

Decision letter on the annual review of the Determination 2024-25

**Bwrdd Taliadau Annibynnol
y Senedd**

**Independent Remuneration Board
of the Senedd**

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Dyddiad | Date: 28 March 2024

Pwnc | Subject: Annual Review of the Determination of Members' Pay and Allowances for 2023/24

The Independent Remuneration Board undertook a consultation exercise on its Determination of Members' Pay and Allowances for 2024/25, in accordance with its duty under the National Assembly for Wales (Remuneration) Measure 2010.

The consultation was published on the Board's website between 18 December 2023 and 26 January 2024. The consultation was publicised via Twitter, promoted on the Senedd's intranet and website and a direct mailing was sent to the Board's stakeholders. The Board considered these responses at their meeting on 22 February and agreed a revised Determination at their meeting on 14 March 2024.

The Board received 10 responses, listed below. There were only two proposals that gave rise to concern, and the Board has responded by amending the proposals accordingly. The Board would like to thank all those who engaged in this exercise. The responses received were helpful in informing the Board's decisions and we appreciate the time and effort taken by those who responded.

While the majority of the responses to the consultation were positive, I thought it might be helpful to provide greater context on the intentions behind the Board's decision-making on the areas which generated comments, so the outcome of the consultation in relation to each proposal is set out in the annex to this letter.

The Annual Review suggested several changes to the Determination which arose from the simplification thematic review, led by Hugh Widdis. It is encouraging that the majority of these proposals were welcomed so positively and that the responses highlighted that time and effort will be saved as a result of enacting the changes.

The aim of the simplification review is to make it as easy as possible for Members and their staff to understand what funding will be made available and how to claim it, and for the Senedd Commission to apply the regime consistently and with reduced risk of dispute. To this end, I welcome feedback on any aspect of the Determination which can be simplified, and I will pass on any suggestions that might be relevance to the Commission's work.

The Board has begun work across all of its thematic reviews, which include Staffing Support; Members' Pay and Personal Support; Support for Political Parties Allowance; Simplification and Ways of Working. We have received, and continue to welcome feedback on these. Some matters were raised during the course of the consultation which will be considered further as part of these reviews. I look forward to the outcomes of the reviews which will strengthen and develop the support for Members and their staff in the next Senedd term.

Best wishes,

A handwritten signature in black ink that reads "Elizabeth Haywood". The signature is written in a cursive, flowing style.

**Dr Elizabeth Haywood,
Chair, Independent Remuneration Board of the Senedd**

Croesewir gohebiaeth yn Gymraeg neu Saesneg. | We welcome correspondence in Welsh or English.

Annex: Decisions of the Independent Remuneration Board: Annual Review of the Determination on Members' Pay and Allowances 2024-25

Proposal 1: To change the wording of paragraph 2.3.8. in the following way:

'Claims must be submitted within three months of the end of the month to which the expenditure relates, unless an alternative timescale is given by the Members' Business Support Team (e.g. at the end of the financial year) or ~~a reasonable justification~~ an exceptional justification can be provided by the Member. This is especially important if a direct payment to a supplier is required, so that the payment can be made to the supplier in accordance with Senedd Commission policy. Late submission of a claim (after three months), without an exceptional justification ~~reasonable justification, may, will~~ lead to the claim being disallowed. The adequacy of reasons for late claims will be assessed by the Members' Business Support Team, who may refer cases of doubt, or those where novel or contentious issues are involved, to the Chief Executive and Clerk for decision.'

- 1.** There were reservations from some respondents that this proposal would increase the administrative burden on Members' staff. There was a request for more information on the explanation and rationale for introducing the change from 'reasonable' to 'exceptional' reasons for late claims. There was also a concern that this proposal would increase appeals against Senedd Commission decisions which would take up time and resources for Members and Commission staff. There were no objections to changing 'may' to 'will' in the final sentence.
- 2.** The Chief Executive and Clerk to the Senedd ('the Chief Executive') commented that the proposal would provide clarity for the treatment of claims and that by reducing the number of late claims it would be possible to provide Members with greater accuracy on their spend against allocated budgets.
- 3.** The Board noted the concerns of those who responded and the potential for increased appeals against decisions on late claims. The Board also considered the need for timeliness in processing claims in order to ensure Members have an up to date picture of their spend against allocated budget. In order to ensure claims are processed within three months.
- 4.** The Board agreed to not to change the bar for considering late claims i.e. a 'reasonable justification' would be required, rather than the proposed 'exceptional justification'. However the Board agreed to amend the wording of the Determination to show that a late submission of a claim without reasonable justification 'will' result in the claim being disallowed. It was felt that this removed the inconsistency and confusion around the use of the words 'must' and 'may' in the same paragraph.

