

Chweched adroddiad i'r Chweched Senedd o dan Reol Sefydlog 22.9

Tachwedd 2022



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Chweched adroddiad i'r Chweched Senedd o dan Reol Sefydlog 22.9

Tachwedd 2022



Am y Pwyllgor

Sefydlwyd y Pwyllgor ar 23 Mehefin 2021. Ceir ei gylch gwaith yn:
www.senedd.cymru/SeneddSafonau

Aelodau cyfredol y Pwyllgor:



**Cadeirydd y Pwyllgor:
Vikki Howells AS ***
Llafur Cymru



Natasha Asghar AS
Ceidwadwyr Cymreig



John Griffiths AS
Llafur Cymru



Peredur Owen Griffiths AS *
Plaid Cymru

* Ni chymerodd ran yn yr ystyriaethau o'r gŵyn

Mynychodd yr Aelodau a ganlyn fel dirprwyon yn ystod yr ymchwiliad hwn.



Rhianon Passmore AS
Llafur Cymru



Rhun ap Iorwerth AS
Plaid Cymru

Bu John Griffiths yn Gadeirydd Pwyllgor dros dro yn ystod yr ymchwiliad hwn.

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Argymhellion

Argymhelliad 1. Mae'r Pwyllgor yn argymhell i'r Senedd – yn unol â pharagraff 8.22(a) o'r Weithdrefn – bod toriad wedi'i ganfod a bod yr Aelod yn cael ei geryddu o dan Reol Sefydlog 22.10(i)..... Tudalen 10

1. Cyflwyniad

1. Nodir cylch gorchwyl y Pwyllgor Safonau Ymddygiad ("y Pwyllgor") yn Rheol Sefydlog 22.1 Yn unol â'r swyddogaethau a nodir yn Rheol Sefydlog 22.2, mae'n rhaid i'r Pwyllgor:

*"mewn perthynas ag unrhyw gŵyn a gyfeirir ato gan y Comisiynydd Safonau...ymchwilio i'r gŵyn, cyflwyno adroddiad arni ac, os yw'n briodol, argymhell camau mewn perthynas â hi."*²

2. Paratowyd yr adroddiad hwn ar gyfer y Senedd yn unol â Rheol Sefydlog 22.9 a pharagraff 8.23 o'r Weithdrefn ar gyfer Ymdrin â Chwynion yn erbyn Aelodau o'r Senedd³ ("y Weithdrefn") ac mae'n ymwneud â chwyn yn erbyn Hefin David AS.

3. Mae adroddiad y Comisiynydd Safonau ("y Comisiynydd") ar ei ymchwiliad i'r gŵyn wedi'i atodi yn Atodiad A. Mae'n nodi manylion am y gŵyn a chasgliadau ymchwiliad ffurfiol y Comisiynydd. Mae'r Pwyllgor wedi penderfynu golygu rhannau o'r adroddiad gan y Comisiynydd yn unol â pharagraff 8.26 o'r Weithdrefn. Cymerwyd y penderfyniad hwn i osgoi gofid diangen i'r unigolyn oedd yn destun y trydariad – ond nid yr achwynydd yn yr achos hwn – a theulu'r unigolyn.

4. Mae'r adroddiad hwn yn nodi manylion y gŵyn a thrafodaethau'r Pwyllgor wrth ddod i benderfyniad.

5. Fe wnaeth Vikki Howells AS ymatal rhag ystyried y mater hwn, yn sgil ei pherthynas â Hefin David AS, a gweithredodd Rhianon Passmore AS fel eilydd. Gweithredodd John Griffiths fel cadeirydd dros dro, fel y cytunwyd gan y Pwyllgor ar 26 Ebrill 2022. Roedd yr achwynwr yn yr achos hwn yn dra adnabyddus i Peredur Owen Griffiths AS – wnaeth ymatal o'r herwydd rhag ystyried y mater hwn – a gweithredodd Rhun ap Iorwerth AS fel eilydd ar ei ran.

6. Darparwyd copi o'r adroddiad hwn i'r Aelod dan sylw ac i'r achwynydd.

¹ Rheolau Sefydlog

² Rheol Sefydlog 22.2(i)

³ Gweithdrefn y Senedd ar gyfer Ymdrin â Chwynion yn erbyn Aelodau o'r Senedd

2. Ystyried y gŵyn

7. Daeth cwyn i law'r Comisiynydd mewn perthynas â thrydariad a bostiwyd gan Hefin David AS. Roedd y Comisiynydd o'r farn bod y trydariad yn ymosodiad personol di-chwaeth a hynod sarhaus ("*a vulgar and grossly offensive personal attack*"). Mae'r Pwyllgor wedi penderfynu peidio ag atgynhyrchu union eiriad y trydariad yn yr adroddiad hwn gan ein bod o'r farn y gallai gwneud hynny beri gofid pellach i'r unigolyn o dan sylw, a theulu'r unigolyn, yn enwedig gan mai nad yr unigolyn oedd yr achwynydd.

