

# Respondent - Joe Wade

To assist with our inquiry, the Committee would welcome your views on any or all of the following points:

- Recall
- Triggers for a recall process
- Signing a petition
- Length of the recall process
- A system for Wales
- Disqualification
- Making of False or Deceptive Statements of Fact by Members and Candidates
- Sanction of removal of a Member

Some helpful things to be aware of before you start answering the consultation questions:

- You do not need to answer every question, only those on which you wish to share information or have a view.
- If you provide any information that you feel is not suitable for public disclosure, please indicate which parts should not be published and give your reasons for this.

## Recall

Recall mechanisms are the means by which an elected politician can be removed from office by their constituents between elections.

The UK Parliament was the first legislature in the UK to introduce a system of recall for Members of Parliament (MPs) in 2015. If certain conditions are met, voters in the relevant constituency have six weeks to sign a "recall petition" if they wish for their MP to be removed from office. If at least 10 per cent of eligible registered electors sign the petition, there will be a by-election in that constituency via the First Past the Post (FPTP) electoral system. The recalled MP may stand in the by-election.

From 2026, all Members of the Senedd will be elected via a closed list proportional representation system. If a recall mechanism is to be adopted by the Senedd then it must be designed in accordance with the new electoral system. Under the new arrangements, there is no provision for a by-election in the event of a vacancy during a Senedd term; a vacant seat will be filled by the next eligible and willing person on the list instead.

8. Should there be a power to remove a Member of the Senedd during a Senedd term when a complaint of misconduct has been upheld?

- Yes
- No
- Don't have a view

9. Please outline your reasons for your answer.

(We would be grateful if you could keep your answer to around 500 words)

Clearly logic would dictate that any MP, government official or public servant should be removed from office/their job (it applies in the private sector for any misconduct as a breach of their contract) if they have deliberately lied, taken bribes and gifts or have fallen below the standards.

10. The following questions in this section are based on the practical implications of recall, if you do not think that a recall system should be introduced, you do not have to answer these questions.

Would you like to answer questions on the practical implications of recall?

- Yes
- No

## Triggers for a recall process

11. In the House of Commons recall system, an MP will be subject to recall if, following a report from the Committee on Standards, the House of Commons orders the suspension of the MP from the House for at least 10 sitting days or 14 calendar days.

What is your view on how long a period a Member of the Senedd should be suspended for in order to trigger a recall process?

- Fewer than 10 sitting days
- 10 sitting days
- More than 10 sitting days
- Suspension should not trigger a recall process
- Don't have a view
- Other

12. Please outline your reasons for your answer.

(We would be grateful if you could keep your answer to around 500 words)

There should be consistency between the parliaments of the UK

13. In the House of Commons recall system, an MP will be subject to recall if, after becoming an MP, they have been convicted of providing false or misleading information in support of an expenses claim under the Parliamentary Standards Act 2009 (provision of information they know to be false or misleading in a material respect in support of a claim for allowances).

What is your view on whether the upholding of a complaint about misuse of expenses or allowances (i.e. a breach of Rule 9 of the Code of Conduct) should potentially trigger a recall process?

- A breach of Rule 9 should automatically trigger a recall process
- A breach of Rule 9 should not result in a recall process
- Triggering a recall process should be an option available to the Standards of Conduct Committee to recommend if a complaint about a breach of Rule 9 is upheld.
- Don't have a view

14. Please outline your reasons for your answer.

(We would be grateful if you could keep your answer to around 500 words)

Firstly, a breach has to be verified by an independent body, this means that body has nothing to do with the Senedd or committees, this removes any political motivation.  
Secondly, human errors/mistakes are to be expected and care must be taken how any alleged breaches are defined and pursued.  
Thirdly, 'fiddling' expenses or deliberate mismanagement of expenses and allowances should be dealt with as any company would do so. Warning if small, but then dismissal. Its theft from the tax payer after all!  
Finally, some form of 'value' must be assigned to each individual case of any breach. For example, buying a chocolate bar (55 pence) on a petrol receipt and claiming as fuel would be deal with by a reimbursement to the Senedd and clear policy advice on expenses and would not be a breach. Whereas consistent and reckless breaches of >£100 in total for each individual claim should be investigated and acted upon.