5. The change to the wording will enable the Commission to apply the provision fairly and consistently when assisting Members and their staff with claims. The Commission will continue to pay Members' late claims where there is a reasonable justification, particularly arising from circumstances beyond their control, such as a late invoice from a supplier, or lateness caused by absence within the office.

Outcome

The Board agreed to amend the Determination to show that late submission of a claim (after three months) without a reasonable justification will lead to the claim being disallowed.

Members' salaries

6. To note: Members' salaries will increase by 3% in line with the cap and collar mechanism at paragraph 3.2.2., as has previously been Determined for the Sixth Senedd.

7. The Welsh Conservatives group called for clarity on Members' salaries, saying that future Members of the Senedd need to have certainty on what their pay is likely to be. The Welsh Labour group urged the Board to consider directly linking future salaries and annual increases to appropriate civil service grades to ensure a direct link with public sector pay. An individual responded to say he was not in favour of a pay increase for Members.

8. The Board considered the representations on Members' pay and would like to set out more detail on how Members' salaries are adjusted within the Senedd term. Members' pay is adjusted annually, as set out in the Determination at paragraph 3.2.1. The percentage increase is calculated by reference to the [ASHE Wales index](#), subject to a 3% maximum and a 0% minimum.

9. The Board's ability to decide Members' pay is set out in the [National Assembly for Wales \(Remuneration\) Measure 2010](#). This legislation specifies that the Board may make no more than one determination on Members' salaries for each Senedd term. The decision on Members' salaries cannot be changed during the Sixth Senedd, except in exceptional circumstances. Therefore, the consultation on the Determination for 2024-25 simply noted that Members' salaries will increase by 3%.

10. The detailed economic and contextual information the Board considered during the consultation process, showed that the challenging economic circumstances over the past few years have hit the lowest paid the hardest. As such, while the Board has agreed exceptional Determinations to make cost of living payments for Support Staff, who are lower paid, during the last two years, the Board is not of the view that exceptional circumstances exist to justify a further determination on Members' salaries in this Senedd. The Board's view on this matter was

shaped by the Board's guiding principles which include securing value for money for Welsh tax payers and ensuring decisions are appropriate within the context of Welsh earnings and the wider financial circumstances of Wales.

11. The Board has commenced a thematic review of Members' Pay and Personal Support which will consider all aspects of Members' salaries, including salary levels and the mechanism for adjusting salaries annually ahead of the Seventh Senedd.

Outcome:

The Board are grateful to all those who responded on this issue and will consider the matters raised as part of the thematic review on Members' Pay and Personal Support.

Proposal 2: To increase the amount which Members may be reimbursed for the cost of childcare and other caring responsibilities, as set out at paragraph 3A.3.2. in line with the January 2024 CPI rate, rounded up to the nearest £5 per month.

12. There were no objections to this proposal.

Outcome:

The allowance for caring responsibilities will be £340 per month.

Proposal 3: To increase the amount at paragraph 4.3.1. that Members - whose homes are in the inner area, or the intermediate area – may claim for overnight accommodation. The new figure will be increased by the January 2024 CPI rate, rounded to the nearest £1.

13. There were no objections to this proposal. During their consideration of this proposal the Board considered the actual cost of hotel accommodation in Cardiff Bay at various times of the year, linked to the Senedd's sitting days. They also considered the actual spend pattern by Members on hotel accommodation, and the timing and reasons for requests to exceed the limit. The Board agreed that the evidence showed sufficient suitable accommodation can be found within the maximum allowed as increased by the January 2024 CPI rate. The Board also considered the increased flexibility that will arise from the Board's other decisions in this Annual Review.

Outcome:

The rate of the annual allowance for overnight accommodation in the Cardiff area, at paragraph 4.3.1. will be £8,208 per year.