8. Honnodd yr Achwynydd fod y ffrwydrad direswm a phlentynnaidd hwn ("*this unwarranted and childish outburst*") yn torri'r Cod Ymddygiad, yn enwedig rheolau tri a phedwar.

9. Roedd y Comisiynydd, yn ei adroddiad, yn ystyried y rheolau a ganlyn o'r Cod Ymddygiad fel y rhai mwyaf perthnasol:

- Rheol 1 – Rhaid i Aelodau gynnal yr Egwyddorion Cyffredinol.
- Rheol 3 – Ni chaiff Aelodau ymddwyn mewn modd sy'n dwyn anfri ar y Senedd neu ei Haelodau yn gyffredinol.
- Rheol 4 – Rhaid i aelodau beidio ag ymddwyn yn ddiangen, aflonyddu, bwlio na gwahaniaethu.
- Rheol 6 – Ni chaiff Aelodau ymosod yn bersonol ar unrhyw un — mewn unrhyw ohebiaeth (naill ai ar lafar neu'n ysgrifenedig, ar ffurf electronig neu drwy unrhyw gyfrwng arall) — mewn modd a fyddai'n cael ei ystyried yn ormodol neu'n ymosodol gan berson rhesymol a diduedd, gan ystyried y cyd-destun y gwnaed y sylwadau ynddo. Hefyd:
- Y Polisi Urddas a Pharch (yn enwedig ymddygiad amhriodol sy'n effeithio'n andwyol ar urddas rhywun arall).

10. Cyfarfu'r Pwyllgor ar 10 Hydref 2022 i ystyried adroddiad y Comisiynydd a dod i'w gasgliad mewn perthynas â'r gŵyn hon.

3. Y broses o drafod Penderfyniad y Pwyllgor

11. Bu'r Pwyllgor yn trafod a dorrodd yr Aelod Reol Sefydlog 22.2(i).⁴
12. Wrth ystyried a dorwyd rheolau, adolygodd y Pwyllgor ganfyddiadau'r Comisiynydd fel y'u nodir yn ei adroddiad. At hynny, cafodd y Pwyllgor sylwadau ysgrifenedig gan yr Aelod o dan sylw a oedd yn cynnwys – ymhlith pethau eraill – cais i'r mater gael ei drin drwy'r weithdrefn gywiro fel y darperir ar ei chyfer ym mharagraff 5.1(e) o'r Weithdrefn.
13. Ni fanteisiodd yr Aelod ar y cyfle i wneud sylwadau llafar i'r Pwyllgor.

Penderfyniad y Pwyllgor.

14. Mae'r Comisiynydd yn nodi yn ei adroddiad bod y trydariad hwn yn ddiangen ('*unwanted*') ac yn datgan fel a ganlyn:

"...Members are rightly required to show leadership and to be exemplars of good behaviour. Abusive use of social media of the kind employed by Dr David reflects badly on him but also tends to bring the Senedd into disrepute. Dr David conduct fell very far below the required standards."

15. Nododd y Pwyllgor sylwadau'r Comisiynydd ynghylch pam yr oedd o'r farn na ellid ymdrin â hyn o dan y weithdrefn gywiro. Cytunodd y Pwyllgor â barn y Comisiynydd sef – er gwaetha'r ffaith i Hefin David AS ymddiheuro (gyda'r unigolyn o dan sylw'n derbyn ei ymddiheuriad) a dileu'r trydariad yn gyflym ar ôl ei drydar – nad oedd y camymddwyn yn fethiant o natur fechan ac felly ni ellid ymdrin ag ef o dan y weithdrefn gywiro.
16. Nododd y Pwyllgor nad oedd y Comisiynydd wedi dwyn i ystyriaeth adroddiad y pwyllgor safonau ymddygiad blaenorol mewn perthynas ag ymddygiad yr Aelod hwn ar y cyfryngau cymdeithasol.
17. Nododd y Pwyllgor yn ofalus y sylwadau a wnaed gan Hefin David AS, yn enwedig yr hyn wnaeth amlygu'r trallod pellach y gallai cyhoeddi'r trydariad ei beri i'r unigolyn o dan sylw. Gan gymryd hyn i ystyriaeth – ynghyd â phryderon y Pwyllgor ei hun, fel y nodir ym mharagraff 3 uchod – mae'r Pwyllgor wedi golygu geiriad penodol y trydariad ac unrhyw gynnwys a allai olygu bod yr unigolyn o dan sylw'n cael ei adnabod. At hynny, mae'r Pwyllgor wedi penderfynu peidio â chynnwys rhagor o fanylion am y sylwadau gan Hefin David AS, gan fod y Pwyllgor o'r