15. At the moment there are no sanctions if a Member leaves, joins or changes political group during a Senedd term.

What is your view on whether changing political groups should trigger recall processes (i.e. moving from party group A to party group B within a Senedd term, or moving from party group A to sit as an independent)? Please outline your reasons for your answer.

(We would be grateful if you could keep your answer to around 500 words)

Note: As per the houses of commons you can switch parties freely, however in the fairness to the electorate, there should be a recall. The electorate voted that individual in Westminster, however, the new Senedd has disappointingly decided on closed lists, therefore its a simply conclusion, a recall and by-election must be made if any one changes political parties unless they sit as an 'independent'.

16. What is your view on whether a lack of attendance and participation in proceedings without good reason for a period of six months or more trigger recall procedures? Please outline your reasons for your answer.

(We would be grateful if you could keep your answer to around 500 words)

Anyone not attending Senedd proceedings for over a cumulative of '3 months in each calendar year', unless on maternity, sick etc., especially for key policy changes should be recalled.

17. At present, Members of the Senedd who are convicted of a criminal offence and sentenced to a period of imprisonment or detention of 12 months or more are disqualified from being Members or candidates. In the House of Commons recall system, an MP will be subject to recall if they have, after becoming an MP, been convicted of an offence and sentenced to be imprisoned or detained for a period of less than 12 months (including suspended sentences).

What is your view on whether a Member of the Senedd convicted of a criminal offence with a sentence of less than 12 months should be subject to a recall petition? Please outline your reasons for your answer.

(We would be grateful if you could keep your answer to around 500 words)

Firstly, define criminal offences that are 'serious' and are included (e.g. theft, fraud, murder, rape), this is important as Eluned Morgan was banned from driving and this falls under 'criminal conviction', where some people are sent to prison for speeding. Not paying a simple bill or dent can trigger imprisonment. Each case needs careful scrutiny and logic applied.  
Secondly, the sentence period should be over six months, then recalled taking into account the points above.

18. Should there be any other triggers for a recall process?

(We would be grateful if you could keep your answer to around 500 words)

To answer this we need to recap on the reasons that should be recalled above and add in others.

1. Fiddling or misappropriate use of expenses and allowances - recall
2. Switching political parties – independent or recall
3. None attendance of government Senedd involvement - recall
4. Deliberately misleading or lying – recall or simply dismissed/fired
5. Misconduct and abusive use of their office to gain financially or otherwise - recall or simply dismissed/fired
6. Accepting any gifts or donations that are >£100 each calendar month - recall
7. Understand they are paid by and work for the electorate (tax payer) if they don't - recall
8. They must work for the common good of the people - if 10% of the eligible electorate that voted in the last election in that constituency/area decide they do not and have not done as promised - recalled.

However the reasons why must be clearly made and an independent body (nothing to do with the Senedd), must consider the objections, evidence and reasons to verify its not a witch hunt or deliberate political stunt.

## Signing a petition

19. In the House of Commons system, eligible voters only sign the petition if they are in favour of recalling the MP. This means that there is no option for voters to show support for the MP to remain in post and that, when entering a polling station, their intention to sign the petition is known to others.

Should the recall petition provide an option for showing support for the recalled Member to retain their seat?

- Yes
- No
- Don't have a view

20. Please outline your reasons for your answer.

(We would be grateful if you could keep your answer to around 500 words)

No – simply to have a recall and allow for and against is simply an election.

21. In the House of Commons system, if 10 per cent of eligible electors sign a recall petition, there will be a by-election in that constituency and the outgoing MP may contest that election if they wish to. The Senedd Commissioner for Standards has highlighted that if the threshold was set at the same level for a Senedd recall process, 10 per cent of the electorate could directly remove a Member, as there is no provision to replace Members of the Senedd through by-elections.

What are your views on the threshold of signatures that should be required in order for a petition to remove a Member?