Proposal 4: To increase the annual amount, at paragraph 4.4.3.(a) and 4.4.8. that may be claimed for overnight accommodation for Members whose main homes are in the outer area, by the January 2024 CPI rate, rounded to the nearest £5 per month.

14. There were no objections to this proposal. The Board considered evidence of the cost and availability of rental accommodation in Cardiff Bay, specifically one and two bedroom furnished flats. The Board noted the changes to the rental prices within the previous 12 months and that two thirds of the properties advertised to let were priced at below the maximum allowed (excluding the top 10%). The Board was satisfied that the maximum allowed ensures Members are able to rent a suitable property within the limit.

Outcome:

The annual amount, at paragraphs 4.4.3.(a) and 4.4.8. that may be claimed for overnight accommodation for Members whose main homes are in the outer area will be £11,760 per year. This is based on an allowance of £980 a month.

Proposal 5: To increase the amount at paragraph 4.4.3.(h) available to Members in the outer area to claim in respect of caring responsibilities, by the January 2024 CPI rate, rounded to the nearest £5.

15. There were no objections to this proposal.

Outcome:

The amount available to Members from the outer area to claim in respect of caring responsibilities at paragraph 4.4.3.(h) will be £1,735 per year.

Proposal 6: To maintain the amount which can be claimed for essential repairs, at paragraph 4.4.10.(c), at £882.

16. There were no objections to this proposal.

Outcome:

The amount which can be claimed for essential repairs at paragraph 4.4.10(c) will be £882 per year.

Proposal 7: To increase the amount, at paragraph 4.5.5., that may be claimed for overnight accommodation outside the Cardiff area by the January 2024 CPI rate, rounded to the nearest £1.

17. There were no objections to this proposal. The Board considered evidence of the actual price of hotel accommodation in London, Cardiff and other locations at various times of the coming year to satisfy themselves that Members will be able to find suitable hotel accommodation within the maximum allowed. The cost of breakfast and parking will be excluded from the maximum allowed.

Outcome:

The amount that may be claimed for overnight accommodation, at paragraph 4.5.5. will be £181 per night per night for accommodation in London and £114 per night for accommodation elsewhere. These amounts will apply to the total cost averaged across consecutive nights when booked in a single transaction.

Proposal 8: To amend the cost of overnight stays in section 4.5 so that the rates shown are for the cost of a room only and are exclusive of charges for breakfast and parking. Also, to amend the Determination such that the maximum nightly amount that a Member may be reimbursed for hotel accommodation at paragraph 4.5.5. will apply to the average nightly cost of hotel accommodation, when consecutive nights are booked in a single transaction rather than the cost for individual nights.

18. There were no objections to this proposal. It was welcomed as a change that will increase efficiency and reduce the administrative burden on Members' staff and the Commission.

Outcome:

The Determination will be amended so that for the cost of overnight stays in section 4.5 the rates shown are for the cost of a room only and are exclusive of charges for breakfast and parking.

It will also be amended to show that the maximum nightly amount for a hotel room at paragraph 4.5.5. will apply to the average nightly cost when consecutive nights are booked in a single transaction.

Proposal 9: To clarify the rules around hotel accommodation such that Members can claim for the cost of a hotel outside the Cardiff area if they are unable to find a hotel in the Cardiff area for cost or availability reasons during a sitting week, for the purposes of engaging in Senedd Business. This cost may be claimed under section 4.3 (intermediate area) or paragraph 4.4.8 (outer area), subject to the usual criteria.

19. There were no objections to this proposal. It was welcomed by the Plaid Cymru group and Jane Dodds MS as a means of dealing with the challenges of securing hotel accommodation on

occasions when major events take place in Cardiff. The Chief Executive commented that providing Members with the option of staying outside the Cardiff area will provide flexibility for Members and better value for money.

Outcome:

The rules will be clarified such that Members can claim for the cost of a hotel outside the Cardiff area if they are unable to find a hotel in the Cardiff area for cost or availability reasons during a sitting week, for the purposes of engaging in Senedd Business. This cost may be claimed under section 4.3 (intermediate area) or paragraph 4.4.8 (outer area), subject to the usual criteria.

Proposal 10: To remove the requirement for a Member to seek prior agreement from the Senedd Commission before incurring costs for journeys and overnight stays outside Wales, within the UK.

