



Cynulliad National  
Cenedlaethol Assembly for  
Cymru Wales

**The National Assembly for Wales**  
**(Assembly Members and Officers)**  
**(Salaries, Allowances etc.)**  
**Determination**  
**2006**

**Fees Office**

**November 2006**

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# 1. INTRODUCTION, DEFINITIONS AND GENERAL PROVISIONS

## 1.1. Introduction

1.1.1. This Determination is made by the National Assembly for Wales under sections 16 (1) and (2), 18 and 34A of the Government of Wales Act 1998 and may be referred to as the National Assembly for Wales (Assembly Members and Officers) (Salaries, Allowances etc.) Determination 2006 and shall come into force on 30 November 2006.

1.1.2. The Determination sets out the salaries and allowances payable to Assembly Members with effect from 1 April 2006. Subject to any saving and transitional provisions which it contains, this Determination supersedes the National Assembly for Wales (Assembly Members and Officers) (Salaries, Allowances etc.) Determination 2005 which shall cease to apply.

## 1.2. Definitions

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

Cardiff	Any point within a five mile radius centred on the National Assembly building at Cardiff bay
National Assembly for Wales overnight subsistence rate	The rate which an official of the National Assembly for Wales would receive for the same purpose.
Main home	The home which a Member has registered with the Fees Office. 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 <sup>st</sup> March

1.2.2. Other terms used shall have the same meaning as in the Government of Wales Act 1998 ("the Act") or, as the case may be, the Standing Orders of the Assembly.

## 1.3. Members' Allowances

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

## 1.4. Presiding Officer's decision

1.4.1. Any questions of entitlement to an allowance shown in this Determination shall be decided by the Presiding Officer.

## **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.

Additional Costs Allowance  
Office Costs Allowance  
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 2007, 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. An Assembly Member who desires to claim an allowance shall submit their claim for payment of the allowance at such time and in such manner as the Presiding Officer may specify and the Presiding Officer may specify different times and different manners for different claims.

1.7.2. Without prejudice to the generality of paragraph 1.7.1, the Presiding Officer may specify that a claim for an allowance shall 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 Fees Office, acting on behalf of the Presiding Officer. In cases of doubt, or where novel or contentious issues are involved, the Fees Office will refer the matter to the Presiding Officer for a decision.

## **1.9. Allowances on Election Day**

1.9.1. Members who cease to be Members at an Election by virtue of section 2(5)(b) of the Government of Wales Act 1988 and who are subsequently returned at that Election may continue to claim Additional Costs Allowance, Office Costs Allowances and Staff Salaries Allowance for the period commencing at midnight on the day prior to the Election and continuing until the time that they are duly returned.

1.9.2. Members who cease to be Members at an Election by virtue of section 2(5)(b) of the Government of Wales Act 1988 and who are subsequently returned at that Election may continue to claim an allowance equal to the salary which was previously payable to them as an Assembly Member under paragraph 2.1.1 and treated in the same manner as salary in all other respects for the period commencing at midnight on the day prior to the Election and continuing until the time that they are duly returned.

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

1.10.1. If an individual who ceases to be a Member at an ordinary election by virtue of section 2(5)(b) of the Government of Wales Act 1998 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 20 of the Government of Wales Act 1998, a Winding Up Allowance shall be available under the terms set out in Section 14 of this Determination.



## **2. MEMBERS' SALARIES**

### **2.1. Amount Payable**

2.1.1. The salary payable to Members with effect from 1<sup>st</sup> April 2006 is £46,191 p.a.<sup>1,2</sup>.

2.1.2. Members who hold any of the following offices shall be entitled to receive an additional salary with effect from 1<sup>st</sup> April 2006 as follows:

Assembly First Secretary	£76,491 p.a.
Assembly Secretary/Presiding Officer/ Leader of the largest party not represented in the Assembly Cabinet	£39,677 p.a.
Deputy Presiding Officer	£24,956 p.a.
Chairs of Subject Committees established in accordance with section 57 of the Act and the Chair of the Audit Committee established in accordance with section 60 of the Act	£5,781 p.a.

2.1.3. A Member who holds more than one of the offices specified in paragraph 2.1.2 is entitled to receive only one of these salaries and the salary payable shall be that in respect of the higher or, as the case may be, highest paid office.