(We would be grateful if you could keep your answer to around 500 words)

They must work for the common good of the people - if 10% of the eligible electorate that voted in the last election in that constituency/area decide they do not and have not done as promised – recalled/remove member. Because there is a possibility of political stunts, once a member is removed (recalled) the new member can not face a recall until they have served six month, unless there is a serious breach or misconduct as shown in 7 above.

22. In the House of Commons system, eligible voters may sign a recall petition in person at a designated signing place, by post, or by appointing someone as a proxy to sign the petition on their behalf.

What are your views on how an eligible voter should electors be able to sign a petition?

(please select all options that you think should be available to voters)

- In person
- By post
- By proxy
- Don't have a view
- in person at the county council offices or online (evidenced by address and a form of security code)

23. Please outline your reasons for your answer.

(We would be grateful if you could keep your answer to around 500 words)

To make it as simple as possible for the electorate, it must be communicated clearly to the electorate including why (allegations, reasons etc.), when (dates from-to), how to vote, what (implications and the next one on the members list will be.....), where (locations, post etc.). Clear evidence and sources of that evidence must be available to the electorate, as well as a written statement of defense, admitting guilt or otherwise from the recalled member (if they so wish).

Length of the recall process

24. In the House of Commons system, electors have six weeks to sign a recall petition. Evidence suggests that the majority of people who have signed recall petitions do so early in the six-week period. Concerns have been raised about the practicalities of providing designated signing places for a six week period.

Should a recall petition be open on a single day, across a greater number of designated areas, or over a multi-week signing period in fewer areas?

- A single day across a greater number of designated areas
- A multi-week signing period in fewer areas
- Don't have a view
- Four weeks as shown in 10 (e.g. person, post etc.)

25. If the petition should be open for a multi-week signing period, how long it should be open for?

(We would be grateful if you could keep your answer to around 500 words)

Four weeks. With a four week notice period before it opens.

26. Are there any other issues that you would like to raise regarding how constituents can access or participate in the process?

(We would be grateful if you could keep your answer to around 500 words)

1. Open to the public (restricted numbers obviously) if the recalled member wants to explain or otherwise defend their position.
2. Selection of the electorate to be invited along to a hearing and ask questions etc. before recall if the member denies any wrong doing. These must be selected like a jury. Everyone is entitled to defend themselves.

## A system for Wales

Early work by the Committee has identified two initial options for consideration:

**Option 1:** A recall petition is run asking only whether the Member should be recalled. In the event a Member is recalled, the next eligible and willing candidate from the party's list on which the removed Member was elected would fill the vacant seat. This approach means that signing the petition would remove the Member, rather than result in a by-election in that constituency.

**Option 2:** A retain or remove and replace petition is run, asking whether the Member should remain in place, or be removed and replaced (if possible) with the next candidate on the party's list. This would be subject to a campaign period, allowing the Member subject to the 'recall' process an opportunity to defend their position with the electorate.

With either option, vacancies could be filled quickly and the proportionality of the last election result could be maintained. However, Members elected as independents, or those elected to represent political parties that have no remaining candidates on their lists, would not be replaced. This could affect the proportionality of the Senedd.

27. What are your views on these two options?

(We would be grateful if you could keep your answer to around 500 words)

There is a conflict of these two options as noted earlier in my comments.

Option 3:

1) Recall by process.

a) Member found guilty of misconduct etc. verified by independent body – recalled after evidence based review made public.

b) Comments by electorate allowed.

c) Next member on list chosen as a replacement.

2) Recall made by electorate

a) > or = 10% voted recall, evidence must be verified e.g. member has lied to the electorate and has not done as they said they would do when seeking election, accepting suspicious donations e.g. V.Gethin £200k

b) Member has right to defend themselves on electorate recall. Hearing with public jury (see answer 12),

c) Decision made with evidence, recalled to an election for that constituency. I.E. not a member from the closed list, political parties may change.

28. Is there an alternative system which could be explored?

(We would be grateful if you could keep your answer to around 500 words)

See answer in 13.

