



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

Panel on Financial Support for Assembly Members

Assembly Members' Salaries – Assessing the Size of the Job

Purpose

1. This paper informs the Panel on the changing levels of responsibilities for Assembly Members, enabling an evaluation of job weight for the purposes of the salary review and suggesting areas of focus for the examination of evidence received.

Background

2. The development of the responsibilities of Assembly Members can be traced from the 2004 Senior Salaries Review Body (“SSRB”) [report on salaries and allowances](#), through the consideration of the Richard Commission on the [Powers and Electoral Arrangements of the National Assembly for Wales](#) and to the advent of enhanced legislative powers (equivalent in effect to primary legislation) under the Government of Wales Act 2006.
3. The primary source of information about the background to current levels of salary for Assembly Members is the SSRB report of December 2004. Although this postdates the report of the Richard Commission of spring 2004, it explicitly takes no account of any changes proposed by the Richard Commission, as they were not in force at the time the SSRB reported¹. It will, therefore, be appropriate for the Panel to consider the changes in Assembly Members’ responsibilities since 2004.

Changes in Assembly Members’ Responsibilities

Primary Legislative Powers

4. The Assembly was established in 1999 by statute as a corporate body, having the power to make subordinate legislation² and to develop

¹ SSRB 2004 paragraph 1.7 says “...we can only review the pay of Assembly Members on the basis of their present role, not on the basis of how it might develop in future.”

² Subordinate legislation is made by means of authority set out in primary legislation, and includes regulations and orders. It is normally made by the relevant Secretary of State at Westminster.

policy in a range of fields defined in the Government of Wales Act 1998 (“the 1998 Act”). Effectively, the Assembly had the same powers (with some exceptions) as a pre-1999 Secretary of State for Wales.

5. The most significant changes which affect the level of responsibility of Assembly Members are those which allow the Assembly to make legislation (“**Assembly Measures**”), equivalent to Acts of Parliament. The power to do so can be acquired in the following ways:-
 - Through “**framework powers**” where Acts of the UK Parliament legislating for the UK give power to the Assembly to make legislation having the same effect as primary legislation in the areas specified in those Acts. These powers began to emerge from Westminster after the White Paper “Better Governance for Wales”³, which followed the report of the Richard Commission;
 - Through “**Legislative Competence Orders**”, which result from requests of the Assembly to the UK Parliament to grant powers to make primary legislation within fields defined in the 2006 Act. These powers arise from the Government of Wales Act 2006 (“the 2006 Act”), which came into force in May 2007.
6. http://www.assemblywales.org/schedule_5_consolidated_list.pdf contains the fields in which the Assembly can now make primary legislation, following provisions in the 2006 Act and in legislation of the UK Parliament. The Assembly is also considering several draft Legislative Competence Orders and Measures, and other powers are being delegated by the UK Parliament. A recent briefing on these can be found [here](#).
7. Both the Welsh Assembly Government and individual Assembly Members have made use of the new powers to promote Legislative Competence Orders and Assembly Measures. The Richard Commission noted that individual Assembly Members had made relatively little use of their limited powers to promote secondary legislation. From 1999 until 2004, when the Commission reported, only eight proposals had been debated⁴. In contrast, Assembly Members have made active use of the new powers since May 2007, and have so far embarked on promoting three Legislative Competence Orders and three Assembly Measures of which the Assembly has already endorsed the principle of two Legislative Competence Orders and One Measure. Members’ proposals for new legislation are now the subject of regular, over-subscribed ballots. One Committee (the Standards Committee) is also pursuing a legislative proposal, namely a Measure to put the office of Standards Commissioner on a statutory basis.

³ June 2005 CM 6582

⁴ Report of the Richard Commission of spring 2004 paragraph 50

Committees

8. To meet the challenges of the new legislative powers, the Assembly has changed its committee structure. To provide focus on legislative scrutiny, a range of small committees have been established to examine each of the proposed Legislative Competence Orders and Measures, alongside four wide-ranging scrutiny committees which will examine within their remit the expenditure, administration and policy of the government and associated public bodies. Other committees have cross-cutting themes including equality and children. The Subordinate Legislation Committee (which has replaced the former Legislation Committee) has been given an increased remit under Assembly Standing Orders. Instead of being limited to scrutiny of subordinate legislation (an activity heavily dependent on specialist legal advice) its members are now increasingly involved in scrutinising the appropriateness of powers delegated to Ministers under Assembly Measures and Acts of Parliament.
9. The necessary governance-orientated committees, including Audit and Standards, remain in place and there is a weekly (during term time) Business Committee which provides a forum for discussion of the timetable and forward planning.