### **2.2. Annual Uprating**

2.2.1. The salaries of Members and office-holders specified in paragraphs 2.1.1 or 2.1.2 shall be uprated from 1 April 2007, and on the same date of each year thereafter, by the relevant percentage by which the mid-points of the Senior Civil Service pay bands having effect from 1<sup>st</sup> April of the year concerned have increased compared with the previous 1<sup>st</sup> April.

### **2.3. Payment of Salaries**

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

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<sup>1</sup> Assembly Members who are also Members of Parliament or Members of the European Parliament will have 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)

<sup>2</sup> 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 20 of the Government of Wales Act 1998

### **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. Different levels of Additional Costs Allowance apply depending on the location of a Member's main home.

#### **3.2. Lower level - 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 shall be entitled to a lower level of 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 of Additional Costs Allowance may claim an amount not exceeding £3,700 in the year commencing 1 April 2006.

3.2.3. The lower level of Allowance is payable in respect of the costs of any overnight stay away from home.

#### **3.3. Higher level - 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 shall be entitled to a higher level of Additional Costs Allowance.

3.3.2. A Member who lived in a property in respect of which the Higher Level Allowance was payable on 1 April 2007 may continue to receive the Higher Level 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 of Additional Costs Allowance may claim an amount not exceeding £12,000 in the year commencing 1 April 2006.

3.3.4. The higher level of 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 covering items such as furniture, mortgage interest and rent. Purchases of individual items of furniture or other individual items costing more than £2,000 shall be referred to the Fees Office for approval prior to incurring expenditure.

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.

## **4. MEMBERS' NORMAL TRAVEL**

### **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 Section 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 an Assembly Member.

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 Presiding Officer, 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 Section 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 Section 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. With effect from 1<sup>st</sup> April 2006 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. Where a Member uses a car for travel from the registered 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 registered home and then travels on to Cardiff by public transport.

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

4.7.1. Subject to Sections 4.2.1, 4.7.2 and 4.7.3, if a Member undertakes normal travel by taxi on Assembly business they shall be entitled to claim reimbursement not exceeding the higher rate of the Motor Mileage Allowance specified in section 4.5.1.

4.7.2. If it was not reasonably practicable for the member to travel other than by taxi, they shall be 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 Section 4.2.1, if a Member undertakes normal travel by hire car on Assembly business they shall be entitled to claim the actual level of expense incurred by them.

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

4.9.1. Subject to Section 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 Section 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 Section **Error! Reference source not found.** but such mileage will not count against the limits in that paragraph.

## **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 Fees Office. The acceptability of any other claims for extended travel allowance not so agreed will be at the discretion of the Presiding Officer.

### **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.

## **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 registered 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 Fees Office 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 years may travel by car as an alternative to travelling by public transport between Cardiff and the constituency, or Cardiff and the Member's registered 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. 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 Fees Office to pay any amount claimed under this allowance directly to the partner or child concerned.

## **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 him/her of his/her 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 shall count 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 Fees Office to pay any amount claimed under this allowance directly to the Member of staff concerned.



## **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 section 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 to the Fees Office 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 Fees Office. The acceptability of any other claims for this allowance not so agreed will be at the discretion of the Presiding Officer.

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

8.3.1. A Member may apply to the Presiding Officer 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.

## **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 Section 10.6.1, a Member may claim an amount of Office Costs Allowance not exceeding £13,800 in the year commencing 1 April 2006.

### **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 Assembly.
- 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 Fees Office for approval prior to payment.

9.2.3. The costs of repaying a mortgage, including interest thereon, 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 Presiding Officer and described in guidance issued by the Fees Office. 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 Section 10.3.1) provided prior written notification is given to the Fees Office.

## 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 2006 an Assembly Member may claim an allowance to cover the salary and related Employer's National Insurance Contributions for up to 2.5 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 Senior Caseworkers Research Assistant Press Officer
3	Caseworker 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	£19,056	£20,808	£22,721	£24,810	£27,092
2	£16,205	£17,873	£19,712	£21,741	£23,978
3	£14,630	£15,798	£17,061	£18,422	£19,894

10.1.4. These scales will be revalued on 1 April 2007 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 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.

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 to the Fees Office in the first instance with any disputes being referred to the Presiding Officer 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 Section 9.5.1, a Member may claim an additional amount of Staff Salaries Allowance not exceeding £5,200 in the year commencing 1 April 2006 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 shall 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 furnish the Fees Office with 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 shall 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 section 10.3.1. to their Office Costs Allowance provided prior written notification is given to the Fees Office.

