

# Twentieth report to the Sixth Senedd under Standing Order 22.9

April 2025



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# About the Committee

The Committee was established on 23 June 2021. Its remit can be found at:  
**[www.senedd.wales/SeneddStandards](http://www.senedd.wales/SeneddStandards)**

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## Current Committee membership:



**Committee Chair:  
Hannah Blythyn MS**  
Welsh Labour



**Mick Antoniw MS**  
Welsh Labour



**Peredur Owen Griffiths MS**  
Plaid Cymru



**Samuel Kurtz MS**  
Welsh Conservatives

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## Recommendations

**Recommendation 1.** The Committee recommends to the Senedd, in accordance with paragraph 8.22(a) of the Procedure, that a breach has been found but no further action is required. .... Page 11

# 1. Introduction

**1.** The terms of reference of the Standards of Conduct Committee (“the Committee”) are set out in Standing Order 22<sup>1</sup>. In accordance with the functions set out in Standing Order 22.2, the Committee must:

*“investigate, report on and, if appropriate, recommend action in respect of any complaint referred to it by the Commissioner for Standards.”<sup>2</sup>*

**2.** This report is made to the Senedd under Standing Order 22.9 and paragraph 8.23 of the Procedure for Dealing with Complaints against Members of the Senedd<sup>3</sup> (“the Procedure”) in relation to a complaint made against Sian Gwenllian MS.

**3.** The report from the Acting Commissioner for Standards (“the Acting Commissioner”) on her investigation of the complaint is attached at Annex A. It sets out the details of the complaint and the findings of the Acting Commissioner’s formal investigation.

**4.** This report sets out the details of the complaint and the Committee’s deliberations in arriving at its decision.

**5.** Peredur Owen Griffiths declared a relevant interest in the consideration of this report as he knows the complainant.

**6.** The Committee sought permission from the Commissioner to reproduce the extracts from the confidential information which was the subject of this complaint.

**7.** A copy of this report has been provided to the Member concerned and the Complainant.

## **Appointment of Acting Commissioner**

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**8.** This complaint relates to the sharing of extracts from a confidential letter sent by the Commissioner for Standards (the Commissioner). On receipt of the complaint, the Commissioner notified both the Member and Complainant that due to his involvement in the events that gave rise to the complaint, he would

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<sup>1</sup> Standing Orders

<sup>2</sup> Standing Order 22.2(i)

<sup>3</sup> The Senedd’s Procedure for Dealing with Complaints Against Members of the Senedd

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recuse himself if either were not content that he should deal with the present complaint.

**9.** After receiving a response from the Complainant, the Commissioner recused himself and notified the Senedd that an Acting Commissioner for Standards should be appointed.

**10.** On 21 November 2024, the Senedd agreed to the appointment of Melissa McCullough (Commissioner for Standards for the Northern Ireland Assembly, and the Pan-Island Commissioner for Standards)<sup>4</sup> as the Acting Commissioner to deal with this specific complaint.

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<sup>4</sup> [Meet the Commissioner – Standards Commissioner for the Northern Ireland Assembly](#)

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## 2. Consideration of the Complaint

**11.** The Acting Commissioner considered a complaint in relation to an article on Nation Cymru that the Complainant stated that Siân Gwenllïan MS may have shared information, marked as confidential, with her party, for the purpose of personal advantage. He alleged that in sharing this information with her party, and “consenting” for it to be shared publicly, Siân Gwenllïan MS may have broken rules 15 and 17 of the Members’ Code of Conduct

**12.** In her assessment of the complaint, the Acting Commissioner considered the following rule from the Code of Conduct as the most relevant:

- Rule 15: Members must, in relation to the disclosure of information:
  - i. that is confidential or otherwise protectively marked, only disclose it when authorised to do so by the person or authority controlling the information or when disclosure is required or permitted by law;
  - ii. only use information received in confidence in their capacity as a Member of the Senedd and not use, or attempt to use, such information for any malicious purpose or the purposes of financial or any other personal advantage; and
  - iii. not prevent any person from gaining access to information as permitted by law.

**13.** The Acting Commissioner set out in her report that she did not consider rule 17 to be engaged, as there was no evidence of the Member not co-operating with the Commissioner for Standards.<sup>5</sup>

**14.** The Committee met on 25 March and 1 April 2025 to consider the Commissioner’s report and reach its conclusion in respect of this complaint.

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<sup>5</sup> Rule 17: Members must co-operate at all times with the Senedd Commissioner for Standards in the conduct of any investigation and any subsequent consideration of the complaint by the Senedd Standards of Conduct Committee.