Annex B is a list of the committees in place at the moment, with links to information about each. The number of legislation committees will increase with the number of Legislative Competence Orders and Assembly Measures.

Plenary

10. The hours which the Assembly sits in Plenary have been extended and are being kept under review as the new legislation passes through the system. Plenary occasionally sits in conjunction with Committees as the pressures of the timetable require.

The Panel may wish to identify areas which they would like to explore further when considering evidence submitted in terms of the demands of scrutinising and making primary legislation.

Job Size

Assembly Members

11. A generic job description for the role of a Member of Parliament was published by the SSRB in 2001. This is also applicable to the roles and responsibilities of an Assembly Member and may be a useful reference for the Panel when considering this issue.

12. When examining the job size of Assembly Members relative to that of a Member of Parliament in 2004, the SSRB recognised that the following factors were equal in both roles⁵:-

- **Intellectual demand**
- **Interpersonal communication**
- **Skills**

13. However, the job size of an MP was felt by the SSRB to be more demanding in the following areas (my emphasis):-

- **Job complexity** (firstly because Parliament covers a wider range of functions than the Assembly and secondly because **the complexity of issues to be taken into account when making primary legislation is greater than that in subordinate legislation**)
- **Knowledge** (because the wider range of issues covered by an MP requires wider knowledge on their part)
- **Nature of responsibility** (because the role of an MP has a potential impact upon the whole of the UK whereas an AM's impact is limited to Wales)

14. The position in 2004, as assessed by the consultants retained by the SSRB, was that the cumulative job "score" for an AM was 277 and that of an MP was 307. However, using this evaluation, it is clear that the introduction of powers to make the equivalent of primary legislation has an impact upon at least the job complexity area for an Assembly Member. In one regard the job complexity of AM's when dealing with legislation is significantly greater than that of MP's in that the former deal with legislation which is made bilingually. The SSRB's consultants, PriceWaterhouseCoopers, recognised that the developing legislative work of the Assembly will affect comparability of the roles:-

*"The pay of an Assembly Member is currently 75.3% of that of an MP. While there is no evidence to suggest that the job sizes are the same, it is evident that there has been some narrowing of the difference and this will continue if the recommendations of the Richard Commission are initiated"*⁶

The SSRB's conclusion was that to recognise the "narrowing of the difference" between 2001 (SSRB's previous report) and 2004, an AM's salary should equate to 76.5% of an MP's.

15. Some weight is placed upon the wider range of functions of a Member of Parliament and the subsequent greater depth of knowledge and complexity which would result. However, the Westminster Parliament is considerably larger which allows for specialism amongst MPs, whereas a significant number of functions need to be properly

⁵ SSRB Report No 58 2004 page 7

⁶ SSRB Report No 58 2004 page 46 paragraph 3.13

addressed by a much smaller number of AMs. The effect of this in terms of the range and number of Committees in which they participate is that AMs have stated that they need to develop a wider range of knowledge in many subjects. They also address these issues bilingually. PriceWaterhouseCooper referred to the issue of numbers when considering the respective weighting for the nature of the responsibility:-

“Although there are fewer AMs within the Assembly, so that each potentially has a more immediate impact on Assembly decisions, our judgment is that the MP still has a higher job size under this factor. This is illustrated by the fact that a constituency AM has significantly fewer constituents than an MP.”⁷

Note: the last sentence is factually incorrect. Assembly constituencies are the same size as Westminster constituencies.

16. Aside from Westminster, the Panel may wish to consider the other UK comparative legislatures, in particular the Scottish Parliament (“Scotland”) and the Northern Ireland Assembly (“Northern Ireland”). It is difficult to draw absolute parallels. Scotland and Northern Ireland were established with primary legislative powers in most areas, with clear exclusions. These differ at the margins but include defence, foreign policy, constitutional matters and some aspects of energy policy. The Assembly, in contrast, was established with a more limited brief, but the 2006 Act allows for rapid further devolution and for the Assembly to make legislation at the same level as Scotland and Northern Ireland. Comparative salary information was provided at the Panel’s first meeting in the briefing paper.

The Panel may wish to consider the extent to which they would wish to use the above factors to assess job weight and the areas they would like to examine when considering the evidence submitted.