## Disqualification

A person must meet certain qualifications to be eligible to be a Member or stand for election to the Senedd. These are set out in section 16 and Schedule 1A to the Government of Wales Act 2006, and include criteria such as age, citizenship, not being registered on an electoral register in Wales, bankruptcy status, certain criminal convictions or sentences, membership of other UK legislatures, and holding of certain offices.

29. A Member is disqualified from being a Member of the Senedd if, after being elected, they are convicted of a criminal offence and sentenced to imprisonment or detention for 12 months or more. We have heard some suggestions that this should be reduced, for example, to six months.

What are your views on the length of prison sentence that should trigger disqualification?

(We would be grateful if you could keep your answer to around 500 words)

Six months subject to clarification of seriousness as mentioned earlier.

30. Other than deception, which is dealt with in the next section, are there any other grounds which should result in disqualification from membership of the Senedd?

(We would be grateful if you could keep your answer to around 500 words)

See answer to 7.

Further add – no gifts or donations or hospitality should be accepted or allowed. Exception for e.g. lunch at events the member has paid for.

Allowed limit £100 per calendar month in total. There is a clear case that donations or gifts are made to receive a favour in return of some kind.

Exception: Gifts or donations made or received to any members or the Senedd, exceeding the £100 per calendar month, must be sold/raffled off publicly and the receipts, net of selling expenses, are to be added to the NHS budget.

### DECEPTION AND UNDUE INFLUENCE.

Members that are or have been associated or linked through friendship or past work/jobs

Clearly this is currently being allowed e.g. sustrans and Lee Waters, Vaughan Gethin and the Re-cycling business.

There must be a clear barrier between Senedd, WAG dealings and external entities that are deliberately interfering in government policy. Where there is money involved there is undue influence, the old saying of "follow the money".

Like the big five audit companies, there must not be any links, ties or favoritism between external entities and the government. Independent means just that, independent.

## Making of False or Deceptive Statements of Fact by Members and Candidates

The Code of Conduct already requires Members to be truthful and act truthfully. However, the Committee has heard suggestions that Members and candidates should be disqualified if they wilfully make false or deceptive statements with the intent to mislead.

Early work by the Committee has identified three initial options for consideration. More detail on these options is set out in the consultation document:

<https://business.senedd.wales/documents/s152624/Inquiry%20into%20Individual%20Member%20Accountability%20-%20Consultation.pdf>

**Option 1:** Create a criminal offence of deception, which would be investigated by the police and tried before the criminal courts. People convicted would be disqualified.

**Option 2:** Create a civil offence of deception, which would be investigated by an existing investigative body such as the Public Services Ombudsman and an independent Welsh Tribunal, such as the Adjudication Board for Wales.

**Option 3:** Amend the existing Code of Conduct to more explicitly prohibit wilful lying or deception and strengthen the potential sanctions. Alleged breaches would be investigated by the Senedd Commissioner for Standards, and, if upheld, referred to the Standards of Conduct Committee and Senedd. Extending this option to cover candidates as well as Members could give rise to significant practical implications.

31. What are your views on whether making of false or deceptive statements by Members of the Senedd or candidates to become Members should be grounds for disqualification?

- Grounds for disqualification for Members only
- Grounds for disqualification for candidates only
- Grounds for disqualification for Members and candidates
- Not grounds for disqualification
- Don't have a view

32. Please outline your reasons for your answer. If you have indicated that candidates should be included, please indicate at what point you think candidates should be subject to potential liability.

(We would be grateful if you could keep your answer to around 500 words)

I consider Option 2 the correct one: Create a civil offense of deception, which would be investigated by an existing investigative body such as the Public Services Ombudsman and an independent Welsh Tribunal, such as the Adjudication Board for Wales.  
The Senedd can not 'judge itself' that not an independent or right thing to do. Far too much political nonsense going on already.

33. If making of false or deceptive statements were to be grounds for disqualification, what are your views on any risks that could arise (such as the potential for malicious complaints to be made against Members), the effect of such risks, and how any such risks could be mitigated?