⁴ Rheol Sefydlog 22.2(i)

farn bod y wybodaeth o natur gyfrinachol bersonol a allai beri trallod pe bai'n cael ei chyhoeddi, ac felly nad yw'n briodol fel arall i'w chyhoeddi o dan y Weithdrefn.

18. Nododd y Pwyllgor ganfyddiad y Comisiynydd nad oedd Hefin David AS yn gwrthwynebu'r canfyddiad o dorri'r Cod Ymddygiad.

19. Nododd y Pwyllgor y camau a gymerwyd gan Hefin David AS i unioni'r sefyllfa ar y pryd, a oedd yn cynnwys ymddiheuro'n gyhoeddus ar Twitter a dileu'r trydariad. At hynny, nododd y Pwyllgor y camau a gymerwyd gan Hefin David AS i reoli camddefnydd o'r cyfryngau cymdeithasol.

20. Ar ôl ystyried canfyddiadau a chasgliadau'r Comisiynydd – a'r dystiolaeth ategol a ddarparwyd – cytunodd y Pwyllgor gyda chanfyddiad y Comisiynydd o'r achosion o dorri'r Cod Ymddygiad.

Mae'r Pwyllgor yn canfod bod Hefin David AS wedi torri Rheolau un, tri, pedwar a chwech o'r Cod Ymddygiad, a'r polisi urddas a pharch.

Argymhelliad y Pwyllgor

21. Mae achos o dorri'r Cod Ymddygiad gan unrhyw Aelod o'r Senedd yn fater difrifol ym marn y Pwyllgor. Mae enw da Senedd Cymru, a ffydd a hyder y cyhoedd yn y sefydliad, yn dibynnu ar allu'r Aelodau i ddangos uniondeb ac arweiniad drwy eu gweithredoedd.

22. Mae'r cyfryngau cymdeithasol wedi dod yn fwyfwy cyffredin ymhlith cynrychiolwyr etholedig ac yn ddull pwysig o gyfathrebu a dadlau. Fodd bynnag, pan fydd rhywun yn ystyried natur y rhyngweithio ar y cyfryngau cymdeithasol a'r posibilrwydd o gamddefnydd, mae nifer o heriau hefyd wedi deillio ohonynt o ran sicrhau bod Aelodau o'r Senedd yn cynnal yr arweinyddiaeth a ddisgwylir ganddynt.

23. Wrth ddod i'w benderfyniad, fe wnaeth y Pwyllgor ddwyn i ystyriaeth y ffaith y canfuwyd yn flaenorol bod yr Aelod wedi torri'r Cod Ymddygiad am ei ymddygiad ar y cyfryngau cymdeithasol, a bod y Comisiynydd wedi anfon llythyr at yr Aelod yn gynharach eleni ar y mater. At hynny, fe wnaeth y Pwyllgor ddwyn i ystyriaeth fod yr Aelod dan sylw wedi ymddiheuro a chael gwared ar y trydariad oedd yn torri'r Cod Ymddygiad.

24. O ystyried y ffactorau hyn ar y cyd, mae'r Pwyllgor yn ystyried bod gweithredoedd yr Aelod yn haeddu cerydd.

Argymhelliad 1. Mae'r Pwyllgor yn argymhell i'r Senedd – yn unol â pharagraff 8.22(a) o'r Weithdrefn – bod toriad wedi'i ganfod a bod yr Aelod yn cael ei geryddu o dan Reol Sefydlog 22.10(i).

4. Gwersi a ddysgwyd o'r gŵyn hon

25. Hon oedd y gŵyn gyntaf yr ymdriniwyd â hi o dan y Weithdrefn newydd. Bydd y Pwyllgor yn ystyried a oes angen unrhyw newidiadau i'r weithdrefn fel rhan o'r ymrwymiad i gadw materion o dan adolygiad.