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

10.7.1. The Member may instruct the Fees Office to pay any amount claimed under Section 10.3 directly to the Member of staff concerned.

## **11. PENSION AND ASSOCIATED PROVISION FOR MEMBERS' STAFF**

### **11.1. Pension**

11.1.1. A Member shall be 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 shall be entitled to claim an allowance in respect of the cost to him/her of contributions made to any life assurance policy authorised by the House Committee 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 shall be 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 House Committee 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

## **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 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 or adoptive leave and continues to be paid 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 adoptive leave .
- has a valid contract of employment specifying the periods of paid sickness, maternity or adoptive leave

### **12.3. Limitations**

12.3.1. The maximum 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 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 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 Section 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 new 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.



## **13. REDUNDANCY PAYMENTS TO SECRETARIES AND RESEARCH ASSISTANTS 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.

13.1.2. The allowance is not payable in a case where a Member ceases to be a Member only as a consequence of section 2(5)(b) of the Government of Wales Act 1998 and is subsequently returned as a Member at that poll.

## **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 overclaimed as a consequence of the application of the pro-rating described in Section 1.5.1 of this Determination.

14.1.2. The allowance is not payable in a case where a Member ceases to be a Member at an ordinary election as a consequence of section 2(5)(b) of the Government of Wales Act 1998 and is subsequently returned as a Member at that election other than in the circumstances described in Section 1.10.1.

14.1.3. 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 - particularly in the cases of defeated or deceased Members.
- 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.

## 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 are also Members of Parliament or Members of the European Parliament and who have 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) 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 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 2.1.2 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.

## **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.

## **17. DISABILITY ALLOWANCE**

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

17.1.1. A Member who, because of their disability, requires additional resources to perform their responsibilities as a Member shall be entitled to an allowance.

17.1.2. The amount of allowance payable to a Member under this allowance shall be calculated on the basis of an assessment of the nature and extent of that Member's disability and the consequential level of additional resources required by that Member to enable them to discharge their responsibilities as a Member. This assessment and the calculation of the amount of allowance payable to that Member shall, in the first instance, be agreed by the Member and the Presiding Officer and, if no agreement is reached, by the Presiding Officer 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.

## **18. SUPPORT FOR GROUPS**

### **18.1. Purpose**

18.1.1. Groups of 3 or more Members are entitled to an allowance to assist them in the discharge of their work in the Assembly. The allowance is payable only in respect of costs which are incurred by them wholly, exclusively and necessarily for the purpose of discharging their responsibilities.

18.1.2. It is not possible to produce an exhaustive list of admissible items, but the following examples may assist in deciding whether or not a claim may be made:

- employing staff in an administrative, clerical or secretarial capacity.
- employing staff to undertake research.
- acquiring office equipment.

18.1.3. Purchases of individual items of furniture or other individual items costing more than £2,000 shall be referred to the Fees Office for approval prior to incurring expenditure.

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

18.1.5. Groups are required to provide each of their employees with a written statement of the terms and conditions of employment and to furnish the Fees Office with a copy within one month.

### **18.2. Amount**

18.2.1. For the year commencing 1 April 2006 and subsequent years party groups may elect to have the allowance calculated by either of the following methods.

### **18.3. Option 1**

18.3.1. The amount of funding in the year commencing 1 April 2006 is as follows :

(a) each group shall be entitled to an amount(the basic amount) not exceeding £100,650;

(b) each group which is not represented by a Member in the Assembly Cabinet shall, in addition to the basic amount, receive an additional amount calculated in manner as follows :

For groups of 10 Members or less an amount of £59,220

For groups of more than 10 Members, the above amount plus for each additional 5 Members of the group (or part thereof) an additional amount of £24,235.



18.3.2. Staff employed under this allowance must be appointed to one of the following Bands and be subject to the scale minima and maxima and subject to the Transitional Arrangements outlined in section 18.3.3

Band	Posts covered	Minimum	Maximum
1	Office Managers	£19,056	£27,092
2	Senior Secretaries Senior Caseworkers Research Assistant Press Officer	£16,205	£23,978
3	Caseworker Junior Secretary	£14,630	£19,894
4	Senior Researcher	£25,808	£31,629

18.3.3. The Fees Office, acting on behalf of the Presiding Office will agree with party leaders which pay band individual support staff should be assigned to. Any individual whose current salary is less than the minimum amount for the scale shall have his/her salary increased to that level. Any individual whose current salary is above the scale maximum will have his/her salary protected until the scale maximum exceeds the salary payable.