20. The political groups commented on this proposal to say they welcomed it, and that it will reduce the administrative burden on Members, their office staff and the Senedd Commission.

21. The Chief Executive also supported the proposal, noting that the number of requests for travel outside Wales at short notice has increased, and that removing the requirement for prior approval reduces the burden on Members and their support staff.

22. The Board are satisfied that the principles requiring value for money and reasonableness and requiring expenditure to relate to the performance of Member's duties will continue to ensure effective safeguarding of public money.

Outcome:

The requirement for Members to seek prior agreement from the Senedd Commission before incurring accommodation costs for overnight stays outside the Cardiff area, within the UK will be removed.

Proposal 11: To amend the requirements for international travel and accommodation claims to allow a Member to submit one business case in relation to a visit by more than one Member, under paragraphs 4.5.3. and 5.15.2., instead of requiring each Member to submit an individual business case.

23. The political groups that responded to this proposal welcomed this simplification, calling it a sensible move in terms of reducing duplication of paperwork.

24. The Chief Executive also supported this proposal, noting that it will simplify the consideration of applications for international travel by Members, at a time when requests are increasing.

Outcome:

The requirements for international travel and accommodation claims will be amended to allow a Member to submit one business case in relation to a visit by more than one Member.

Proposal 12: To clearly state that arrangements and reimbursements for the costs of accommodation on committee business are a matter for the Senedd Commission and are not covered by the Determination, reflecting the arrangements which are already in place.

25. Plaid Cymru responded to say they welcomed the proposal. The Chief Executive supported this proposal, stating that it will provide clarification for Members.

Outcome:

The Determination will be amended to show that arrangements and reimbursements for the costs of accommodation on committee business are a matter for the Senedd Commission and are not covered by the Determination.

Proposal 13: To increase the Office and Constituent Liaison Fund, at paragraph 6.1.2., by the January 2024 CPI rate, rounded to the nearest £10.

26. The Board noted that all the political groups and Jane Dodds MS had highlighted the continued high costs of energy and the strain this puts on the budget for office costs. Plaid Cymru called for further consideration to be given to increasing the allowance for regional Members as they cover a much larger area. The Board was asked to provide confirmation of the total budget as soon as possible to enable planning for the 2024-25 financial year.

27. The Board noted the potential cost pressure highlighted by the Chief Executive. The Board had an informal meeting with representatives from each of the political groups and Jane Dodds MS' office to give an indication of the revised allowance for 2024-25 early in March 2024.

Outcome:

The total of the Office and Constituency Liaison Fund will be £26,630 per year where a Member maintains an office in the constituency or region; and £10,880 per year where the Member undertakes duties exclusively from Tŷ Hywel, Cardiff Bay.

The Board noted the comments on regional Members' offices costs and concerns about the cost of energy. These have been referred to the Ways of Working thematic review group.

Proposal 14: To remove the requirement for Members to purchase or hire photocopiers only from approved suppliers, at paragraph 6.4.1.

28. All the political groups, Jane Dodds MS and the Chief Executive responded to say they welcomed the proposal, saying that it will give Members greater freedom to support local businesses in their communities. There was also a call from Jane Dodds MS to consider widening this proposal to include other IT equipment.

29. The Board welcomes feedback on any area of the Determination, and the processes involved in administering it, as part of the Simplification thematic review and the comments made on this proposal have been fed into that work.

Outcome:

The Determination will be amended to remove the need for Members to purchase or hire photocopiers from an approved list of suppliers, as set out in paragraph 6.4.1.

Proposal 15: To disapply the cap on Members' staff salaries at paragraph 7.3.2 and increase the pay for Members' staff by the ASHE Wales figure of 5.7%, rounded to the nearest £1. Members Staffing Expenditure Allowance, set out at paragraph 7.1.1. will increase to £130,602 to reflect the pay award.

30. The uplift in salaries by the AHSE Wales index and the removal of the 3% cap was welcomed by all respondents. There were calls to permanently remove the cap and Plaid Cymru called for the introduction of a collective bargaining process in order to regulate pay, working conditions and employee benefits.

