

Exceptional Determination Statement

Statement of the Independent Remuneration Board of the Senedd under section 14(4) of the National Assembly for Wales (Remuneration) Measure 2010 (the Measure)

Decisions of the Independent Remuneration Board of the Senedd

On 21 September 2026, the Independent Remuneration Board of the Senedd (the Board) made the following decisions under sections 20(2) and 24(1) of the Government of Wales Act 2006 (the Act), in relation to the reimbursement of costs incurred by Senedd Members in employing support staff.

1A. Reduce the probationary period set out in the standard contracts of employment for support staff from 6 months (extendable by up to 3 months) to 3 months (extendable by up to 2 months)

1B. Set the notice period set out in the standard contracts of employment for support staff during the probationary period at 1 week's notice (or payment in lieu of notice) for the duration of the probationary period, instead of 1 week's notice (or payment in lieu of notice) for the first 3 months of the probationary period with 1 month's notice for the remaining period.

The Employment Rights Act 2025 (ERA 2025) reduces an employee's qualification period for protection from unfair dismissal from 2 years to 6 months.

Keeping a probationary period of 6 months would therefore limit the opportunity for constructive probationary reviews and the ability of Members to take action to address issues before staff become entitled to protection from unfair dismissal.

Similarly, keeping a notice period of 1 month could limit the ability of Members to take action to address issues before staff become entitled to protection from unfair dismissal if, for example, the new probationary period of 3 months was extended by 2 months.

The Board considers that a probationary period is vital in establishing good working practices and effective employment relationships. In light of the ERA 2025, the Board considers these decisions are necessary to preserve the value of probationary periods.

The shorter probationary period will also provide welcome certainty and clarity for support staff who pass their probation, by making them permanent employees sooner.

2. Amend clause 13.1 of the standard contracts of employment for support staff by inserting a new entry for “statutory neonatal care leave”, with the possibility of an employee receiving enhanced neonatal care pay, subject to the rules set out in the employer’s neonatal care leave policy from time to time.

Cause 13 sets out certain paid leave entitlements of support staff.

The introduction of neonatal care leave is an important statutory entitlement that needs to be reflected in the contracts of employment. This will ensure that staff are aware of the entitlement to leave in situations where a baby receives medical care which starts in the first 28 days after birth. Likewise, the availability of enhanced neonatal care pay is an important entitlement that needs to be reflected in the contracts of employment.¹

Making an Exceptional Determination

Section 14(2) of the Measure says that, where the Board has made a determination in relation to reimbursement of costs incurred by Senedd Members in employing support staff, the Board cannot modify that determination in relation to any period before the end of the financial year in relation to which that determination first takes effect.

The Board has already made such a determination (in the form of Chapters 7 and 8² of the Determination on Members’ Pay, Staffing and Business Costs 2026-27). However, under section 14(3) of the Measure, the restriction in section 14(2) does not apply if the Board is of the opinion that there are exceptional circumstances which make it just and reasonable for that restriction not to apply.

The Board is of the opinion that the considerations set out in this statement give rise to exceptional circumstances which make it just and reasonable to make an exceptional determination and for the restriction in section 14(2) not to apply.

¹ The decision on enhanced pay will also be reflected in Annex B of the Determination.

² And associated Annexes and documents.