18.3.4. The amounts in section 18.3.1 and the associated scale maxima and minima in paragraph 18.3.2 will be revalued on 1 April 2007 and on the same date each year in line with the increase in the Average Earnings Index for the preceding December

#### **18.4. Option 2**

18.4.1. In the year commencing 1 April 2006 a party group may claim an allowance to cover the salary and related Employer's National Insurance Contributions for up to 4.0 full-time equivalent staff. No more than 1.0 full-time equivalent staff may come from Band 1 as defined below. No more than 3.0 full time equivalent staff may come from Band 2 and the remainder from Band 3.

Band	Posts covered
1	Office Managers
2	Senior Secretaries Senior Caseworkers Research Assistant Press Officer
3	Caseworker Junior Secretary
4	Senior Researcher

18.4.2. A group of 10 Members or fewer which is not represented by a Member in the Assembly Cabinet may appoint in addition up to 2.0 full-time equivalent staff. No more than 1.0 full-time equivalent staff may come from Band 4 as defined above. No more than 1.0 full time equivalent staff may come from Band 2 and the remainder from Band 3.

18.4.3. A group of more than 10 Members which is not represented by a Member in the Assembly Cabinet is entitled to the staff mentioned in paragraph 18.4.2 but for each additional 5 Members of the group (or part thereof) may appoint in addition up to 1.0 full-time equivalent staff. No more than 1.0 full-time equivalent staff may come from Band 2 as defined above and the remainder from Band 3.

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

<b>BAND</b>	<b>Point 1</b>	<b>Point 2</b>	<b>Point 3</b>	<b>Point 4</b>	<b>Point 5</b>
<b>1</b>	£19,056	£20,808	£22,721	£24,810	£27,092
<b>2</b>	£16,205	£17,873	£19,712	£21,741	£23,978
<b>3</b>	£14,630	£15,798	£17,061	£18,422	£19,894
<b>4</b>	£25,808	£27,154	£28,571	£30,060	£31,629

18.4.5. These scales will be revalued on 1 April 2007 and on the same date each year in line with the increase in the Average Earnings Index for the preceding December.

18.4.6. Individual support staff 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.

18.4.7. Any individual support staffs who on 1 April 2005 were paid above the scale maximum will have their salary protected until the scale maximum exceeds the salary payable at which point they will be paid the scale maximum.

18.4.8. New support staff commencing employment on or after 1 April 2006 will enter on the scale minimum for the appropriate pay band unless there are compelling reasons to justify a higher starting salary. Party groups are required to submit a case for such treatment to the Fees Office in the first instance with any disputes being referred to the Presiding Officer for a final decision if necessary.

18.4.9. 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.

18.4.10. Party groups may claim an additional amount of Staff Salaries Allowance in the year commencing 1 April 2006 to cover the costs of overtime, training, travel, bonuses etc (including the additional Employer's National Insurance Contributions relating to any such payments), the purchase of necessary equipment and hire of facilities etc .

18.4.11. The additional amount shall be calculated as follows:

(a) each group shall be entitled to an amount(the basic amount) not exceeding £9,150;

(b) each group which is not represented by a Member in the Assembly Cabinet shall, in addition to the basic amount, receive an additional amount calculated in manner as follows :

For groups of 10 Members or fewer an amount of £5,385

For groups of more than 10 Members, the above amount plus for each additional 5 Members (or part thereof) an additional amount of £2,203.

18.4.12. The amounts in section 18.4.11 and the associated scale maxima and minima in paragraph 18.4.4 will be revalued on 1 April 2007 and on the same date each year in line with the increase in the Average Earnings Index for the preceding December

**18.5. Approval of expenditure**

18.5.1. Expenditure under this allowance may be authorised by the designated leader of a group or such other Assembly Member to whom such authority may be delegated by him/her.

## **19. RECALL OF ASSEMBLY OR COMMITTEE**

### **19.1. Purpose and Amount**

19.1.1. A Member shall be 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 6.2.

19.1.2. A Member shall be 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 Orders 9.12, 16.6 and 18.10.

19.1.3. The provisions of Section 4, apart from Section 4.1.1 and 4.10 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.