31. The Welsh Conservatives noted that the overall expenditure allowance is lower than that available to Members of the Scottish and UK Parliaments. Jane Dodds MS and Plaid Cymru also noted that the level of salaries for support staff can make it difficult to compete with the wider policy making sector and the third sector when recruiting staff.

32. The Chief Executive noted the proposed increase will result in an increase to the budget above that of the projected 3%.

33. The Board considered the call for the decision to disapply the cap to be made permanent. While the Board does not currently anticipate reintroducing the cap in the Sixth Senedd, the Board is permitted to make only one Determination on Staffing Allowances per financial year, as

such, the rate of increase applied to Members' staff salaries will be considered as part of the next annual review for 2025-26.

34. The responses also called for greater flexibility to move Members' staff up the pay points (within a pay grade) during a financial year if they have assumed new responsibilities or gained new skills and experience.

35. The Board noted that Members have the option of restructuring their office staff in order to compensate staff who take on additional responsibilities when covering temporary absences, such as sickness absence. The Board agreed to consider the need for greater flexibility on pay, and look at examples of such situations that are currently managed by Members and the advice and guidance which the Commission provides. This will be done as part of the staffing thematic review.

Outcome:

The cap on Members' staff salaries at paragraph 7.3.2 will be disapplied in 2024-25 and pay for Members' staff will be increased by the ASHE Wales figure of 5.7%, rounded to the nearest £1.

While the Board does not currently anticipate reintroducing the cap, any decisions on support staff pay for 2025-26 will be taken in the usual way as part of the next annual review.

The Board have referred the comments on the need to introduce a facility for Members to compensate their staff for carrying out additional responsibilities for a defined period of time to the staffing thematic review.

Proposal 16: To include a provision in the Determination to automatically increase any staff pay point that falls below the real Living Wage, (as published annually by the Living Wage Foundation). The provision would provide that the real Living Wage rate is to be treated as that pay point for the remainder of the financial year, taking effect on first day of the month following that publication.

36. The responses from political groups, Jane Dodds MS and unions welcomed the proposal. Welsh Labour support staff, GMB and Unite called for pay to be set at a percentage higher than the Real Living Wage, the example they gave was 'at least 5% more than the Real Living Wage'. PCS Plaid Cymru said that the starting wage for Band 3, even with an 8.6% increase to £23,742, remains low.

Outcome:

The Determination will be amended to include a provision to automatically increase any staff pay point that falls below the real Living Wage.

Proposal 17: To discontinue the amount that Members may claim on behalf of their staff in respect of home working, at section 7.9B. noting that a cost of living payment has been awarded this financial year of £600 and a further cost of living payment of £600 will be awarded in January 2024. This, coupled with the increase to the salary bands of £600, consolidated from April 2024 and the increase to staff salaries in line with the ASHE Wales percentage is considered a sufficient contribution towards offsetting the costs of working from home.

37. Apart from the Welsh Conservatives, all the political groups, Jane Dodds MS and unions responded to say that they were not in favour of this proposal. Those who disagreed with the proposal argued that the allowance compensated for increased energy costs of working from home. Also, that decisions on pay should be made independently of those on home working, that is, the allowance should not be considered alongside the increased salary for staff as part of the remuneration for their role.

38. The Chief Executive wrote that this proposal is expected to generate a small saving of £3,000 and that processing this allowance is resource intensive compared to the sums paid.

39. There was a call for an equality impact assessment to be carried out before any changes to the allowance are considered.

40. Having considered the responses, the Board agreed not to remove the home working allowance. The Board is minded to review the availability of this allowance ahead of the Seventh Senedd.

41. The Board recommended that the issues raised in the responses to this proposal be considered as part of ongoing the Ways of Working and staffing thematic reviews.

Outcome:

The Board have responded to the concerns raised in relation to this proposal. No changes to the Home Working Allowance will be made. However, the Board is minded to review the availability of this allowance ahead of the Seventh Senedd.

Proposal 18: To amend the rules for Members' staff relating to time off for public duties under section 7.9A.2. such that the maximum days which may be taken in a year relate to a financial year, rather than a rolling 12 month period.

42. There were no objections to this proposal. The Chief Executive commented that the change will mean the rules will align more appropriately with the requirements for mandatory armed forces training and ensure this allowance is consistent with others based on the financial year. Welsh Labour support staff, GMB and Unite said the change will make the arrangement for time off simpler to manage.