Positions of additional responsibility

17. The general matters outlined above apply to all positions of additional responsibility which Members may take. The ability to make primary legislation will have an impact upon the work of all office holders in the Assembly, in summary:-
 - **Ministers and Deputy Ministers** – Welsh Ministers are now in a position to make subordinate legislation in person and to propose and support primary legislation, they can also take executive and policy decisions on a wider range of functions. The SSRB did not consider the role of Deputy Minister in 2004 as the position had not been established in statute or Standing

⁷ SSRB Report No 58 2004 page 45 paragraph re Nature of Responsibility

Orders at that stage, but the Assembly Commission has agreed that Deputy Ministers should receive a salary at the same level as the Deputy Presiding Officer from their appointment in May 2007.

- **Counsel General** – the Counsel General is a new statutory position under the 2006 Act. He is a member of the Government although not a Minister. He has the position of Leader of the House and takes responsibility for the business of the Assembly. He has new statutory responsibilities under the 2006 Act in respect of legal aspects of the legislation. His salary has been set at the same level as a Minister.
- **Presiding Officer and Deputy Presiding Officer** – the Presiding Officer is now the Chair of the Business Committee and the Assembly Commission, additional responsibilities following the 2006 Act. The Deputy Presiding Officer has more limited statutory responsibilities.
- **Committee Chairs** – the roles of Chairs in the new structure needs to be assessed, particularly in the light of the new Legislation Committees which are established to scrutinise primary legislation on a task and finish basis.
- **Assembly Commissioners** – the Assembly Commission is a new corporate body established under the 2006 Act to be the legal owner of Assembly property, the employer of its staff and to take responsibility for the delivery of services to Assembly Members. It is chaired by the Presiding Officer and has four other Members, all of whom hold portfolios. There was no equivalent body in the previous Assemblies.

The Panel may wish to consider evidence from a sample of office holders in relation to each of these positions to establish changes in job weight, or the weight of new roles.

Summary of Recommendations

That the Panel identifies areas which they would like to explore when considering evidence submitted on the demands of scrutinising and making primary legislation.

The Panel indicates may the extent to which they would wish to use the factors adopted previously to assess job weight or if other factors might be included, and the areas they would like to examine when considering the evidence submitted.

The Panel may considers which evidence it would like to receive in relation to each of the positions of special responsibility, to establish changes in job weight, or the size of responsibilities in new roles.

ANNEX A

In 2001, the Senior Salaries Review Body published a "job description" for a Member of Parliament, which is set out below.

Job purpose

Represent, defend and promote national interests and further the needs and interests of constituents wherever possible.

Principal accountabilities

1. Help furnish and maintain Government and Opposition so that the business of parliamentary democracy may proceed.
2. Monitor, stimulate and challenge the Executive in order to influence and where possible change government action in ways which are considered desirable.
3. Initiate, seek to amend and review legislation so as to help maintain a continually relevant and appropriate body of law.
4. Establish and maintain a range of contacts throughout the constituency, and proper knowledge of its characteristics, so as to identify and understand issues affecting it and, wherever possible, further the interests of the constituency generally.
5. Provide appropriate assistance to individual constituents, through using knowledge of local and national government agencies and institutions, to progress and where possible help resolve their problems.
6. Contribute to the formulation of party policy to ensure that it reflects views and national needs which are seen to be relevant and important.
7. Promote public understanding of party policies in the constituency, media and elsewhere to facilitate the achievement of party objectives.

Nature and scope

An MP's work may be seen under three broad headings. The first is his or her participation in activities designed to assist in the passage of legislation and hold the Executive to account. This is traditionally seen as the 'core' role of the parliamentarian. The second area is work in and for the constituency. This is in part representational; in part promoting or defending the interests of the constituency as a whole; and in part it is designed to help individual constituents in difficulty. The third part of the job is work in support of the party to which the Member belongs, and for which he/she was elected.

Parliamentary work

In the Chamber — An MP spends typically four days each week in the House. It is possible, at least in theory, to spend much of this time in the Chamber itself. But

there is little doubt that the majority of Members spend significantly less time there than was typical in the past. This is in part because the Chamber is, generally speaking, perceived to be less significant in influencing affairs than it was 20 or 30 years ago; and also because the time available has been squeezed both by constituency matters and by the amount of work which Members spend in committee or in pursuing their political interests through other channels.

Members appear in the Chamber to speak rather than to listen. It is a forum for making a case but for most of the time has only a marginal effect on major decisions. Nevertheless, it can sometimes be the scene of events of dramatic importance which seize the attention of the electorate. Debates and question time are exacting tests for Ministers and are important in the parliamentary process but there are a number of other ways in which MPs can use the Chamber. For example there are adjournment debates at the end of each day and this provides a useful way of ventilating a constituency grievance, and persuading a Minister to act. Ten Minute Rule Bills are a useful device for generating attention for a particular issue although they are of limited value in getting legislation to the statute book. Twenty Private Members Bills are selected by ballot at the beginning of each session, and these also present to the successful Members an opportunity for pursuing a particular interest. There is, however, little chance of legislative success without government support.