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### 3. Committee's Consideration of its Decision

**15.** The Committee considered whether the Member was in breach of Standing Order 22.2(i).<sup>6</sup>

**16.** In considering whether a breach took place, the Committee reviewed the findings of the Acting Commissioner as set out in her report.

**17.** The Member did not avail herself of the opportunity to make written or oral representations to the Committee.

#### **The Committee's Decision**

**18.** The Committee noted that the Member did not contest the fact that she disclosed confidential information. She admitted to disclosing three sentences from the Commissioner's confidential letter she received dated 13th March 2024 that explained the Commissioner's reasons for considering other complaints made by the Complainant against her to be inadmissible.

**19.** The Committee noted the Acting Commissioner's view that the extracts from the correspondence disclosed by the Member indicated she was seeking to defend herself from the allegations Nation Cymru might publish.

**20.** The Committee accepts the finding of the Acting Commissioner that based on the evidence, the Member did not disclose the Commissioner's confidential outcome letter to the Plaid Cymru Group, the journalist, or anyone else. As stated above the Member admitted to disclosing excerpts from the Commissioner's letter that she understood were confidential.

**21.** The Committee noted that the Commissioner addressed the issue of the release of the extracts from the letter at the point of publication. The article now has an explaining editor's note that the information was shared without consent and the Commissioner has accepted an apology from Plaid Cymru.

**22.** The Committee also noted that the Acting Commissioner concluded that the Member did not approve or seek to convey the message, "We have permission to share this," to the Plaid Cymru Press Team.

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<sup>6</sup> Standing order 22.2(i)

**23.** The Acting Commissioner concluded that:

*“By disclosing the three sentences from the Commissioner’s letter, it is my view that Ms Gwenllian breached Rule 15(i) of the Code of Conduct. I consider that Ms Gwenllian was not seeking to gain a “personal advantage” but rather was reasonably defending herself, and therefore I do not believe that she breached Rule 15(ii) of the Code. Rule 15(iii) is not engaged.”*

**24.** Having considered the Commissioner’s findings and conclusions, along with the supporting evidence provided, the Committee agreed that a breach Rule 15 (i) of the Code of Conduct as identified by the Commissioner had occurred.

The Committee finds that Sian Gwenllian MS breached Rule 15(i) of the Code of Conduct.

## **The Committee’s recommendation**

**25.** The Committee considers a breach of the Code of Conduct by any Member of the Senedd to be a serious matter. The reputation of the Senedd as an institution, and the public’s trust and confidence in it, rely upon Members demonstrating integrity and leadership through their actions.

**26.** The Committee shares the view of the Acting Commissioner that the Member shared this information in order to defend herself from inaccurate reports being made about inadmissible complaints. There is no evidence of an intention to acquire any personal gain from the sharing of this information.

**27.** However, in seeking to rebut allegations made in relation to other complaints, the Member inadvertently made herself subject to a further complaint. Members should remember the importance of respecting the confidentiality requirements set out in the Code and be mindful that express permission to share such information must be sought.

**28.** In reaching its decision, the Committee took into account of the Member’s acceptance of her action being a breach of the Code, and that she did not explicitly authorise the release of the information for print. However, in sharing excerpts of the letter, the Member did clearly breach the confidentiality rules in the Code of Conduct.

**29.** The Committee finds that the Member is in breach of the Code of Conduct but, given the mitigating circumstances outlined above, consider that no further action is warranted.

The Committee recommends to the Senedd, in accordance with paragraph 8.22(a) of the Procedure, that a breach has been found but no further action is required.

## 4. Lessons learnt from this complaint

**30.** Members must acknowledge and respect any confidentiality markings displayed on documents. The need to maintain confidentiality is particularly important in relation to the complaints process. It ensures that people can feel confident in coming forward and have faith in the integrity of the process.

**31.** The Committee noted with interest the comments from the Acting Commissioner around the need for balance in confidentiality against the protections afforded by Article 10 of the European Convention on Human Rights<sup>7</sup>.

**32.** The Committee agrees with the Acting Commissioner that this needs further consideration. The Committee believes that a review of the confidentiality provisions within the Code - in particular how they align with Article 10 rights - could pave the way for ensuring a greater level of transparency in the standards process. For instance, if the reasons that a particular complaint was deemed inadmissible were published, that information would increase awareness and understanding of how complaints are handled by the Commissioner.

**33.** The Committee will consider the implications of Rule 15 in relation to the Complaints process as part of its ongoing work. In order to ensure transparency and fairness, the Committee will consider the approach to confidentiality and the limitations on what Members can say following consideration by the Commissioner of complaints against them.

