- is absent from work because of illness, maternity leave, paternity leave or adoptive leave and continues to be employed by the Member via the Staff Salaries Allowance;
- is not employed on a casual or temporary basis;
- in the case of illness, is absent for a continuous period that exceeds two weeks;
- submits supporting medical certificates for periods of sickness, a maternity certificate (MATB1 form) showing the expected week of confinement for maternity leave or a matching certificate in the case of paternity or adoptive leave;
- has a valid contract of employment specifying the periods of paid sickness, maternity, paternity or adoptive leave.

### ***12.3. Limitations***

12.3.1. The maximum Temporary Staffing Allowance entitlement will be based on the amount of the absent employee's gross salary for a specified period (shown below).

12.3.2. Members are encouraged to ensure that all staff providing the temporary cover have pension arrangements in place in line with good employment practice.

12.3.3. Absences for illness, maternity, paternity and adoptive leave are

treated as completely separate for the purposes of calculating Temporary Staffing Allowance. Therefore a Member who has an employee who has been on maternity or paternity leave and (unrelated) sick leave will have access to two separate budgets for Temporary Staffing Allowance.

12.3.4. When an individual is absent through illness, the maximum allowance available will be based on six months full pay and six months half-pay (including employers' National Insurance contributions and pension costs) of each absent qualifying employee.

12.3.5. Once the "more than two week rule" set out in paragraph 12.2.1 has been met Temporary Staffing Allowance will be retrospective to the first day of absence.

12.3.6. When an individual is absent due to maternity or adoptive leave, the maximum allowance available is equivalent to twenty six weeks of the absent employee's gross salary (including employers' National Insurance contributions and pension costs).

12.3.7. Where a claim for temporary assistance to cover sickness absence of an employee utilises the maximum period allowed in these arrangements, any extension of the temporary assistance should be claimed against the Staff Salaries Allowance. The permanent employee will have reached the contractual limit for salary entitlement and the costs of the replacements will no longer be additional to the normal salary costs.

12.3.8. If a subsequent claim for assistance arises in respect of an employee who has had 12 months paid sickness absence then that claim may only be admitted if a period of 12 months has elapsed from the end of the previous claim.

## **SECTION 13: REDUNDANCY PAYMENTS TO ASSEMBLY MEMBERS SUPPORT STAFF WHO ARE PAID FROM THE STAFF SALARIES ALLOWANCE**

### ***13.1. When a Member ceases to be a Member of the Assembly***

13.1.1. A Member is entitled to claim for the cost to him/her of redundancy payments to qualifying staff if the Member ceases to be a Member of the Assembly for any reason. To qualify staff must have at least two years service with the Member on the date at which they cease to be employed by the former Member and not be self-employed. Redundancy payments will be calculated on the basis of the current employment legislation. The maximum amount that can be claimed under this allowance is the amount of redundancy payable by way of statutory redundancy.

## **SECTION 14: WINDING UP ALLOWANCE**

### ***14.1. Purpose and Amount***

14.1.1. A person who, for whatever reason, has ceased to be a Member of the Assembly is entitled to claim an allowance in respect of the cost to the former Member of work undertaken by or on his/her behalf after he/she has ceased to be a Member together with necessary associated expenditure on incidental items. The former Member is only entitled to make a claim where the work undertaken is necessary for him/her to complete work that was in progress at the time he/she ceased to be a Member of the Assembly. The amount that can be claimed shall not exceed one third of the total sum of the Office Costs Allowance, the other Staff Costs element of the Staff Salaries Allowance (as defined in paragraph 10.3.1) currently in force and the actual salaries in payment to staff employed by the former Member on the day he/she left the Assembly, to enable payments to be made to meet the cost of any work necessarily undertaken in completing Assembly business undertaken on behalf of a deceased, defeated or retiring Member after the date on which he/she ceased to be a Member of the Assembly together with necessary associated expenditure on incidental items. The maximum amount payable under this allowance shall be reduced by the amount by which the Additional Costs Allowance, Office Costs Allowance and Support Staff Allowance has been over claimed as a consequence of the application of the pro-rating described in paragraph 1.5.1 of this Determination.

14.1.2. In respect of a deceased Member this allowance shall have effect as if references to the former Member included as appropriate references to the personal representatives of the deceased Member.

#### ***14.2. Eligible Expenses***

14.2.1. A claim for expenses which have been wholly, exclusively and necessarily incurred in connection with winding up can include the following:

- Salary and employer's National Insurance contributions of staff who continue to be employed together with related pension contributions;
- Contractual liabilities for staff;
- Contractual liabilities for the payment of equipment hire purchase or accommodation leasing agreements;
- Postage, stationery and telephone costs;
- Travel costs.

14.2.2. Redundancy payments under section 13 do not fall within the scope of this allowance.

## SECTION 15: RESETTLEMENT GRANT

### 15.1. Resettlement Grant

15.1.1. A person who immediately before an ordinary election of the Assembly is a Member of the Assembly and either

- is not a candidate for re-election; or
- is a candidate for re-election but is not re-elected, is entitled to claim a Resettlement Grant.

15.1.2. In the preceding paragraph, “candidate for re-election” includes a person on a list of candidates of a registered political party; and “re-elected” includes a person returned for an Assembly electoral region.

15.1.3. The amount of the grant expressed as a percentage of yearly salary (at the rate payable to Members immediately before the election) is determined by age (at the election) and length of service as a Member of the Assembly before the election. Assembly Members who also are or have also been Members of Parliament or Members of the European Parliament and who have or have had their Assembly salary reduced by two-thirds in accordance with the National Assembly for Wales (Assembly Members) (Salaries) (Limitation) Order 1999 (SI 1999 No 1083) or with provision made under section 21 of the Act (e.g. paragraph 2.1.2 of this Determination) will have their Resettlement Grant calculated by reference to the unabated salary level.