(We would be grateful if you could keep your answer to around 500 words)

Care must be taken to whether its deliberate deception etc., or fully or partly down to lack of understanding or stupidity. NOTE: the civil service has a reputation of fooling governments and ministers/members for their political and personal views/wants.  
Mitigate risks by fully investigating, there is not other way and make it public, the use of an independent investigator (team of) should be made.

34. Section 42 of the Government of Wales Act 2006 provides that statements made during Senedd proceedings are 'absolutely privileged' for the purposes of defamation. Section 43 provides that statements made during Senedd proceedings have limited protections from contempt of court.

What are your views on whether any prohibition on the making of false or deceptive statements of fact could have consequences for these 'privileges'?

(We would be grateful if you could keep your answer to around 500 words)

Freedom of speech must be allowed in the Senedd and the UK.  
How do we balance such things? Well members of the Senedd must act in a responsible way, if they wish to raise a point with appropriate evidence of suspicion, then they should be able to without fear of being charged with defamation or contempt of court.  
However, where there is a proved deliberate case of 'plugging for a third entity', incorrect or unknown misleading statements due to missing evidence etc. or knowledge, then a correction can be made in the Senedd. For example Mark Drakeford and WhatsApp (No I don't use it, then later, sorry yes I do). That's clearly 'on the line' of deliberately misleading the Senedd, with something so basic to know whether you do or don't.  
Another example Mark Drakeford caught stating the electorate were not intelligent or bright enough during the pandemic! That's clearly misconduct, disrespecting the people that put you in power!  
From these examples above you can see the logic of trying to find a balancing act of 'serious' deception to 'less serious' deception. Therefore there should be a scale of implications and impacts of every alleged deception or defamation.

35. Would introducing a criminal offence or a civil sanction system give rise to any human rights issues, for example in relation to rights of freedom of expression (Article 10 of the European Convention on Human Rights) and freedom to stand in an election (Article 3 of Protocol No. 1 to the ECHR - Right to free elections)?

(We would be grateful if you could keep your answer to around 500 words)

There are multiple attacks on human rights daily, from the restriction of speech e.g. you can not say 'blanket with anything to do with the 20mph policy', so who is restricting the right of free speech and human rights now? The Senedd!  
This another balancing act, clearly we do not want lying individuals as members of the Senedd or in the WAG/Govt.  
Civil reprimand and full publicity would allow the electorate to make up their own minds. Whatever route the political paths take there will always be conflicts.

36. What are your overall views on the three options outlined above (more detailed questions on specific issues are set out below)? Are there any other options that would be more appropriate or effective?

(We would be grateful if you could keep your answer to around 500 words)

Option 2 – make it a civil offense and an independent investigation/body. Politics must be kept out of it as far as possible. Whereas criminality is written in law, deception and misconduct has varying seriousness and interpretation. As I mentioned earlier fiddling expenses for 55p if not as serious as accepting a suspicious £200k donation!

37. Should making a false or deceptive statement of fact be made a crime or be made subject to civil sanctions?

- Crime
- Civil sanctions
- Don't have a view

38. Please outline your reasons for your answer.

(We would be grateful if you could keep your answer to around 500 words)

See answer 21

39. What are your views on the nature of an independent judicial process that should be used if option 2 were pursued (i.e. a civil sanction investigated by an existing investigative body such as the Public Services Ombudsman for Wales or an independent Welsh Tribunal)?

(We would be grateful if you could keep your answer to around 500 words)

It should be set up like an inquiry board used recently at the covid inquiry. However I feel this 'body' should also have a public attendance and participation similar to a jury. The body would need to consider the jurors findings and evaluations carefully.

40. If the making false or deceptive statements is made subject to a civil sanction, what standard of proof would be most appropriate - the civil standard (i.e. "on the balance of probabilities") or the criminal standard (i.e. "beyond reasonable doubt")? Although not common, there have been instances where professional disciplinary bodies have operated to the criminal standard.

- Civil standard
- Criminal standard
- Don't have a view

41. If option 3 were pursued (i.e. strengthening the existing Code of Conduct and sanctions) what are your views on the measures and mechanisms that could address the issue of deception or false statements? For example, through existing standards procedures or potential recall mechanisms.