In Committee — In addition to work in the Chamber itself an MP can contribute to the political process through Membership of either Select or Standing Committees. Select Committees, of which the most important is the Public Accounts Committee (PAC), are cross party bodies which can be highly effective in examining specific or general government policies in a relatively bi-partisan manner. Effective work on Select Committees requires background study, planning, devising and putting questions and checking the proceedings for publication. A great deal of reading is involved to do the job properly and it is often necessary to consult various interested parties. The chairmen of Select Committees are appointed by the committees themselves.

By contrast, Standing Committees consider legislation in detail prior to its being sent back to the Chamber. It is up to an MP whether a full contribution is made or not. In general terms, opposition MPs see little chance of major substantial changes to Bills in committee, although sometimes spectacular coups are achieved. The presence of government MPs is required usually just to vote and speaking is often discouraged because it delays proceedings. The Speaker has a list of MPs who act as Chairmen, which he/she compiles with the advice of party whips.

The allocation of MPs to committees is carried out by the Committee of Selection, by permission of the House, save for Select Committees established before 1979, where it is done by the whips. In practice, however, the influence of the whips over appointment to all committees, and particularly to the more important Select Committees, is considerable. Generally, although the work is not mandatory, there is an expectation of MPs being prepared to serve on committees, newer Members serving an apprenticeship through Membership of the less popular ones. The committee clerks provide help and advice on procedural matters but it takes some time and effort for an MP to accumulate sufficient working knowledge to serve as the real basis for effective committee performance.

There are, in addition to Select and Standing Committees, a number of party and multi-party committees on particular issues. These are of varying importance and effectiveness.

There is no research support available to MPs specifically for committee work, other than the House of Commons Library, although committees as a whole can and do commission specific research.

Range of Members' practices

In practice, some Members, although perhaps only a relatively small minority, seek to influence events by participating to the fullest extent in the Chamber itself.

Others prefer to work through Select Committees or the party backbench committees. But MPs can 'make their mark' in the political arena by other means. Many have a specific area of interest or expertise which they bring to the House and through this become seen by all parties as respected experts in some specific area. They are often able to reinforce his role through the media. Others — particularly the longer serving and more experienced — play an important role in reinforcing their party's activities, for example during particularly difficult debates. Some, usually because of their specific expertise can help in the execution of government policy, formally or informally. Yet others champion specific causes inside and outside the House. All MPs are subject to pressure from lobby groups. Some however work closely with bodies such as charities or trade associations to promote their interests.

By using one or more of the means available, it is generally held that the majority of MPs make an identifiable contribution to the national political process. This role is however largely tailored to their own needs, capabilities and ambitions.

Work in the constituency — There is broad agreement that this aspect of MPs' work has increased immensely over the last 20 years. MPs visit their constituency about weekly and indeed many live there. Constituency work can be divided into two parts, the general and the particular.

General work— In general, MPs must maintain contact with a wide range of local bodies, both official and voluntary, to feel the pulse of issues affecting the constituency overall. This involves such activities as keeping in touch with the local authority and local councillors, giving talks to local societies and schools, visiting factories, and participating in civic events. Through this work Members can identify how national policies or issues impact on their own constituencies so that they can if appropriate contribute to debate on them. In at least some constituencies the MP is also seen as a quasi Civic Leader, alongside leading Councillors and other dignitaries.

Senior Salaries Review Body, Cm 4997-II, (2001).

Current Assembly Committees

NB Each Committee name is link which will take you to further information about membership, terms of reference, etc.

Scrutiny Committees:-

[Communities and Culture Committee](#)

[Enterprise and Learning Committee](#)

[Health, Wellbeing and Local Government Committee](#)

[Sustainability Committee](#)

Other Committees:-

[Audit Committee](#)

[Business Committee](#)

[Children and Young People Committee](#)

[Equality of Opportunity Committee](#)

[European and External Affairs Committee](#)

[Finance Committee](#)

[Petitions Committee](#)

[Standards of Conduct Committee](#)

[Subordinate Legislation Committee](#)

Sub Committee:-

[Rural Development Sub-Committee](#)

Legislation Committees:-

[Proposed Additional Learning Needs LCO Committee](#)

[Proposed Environmental Protection and Waste Management LCO Committee](#)

[Proposed NHS Redress \(Wales\) Measure Committee](#)

Proposed Vulnerable Children LCO Committee

Proposed Domiciliary Care LCO Committee

Proposed Affordable Housing LCO Committee