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<sup>7</sup> Article 10 of the European Convention Human Rights protects an individual's right to hold their own opinions and express them freely.

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# Annex A – Report from the acting Commissioner for Standards

**REPORT**  
**by**  
**the ACTING SENEDD COMMISSIONER FOR STANDARDS**  
**of the investigation of a complaint against**  
**Siân Gwenllïan MS**

## 1. Introduction

- 1.1. On 5th September 2024, [REDACTED] (“the Complainant”) submitted a complaint to the Senedd Commissioner for Standards (“the Commissioner”) about the conduct of Siân Gwenllïan MS (“the Member”).<sup>1</sup> In it, he complained that on the 2nd August 2024, Nation Cymru published an article that indicated to him that Ms Gwenllïan may have shared information, marked as confidential, with her party, for the purpose of personal advantage. He alleged that in sharing this information with her party, and “consenting” for it to be shared publicly, Siân Gwenllïan may have broken rules 15 and 17 of the Members’ Code of Conduct.
- 1.2. On 16th September 2024, the Commissioner wrote to both the Member and Complainant explaining that due to his involvement in the events that gave rise to the complaint, if either were not content that he should deal with the present complaint he would recuse himself. After receiving a response from [REDACTED] the Commissioner recused himself.
- 1.3. On 21st November 2024, I was appointed as the Acting Senedd Commissioner for Standards (“Acting Commissioner”) to consider this complaint.
- 1.4. I have considered the complaint in accordance with the Procedure for Dealing with Complaints against Members of the Senedd (“the Procedure”).
- 1.5. As required by paragraph 7.4(e) of that Procedure, the complaint and all the evidence I relied upon in forming my opinion are given in the footnote references.

## 2. Terms of Reference

- 2.1. My investigation focussed solely on Rule 15 and Rule 17 as alleged in [REDACTED]’s complaint.
- 2.2. Rule 15:  
Members must, in relation to the disclosure of information:
  - i. that is confidential or otherwise protectively marked, only disclose it when authorised to do so by the person or authority controlling the information or when disclosure is required or permitted by law;
  - ii. only use information received in confidence in their capacity as a Member of the Senedd and not use, or attempt to use, such information for any malicious purpose or the purposes of financial or any other personal advantage; and
  - iii. not prevent any person from gaining access to information as permitted by law.
- 2.3. Rule 17:  
Members must co-operate at all times with the Senedd Commissioner for Standards in the conduct of any investigation and any subsequent consideration of the complaint by the Senedd Standards of Conduct Committee.

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<sup>1</sup> Document 1



### 3. Investigation

- 3.1. The Member's first language is Welsh, therefore all correspondence was translated accordingly: from English to Welsh for outgoing communications to the Member, and from Welsh to English for incoming correspondence from the Member. The documents that were translated are in Annex A and include both the Welsh and English versions.
- 3.2. Having reviewed all documentation related to the complaint, on 5th December 2024 I wrote to the Member informing her that I was conducting a preliminary investigation to assess the admissibility of the complaint. I provided the Member with 14 days to make any representations she wished regarding the complaint.<sup>2</sup> On 10th December 2024, in response to the Member's request for further details, I sent her a copy of the original email from the Commissioner.<sup>3</sup>
- 3.3. On 19th December 2024, I informed the Member by letter that the complaint was deemed admissible and that I would be proceeding with a full investigation.<sup>4</sup>
- 3.4. On 3rd January 2025, I wrote to the Complainant to confirm that I had conducted my preliminary investigation, determined the complaint's admissibility, and informed him that the investigation had commenced.<sup>5</sup>
- 3.5. On 5th January 2025, the Member inquired whether she could share the information with the Chief Whip, Leader, and Chair of the Plaid Cymru Group. Additionally, she sought clarity on the specific provisions of the Code under investigation and notified me that she would request any interview to be conducted in Welsh.<sup>6</sup> In response to the Member, I offered to meet with her to clarify the questions she had raised.
- 3.6. On 6th January 2025, I received correspondence from the Complainant granting me "permission" to consider previous complaints. I replied on the same day, confirming that I had already reviewed much of the relevant background documentation that provided context to the complaint, and clarified that I had been appointed as Acting Commissioner to consider this complaint only.<sup>7</sup>
- 3.7. On 14th January 2025, I met with the Member via Teams.<sup>8</sup> We discussed the process, and I explained that under section 6.2 of the complaints procedure, "the Commissioner is not required to investigate any part of a complaint which has been accepted by the Member being complained about." I explained that if the Rule 15 allegation was not contested by her, one way to proceed would be by questionnaire to which she could answer fully and append any supporting material. The Member agreed to receive a questionnaire.