(We would be grateful if you could keep your answer to around 500 words)

option 2 chosen, you can not have the Senedd marking its own homework! Then consider the political nonsense that occurs, this would not be fair or simple or independent!

42. If a disqualification is introduced, what length of disqualification would be appropriate? For example, should there be a fixed period of disqualification, or a period (within a set range) to be determined on a case-by-case basis so that any mitigating circumstances that could reduce the period of disqualification are taken into consideration?

(We would be grateful if you could keep your answer to around 500 words)

the existing term of the current Senedd and the next term for lesser reasons. For serious reasons e.g. murder, rape – banned for life.

43. What sanctions other than disqualification might be an appropriate penalty for the making of false or deceptive statements of fact?

(We would be grateful if you could keep your answer to around 500 words)

Any financial or personal gain, including external parties gains to be reimbursed, where the matter relates to e.g. fraud, then criminal proceedings must take over and the Senedd drops out of the matter, except for banning the member or candidate.

44. What defences should be available to an allegation of deception?

(We would be grateful if you could keep your answer to around 500 words)

Any relevant evidence, that's pure logic?  
This means material hard based evidence, mental health evidence, illness affecting judgement etc.  
Defense high level examples  
1. It was not me, or I did not do it  
2. I did not understand it or they were misled by others  
3. I said it or did it because I was drunk or incapacitated etc.  
4. They are not suitably qualified, stupid or not fit for office

45. Please outline any views you have on the interaction between proceedings for making false or deceptive statements (whether it is civil or criminal) with the rules set out in the Senedd Members' Code of Conduct which already require Members to always act truthfully.

(We would be grateful if you could keep your answer to around 500 words)

It should follow the logical steps of a court room, evidence collated, prosecution and defense with mitigating circumstances.

46. Please outline any views you have on the resource implications for existing bodies or bodies that might be created to investigate and decide complaints of false or deceptive statements of fact.

(We would be grateful if you could keep your answer to around 500 words)

Current resources in the public sector should be able to fulfill these requirements, if there are more than 5 cases per term in the Senedd then clearly something has or is wrong with selection and control of members. I strongly suggest the public selection of similar to jurors to assist. I am sure this would be beneficial to the electorate to be involved with these matters.

## Sanction of removal of a Member

If a complaint against a Member of the Senedd is upheld, the Committee may recommend one or more sanctions as set out in Standing Orders. These include exclusion from Senedd proceedings for a specified period and/or the withdrawal of certain rights and privileges. The Committee cannot currently recommend the removal of a Member.

The Senedd must debate any reports published by the Committee, and decide whether to give effect to any recommended sanctions. At present, such decisions are taken by simple majority.

47. Should the Committee have the power to recommend sanctions of disqualification or recall of a Member of the Senedd?

(We would be grateful if you could keep your answer to around 500 words)

Due to political motivated voting in the Senedd, these matters should be referred externally after voting in the Senedd. I.E. the committee can recommend and the Senedd can vote on for all minor breaches, but for more serious breaches... of the code e.g. serious criminal conviction, immediate expulsion and the next on the list chosen.  
For minor breaches (to be defined on a CLEAR scale from serious to minor)  
For example, fiddling or error on expenses by 55p chocolate bar, reimbursement immediately and further question why did the admin person in charge of expenses not check them properly as well as a manger signing them off?  
Possible other serious breaches, recalls should be notified to electorate to vote on i.e. 10% or start an independent body to investigate.  
There needs to be a clear scale of offenses, simply like a flow chart!

48. Are there any other sanctions that should be available to the Committee?

(We would be grateful if you could keep your answer to around 500 words)

1. Forced apology and communication to electorate with clear defence shown from member.
2. A loss of salaries for any time banned from senedd.

IMPORTANTLY

I will say this again, political nonsense and deliberate mischief should result on those being sanctioned! Evidence is key and defense must be allowed with free speech. Censorship must not be allowed by using the majority in the Senedd to quieten discontent, disagreements, objections or debate.

## Future Inquiries