Outcome:

The Determination will be amended to allow for the maximum number of days classed as 'time off for public duties' to be calculated over a financial year rather than a 12 month rolling period.

Proposal 19: To state that the travel and overnight hotel stay maximum rates which may be claimed for reimbursement for Members' staff are the same as those for Members.

43. There were no objections to this proposal and those who commented, such as Plaid Cymru, welcomed the clarity the change will bring. Welsh Labour support staff, GMB and Unite were concerned that the hotel rates do not reflect the market rate for hotel rooms, especially when there are events in Cardiff. The Board considered evidence of the actual costs and availability of hotel accommodation at different times of the year in their consideration of this allowance, to assure themselves that it remains appropriate for Members' needs.

Outcome:

The Determination will be amended to reflect that the travel and overnight hotel stay maximum rates which may be claimed for reimbursement for Members' staff are the same as those for Members.

Proposal 20: To increase the proportion of the Support for Political Parties, at paragraph 8.2.1., spent on staff salaries by the ASHE Wales rate of 5.7%, rounded to the nearest £1 (and previously determined consolidated £600 cost of living payments), and the proportion spent on office costs by the January 2024 CPI rate, rounded to the nearest £10.

44. There were no objections to this proposal. Plaid Cymru wished to reiterate their comments on staff salaries in relation to this allowance. Labour welcomed the increase to the staff salaries element of the budget by the ASHE Wales index, saying, 'we believe it is an important principle to maintain parity between individual Member staff and Group staff with regards to annual salary adjustments.'

Outcome:

The Political Party Support Allowance will be £1,165,130 per year.

45. Responses were received from:

Individual
Individual
Individual
Jane Dodds MS, Welsh Liberal Democrats
The Plaid Cymru Senedd Group
Welsh Conservatives
Welsh Labour Group
Labour support staff and Unite the Union
PCS Plaid Cymru Union branch
Manon Antoniazzi, Chief Executive and Clerk to the Senedd

Table of Rates for Business and Staffing Costs

This table summarises the rates that are set out in the Determination. Each cost is subject to the rules set out under the Determination and should be read alongside the [Determination on Members' Pay and Allowances](#); if there is a difference, the Determination takes precedence.

Relevant Paragraph in the Determination		2024-25 Rate
3A.3.2	Childcare/adult dependent care costs	Up to a maximum of £340 per month
Accommodation Expenditure		
4.3.1	Members whose homes are located in the intermediate area may claim the cost of a hotel room	Up to a maximum of £114 per night and up to a maximum of £8,208 per year
4.4.3	Members whose main homes are located within the outer area may claim expenses for renting a furnished property under Option A. ¹	Up to a maximum of £11,760 per year
4.4.3 h	Members whose main homes are located within the outer area, choosing to claim under Option A, may claim an additional cost where they can demonstrate they have caring responsibilities.	Up to a maximum of £1,735 per year
4.4.8	Members whose main homes are located within the outer area, may choose to claim the cost of overnight stays in the Cardiff area (with the prior written approval of the Members' Business Support Team) under Option C ² instead of claiming under Options A or B.	Up to a maximum of £114, per night, and a maximum of £11,760 per year
4.4.10	Members claiming under Option D ² , Members may claim expenses for essential repairs	Up to a maximum of £882 per year
4.4.10(a)	Members claiming under Option D ² may claim towards rent or mortgage interest.	Up to a maximum of £11,280 per year

¹Members may only claim for rented accommodation under one option

4.5.5	Overnight hotel accommodation in London	Up to a maximum of £181 per night
4.5.5	Overnight hotel accommodation other than in London	Up to a maximum of £114 per night
Office and Constituency Liaison Fund		
6.1.2	Where Members maintain an office in the Member's constituency or region they may claim reasonable costs relating to running that office and engaging with constituents	Up to a maximum of £26,630 per year
	Where a Member undertakes duties exclusively from the office facilities in Tŷ Hywel, Cardiff Bay, they may claim costs relating to running that office and engaging with constituents.	Up to a maximum of £10,880 per year
Staffing support		
7.1.1.	A Member is entitled to claim staffing expenditure costs, to employ staff to enable the performance of the Member's duties.	Up to a maximum of £130,602 per year