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<sup>2</sup> Document 2

<sup>3</sup> Document 3

<sup>4</sup> Document 4

<sup>5</sup> Document 5

<sup>6</sup> Document 7

<sup>7</sup> Document 6

<sup>8</sup> Document 8

- 3.8. On 5th February 2025, the Member provided her response to the questionnaire<sup>9</sup> along with supporting evidence.<sup>10</sup>

#### 4. Findings of Fact

- 4.1. On 21st February 2025, I sent both parties a copy of my findings of fact advising they had until 28th February to submit written corrections or representations about them. I made clear that in the absence of corrections or representations, the facts would be deemed final. On the substance of the Findings of Fact, there were no material issues raised by either the Member or the Complainant. However, the Complainant responded stating that he believed “the Standards Committee should be informed of the fact that Ms Gwenllian coordinated an email that erroneously stated that she was sharing the information with the Standards Commissioner’s permission.”<sup>11</sup> The matter [REDACTED] referred to is covered at paragraphs 5.3 and 5.4 of this report. The Member responded and pointed out that there was a mistaken translation in the Welsh version of the Findings of Fact, which was subsequently corrected.

I found the following facts established –

- 4.2. On 13th March 2024, the Commissioner wrote to [REDACTED] informing him that his complaint against Ms Gwenllian was inadmissible and provided his reason for that decision. The Commissioner sent a copy of this letter to Ms Gwenllian.
- 4.3. On 11th April 2024, after receiving permission from the Commissioner<sup>12</sup>, Ms Gwenllian informed senior Members of the Plaid Cymru Group about the Commissioner’s findings.
- 4.4. On 1st August 2024, Nation Cymru journalist Martin Shipton contacted the Plaid Cymru Press Team, requesting a response by the end of the day regarding email correspondence he had received from [REDACTED]. This correspondence contained allegations that Ms Gwenllian was involved in a cover-up concerning allegations against Rhys ab Owen MS.
- 4.5. On the same day, Ms Gwenllian coordinated a response with the Plaid Cymru Press Team and requested that three separate sentences—quotes from the Commissioner’s confidential letter on admissibility dated 13th March 2024—be included in the response.
- 4.6. On 2nd August 2024, Nation Cymru published the allegations made by [REDACTED] along with the Plaid Cymru response that included the confidential sentences from the Commissioner’s letter that Ms Gwenllian requested to be inserted.

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<sup>9</sup> Document 9

<sup>10</sup> Documents 10a, 10b

<sup>11</sup> Document 12

<sup>12</sup> Document 11

## 5. Consideration

- 5.1. I do not believe Rule 17 is engaged in this complaint. Ms Gwenllian did not fail to cooperate with the Commissioner.
- 5.2. Ms Gwenllian did not contest the fact that she disclosed confidential information. She admitted to disclosing three sentences from the Commissioner's confidential letter she received dated 13th March 2024 that explained the Commissioner's reasons for considering [REDACTED]'s complaints against her to be inadmissible.
- 5.3. Upon receipt of Mr Shipton's correspondence (which included [REDACTED]'s allegations), the Plaid Cymru Press Team notified Ms Gwenllian. Ms Gwenllian's response included excerpts from the Commissioner's letter and she added "Caiff Shipton fynd at y Comisiynydd i gael cadarnhad" ("Shipton can approach the Commissioner for confirmation"). However, in the final reply to Mr Shipton the Plaid Cymru Press Team stated, "We have permission to share this." When the piece was published, it contained the following: "Plaid Cymru, with permission, issued an extract from a letter from the Commissioner to [REDACTED]"
- 5.4. The Commissioner, not having granted permission to share the excerpts, contacted the Plaid Cymru Chief Executive, who confirmed that this reflected the staff's impression that the Member was in a position to give the Party permission to share the extract. The Chief Executive clarified that it was not their intention to imply that permission had been directly sought from or granted by the Commissioner, although he acknowledged that it could be interpreted that way by a reader. Consequently, the statement has been removed from the article, and an "Editor's Note" is now included below the article, indicating that "the Commissioner had not given permission to Plaid Cymru for the extract to be published." The Commissioner has addressed this issue and accepted an apology from Plaid Cymru. Additionally, there is no evidence that Ms Gwenllian approved or sought to convey the message, "We have permission to share this," to the Plaid Cymru Press Team.
- 5.5. The information provided by [REDACTED] to Mr Shipton, which Mr Shipton sent to Plaid Cymru for a response, prompted Ms Gwenllian's disclosure. The following statements made by the Commissioner were disclosed by Ms Gwenllian and indicate, in my view, that she was seeking to defend herself from the allegations she had feared Nation Cymru would publish:

*I found no evidence of any cover up during my investigation, I was satisfied that the Member dealt with the matter in accordance with the then far from satisfactory Plaid Cymru processes.*

*I am unclear why you assert that it is clear from my report that the Member failed to challenge Mr ab Owen's behaviour. You have not seen my report. From my interviews of both persons, it is clear that the Member did challenge his conduct. You are also incorrect when you assert that she had already investigated and dismissed the internal complaint before I informed her of the complaint I was investigating.*

*The Member provided me with a full explanation of her actions. The Member was dealing with a highly sensitive matter and was under no obligation to explain her actions to anyone else.*

- 5.6. The fact that the Commissioner had already examined and deemed inadmissible similar allegations from [REDACTED] in March 2024, coupled with the pressure Ms Gwenllian faced to respond to the journalist's inquiry by the end of the day, and her assertion that [REDACTED] was engaged in "a relentless campaign, spreading false allegations among the press and the public" since 2021, makes it unsurprising that she felt compelled to defend her reputation as best she could against what she perceived to be baseless allegations. Ms Gwenllian understood that the Commissioner also regarded these allegations as unfounded based on the reasoning provided in his inadmissibility letter—which she was not authorised to disclose and had not disclosed previously.
- 5.7. Ms Gwenllian believed that the inclusion of the Commissioner's findings would add credibility to her response, which she hoped would be enough to stop the journalist publishing [REDACTED] allegations. I consider it reasonable for her to believe that quoting the Commissioner as saying: "I found no evidence of any cover up during my investigation, I was satisfied that the Member dealt with the matter in accordance with the then far from satisfactory Plaid Cymru processes", would carry significant weight that might dissuade the journalist from publishing the allegations. While this did not stop the publication of the article, it shows Ms Gwenllian's motivation in including the Commissioner's statements as she did.<sup>13</sup>
- 5.8. Evidence shows that Ms Gwenllian sought permission from the Commissioner to share the outcome of his consideration of [REDACTED] complaint with the Plaid Cymru leadership. The Commissioner advised her on 11th April 2024 that she could inform them that "all complaints against you have been dismissed because they were not admissible".
- 5.9. Based on the evidence, I am satisfied that Ms Gwenllian did not disclose the Commissioner's confidential outcome letter to the Plaid Cymru Group, the journalist, or anyone else. Ms Gwenllian did disclose excerpts from the Commissioner's letter that she understood were confidential.

## **6. Observations**

- 6.1. Confidentiality within the complaints process is essential and serves a legitimate purpose. However, it must be proportionately balanced in respect of Article 10 of the European Convention on Human Rights, which protects the right to freedom of expression. While restrictions on this right are permissible when necessary, such as during an ongoing investigation, it must be proportionate.

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<sup>13</sup> [Nation Cymru article 2 August 2024](#)



6.2. It could be argued that 1) a proportionate requirement for confidentiality should only be for the duration of the investigation and not beyond; 2) any rule that prevents Members from discussing the outcome afterwards would be disproportionate and may constitute a potential violation of their Article 10 rights; and perhaps 3) inadmissible outcome letters should be published in the interest of transparency.

6.3. This case highlights the fact that Members face a disadvantage in terms of freedom of expression compared to complainants who are not Members, as the latter cannot be held accountable in the same manner for breaching confidentiality rules. Consequently, Members can find themselves obligated by their Code to remain silent in response to complainant-led public allegations, some of which may have already been assessed and deemed inadmissible by the Commissioner, as in this case. This inequity is also present in other jurisdictions where I serve as Commissioner. For reasons of fairness, I believe it deserves further scrutiny.

## **7. Conclusion**

7.1. By disclosing the three sentences from the Commissioner's letter, it is my view that Ms Gwenllian breached Rule 15(i) of the Code of Conduct. I consider that Ms Gwenllian was not seeking to gain a "personal advantage" but rather was reasonably defending herself, and therefore I do not believe that she breached Rule 15(ii) of the Code. Rule 15(iii) is not engaged.

## **8. Recommendations**

8.1. Further consideration of Article 10 in relation to rules on confidentiality may assist in easing the inequity that currently exists between Members and complainants who are not Members. I believe that due to this inequity, the Article 10 position merits further ethical and legal consideration.

Dr Melissa McCullough  
Acting Senedd Commissioner for Standards  
10th March 2025