15.1.4. The relevant percentages are shown in the following Table.

**PERCENTAGES OF YEARLY SALARY**  
number of years of service (completed years)

| Age      | under 10 | 10 | 11 | 12 | 13 | 14 | 15 or over |
|----------|----------|----|----|----|----|----|------------|
| Under 50 | 50       | 50 | 50 | 50 | 50 | 50 | 50         |
| 50       | 50       | 50 | 52 | 54 | 56 | 58 | 60         |
| 51       | 50       | 52 | 55 | 58 | 62 | 65 | 68         |
| 52       | 50       | 54 | 58 | 63 | 67 | 72 | 76         |
| 53       | 50       | 56 | 62 | 67 | 73 | 78 | 84         |
| 54       | 50       | 58 | 65 | 72 | 78 | 85 | 92         |
| 55 to 64 | 50       | 60 | 68 | 76 | 84 | 92 | 100        |
| 65       | 50       | 58 | 65 | 72 | 78 | 85 | 92         |
| 66       | 50       | 56 | 62 | 67 | 73 | 78 | 84         |
| 67       | 50       | 54 | 58 | 63 | 67 | 72 | 76         |

|            |    |    |    |    |    |    |    |
|------------|----|----|----|----|----|----|----|
| 68         | 50 | 52 | 55 | 58 | 62 | 65 | 68 |
| 69         | 50 | 50 | 52 | 54 | 56 | 58 | 60 |
| 70 or over | 50 | 50 | 50 | 50 | 50 | 50 | 50 |

15.1.5. In calculating the number of years of service a period of tenure as a Member shall not be taken into account on more than one occasion; any period of service that was disregarded when determining a previous resettlement grant payment shall be disregarded. Any fraction of a year shall also be disregarded except where a Member who was first elected at an ordinary election fails to complete a year as a consequence of the date of an ordinary election falling on an earlier date than that on which the Member was first elected. In such a case the Member shall be regarded as having served a complete year.

**15.2. Office Holders**

15.2.1. Assembly Members who have at any time during their period of service referred to in paragraph 15.1.5 held an office specified in paragraph 2.1.3 shall be entitled to receive an additional payment by way of Resettlement Grant. The payment will be equal to the amount of salary payable as the holder of that office in the three months before they ceased to hold that office. If a Member held more than one office during that period, the amount of salary on which this payment is based will be the higher, or as the case may be, the highest amount payable for an office.

## **SECTION 16: ILL HEALTH RETIREMENT GRANT**

### ***16.1. Ill Health Retirement Grant***

16.1.1. Any Member whose health precludes their continued participation as a Member of the Assembly shall be entitled to claim an Ill Health Retirement Grant on ceasing to be a Member. The level of grant payable shall be calculated on the same basis as a claim for a Resettlement Grant under section 15 save that reference to the date of an ordinary election shall be construed as a reference to the date when the Member ceases to be a Member.

16.1.2. An Assembly Member who claims an Ill Health Retirement Grant shall not be entitled to claim a Resettlement Grant at the time of the next ordinary election.

## **SECTION 17: DISABILITY ALLOWANCE**

### ***17.1. Purpose and Amount***

17.1.1. Members who, because of their disability, require additional resources to perform their responsibilities as Members are entitled to a Disability Allowance.

17.1.2. The amount of allowance payable will be calculated on the basis of an assessment of the nature and extent of their disability and the consequential level of additional resources required to enable them to discharge their responsibilities as Members. This assessment and the calculation of the amount of allowance payable to a Member shall, in the first instance, be agreed by the Member and the Chief Executive & Clerk and, if no agreement is reached, by the Chief Executive & Clerk alone.

17.1.3. For the purposes of this allowance, "disability" shall have the same meaning as it has in the Disability Discrimination Act 1995.

## **SECTION 18: RECALL OF ASSEMBLY OR COMMITTEE**

### ***18.1. Purpose and Amount***

18.1.1. A Member is entitled to claim any travel costs incurred by him/her which are necessarily attributable to him/her in undertaking travel to enable him/her to attend a plenary meeting of the Assembly summoned to consider a matter of urgent public importance in accordance with Standing Order 7.3.

18.1.2. A Member is entitled to claim any travel costs incurred by him/her which are necessarily attributable to him/her in undertaking travel to enable him/her to attend a meeting of a Committee of the Assembly in accordance with Standing Order 10.41.

18.1.3. The provisions of section 4, apart from paragraphs 4.1.1 and 4.10.1 shall apply to these cases. If travel is by air, the cost of a business class single air fare is payable. The actual level of any overnight costs incurred may be claimed if it was necessary to stay overnight during the course of travelling to the Assembly. A Member may also claim the cost of resuming his/her holiday following a recall should this be feasible.

**Additional office-holder salaries payable to Chairs of Assembly Committees:**

Part 1

Chairs of the following committees are eligible for an additional office-holder salary equivalent to 27.9 per cent of that of a Welsh Minister:

- the Scrutiny Committees established under Standing Order 12;
- the Audit Committee established under Standing Order 13;
- the Finance Committee established under Standing Order 14;
- Committees established under Standing Order 21 to consider legislative proposals referred to them by the Business Committee.

Part 2

Chairs of the following committees are eligible for an additional office-holder salary equivalent to 14.6 per cent of that of a Welsh Minister:

- Children & Young People Committee;
- Equality of Opportunity Committee;
- European & External Affairs Committee;
- Petitions Committee;
- Standards of Conduct Committee;
- Subordinate Legislation Committee.