26. Hoffai'r Pwyllgor dynnu sylw'r Aelodau at bwysigrwydd trin rhyngweithiadau ar gyfryngau cymdeithasol yn unol â'r un egwyddorion a fyddai'n cael eu cymhwyso i ryngweithio wyneb yn wyneb, ac atgoffa'r Aelodau bod cymorth ar gael i Aelodau wrth ymdrin â'r cyfryngau cymdeithasol a'u defnyddio'n gywir.

Atodiad A: Adroddiad gan y Comisiynydd Safonau
(Saesneg yn unig)

**REPORT
BY
THE SENEDD COMMISSIONER FOR
STANDARDS
OF THE INVESTIGATION OF A COMPLAINT
AGAINST
DR HEFIN DAVID MS**

Introduction

1. This is the report of my investigation of a complaint made by [REDACTED] on 26 August 2022 about a tweet made by Dr Hefin David on 6 March 2022 in the course of an exchange with another person (“the subject”).¹ The tweet was [REDACTED]²

2. Hyperlinks to the documents on which I have relied in coming to my opinion and to the relevant provisions of the [Code of Conduct](#) and the [Dignity and Respect Policy](#) are provided where appropriate.

3. This is the first report governed by [the Procedure for Dealing with Complaints against members of the Senedd](#) that was laid before the Senedd on 6 July 2022. In compiling it I have complied with that Procedure.

Relevant provisions

4. The provisions most relevant to the consideration of this complaint are as follows:

- a. Rule 1 of the Code (in particular the Integrity, Respect and Leadership Principles)
- b. Rules 3 of the Code (bringing the Senedd into disrepute)
- c. Rules 4 of the Code (in particular not engaging in unwanted behaviour)
- d. Rule 6 of the Code (not subjecting anyone to excessive or abusive personal attack)
- e. The Dignity and Respect Policy (in particular inappropriate behaviour that adversely affects the dignity of another).

The investigation

5. On 1 September 2022 I informed Dr David of the complaint, told him that I was conducting a preliminary investigation into its admissibility and afforded him an opportunity to submit relevant representations.³

6. In three responses that day Dr David informed me that he accepted responsibility for the tweet and acknowledged that it was inappropriate.⁴ He also told me that he had deleted the tweet and that the subject (who had no connection with the complainant) had accepted his public apology for his conduct.⁵ Dr David also said [REDACTED] *I am wondering if this complaint about me is being made now, six months after the event, because last*

¹ [Email \[REDACTED\] – Commissioner 26 August 2022 – complaint](#)

² [Screenshot twitter exchange David & subject 6 March 2022 – attachment to complaint](#)

³ [Letter Commissioner – David 1 September 2022 – conducting preliminary investigation](#)

⁴ [Email David – Commissioner 1 September 2022 – accepting responsibility for inappropriate tweet](#)

⁵ [Email David – Commissioner 1 September 2022 – tweet deleted and apology accepted](#)

week I raised concerns [REDACTED], which was subsequently investigated by the police.”⁶

7. On 5 September I informed Dr David of my decision that the complaint was admissible and asked him to tell me whether he admitted or denied breaching the provisions at paragraph 4 above.⁷ I also asked him why he had not on 6 March 2022 adopted the new strategy for dealing with abusive tweets that he referred to in the statement dated 18 June 2019 that he submitted to my predecessor who was then investigating a complaint against him in relation to misuse of social media.⁸ I also asked Dr David what action, if any, he took following receipt of my letter of 11 January 2022 urging him “to take great care in your use of social media.”⁹

8. In his reply also on 5 September Dr David admitted that the tweet was “in breach of the code (sic) as stated.” With regard to a strategy for dealing with abusive tweets, he told me that he had “muted a total of 537 accounts”, and that my letter of January 2022 had “made me aware of avoiding responding to correspondents who deliberately wish to create a dispute.”¹⁰

9. In response to other enquiries [REDACTED] told me on 13 September that [REDACTED] “was only made aware of the Tweet via a conversation in late August I was a having with friends about standards in public life and specifically on social media.”¹¹

10. On 20 September I sent both parties my Findings of Fact and afforded them an opportunity to submit written corrections or representations regarding any of them.¹² Having carefully considered representations from [REDACTED], I decided that no changes to the Findings were appropriate. Dr David told me that he did not wish to make any representations.¹³ In accordance with paragraph 7.3 of the Procedure he is now deemed to have accepted their accuracy.

Findings of fact

11. I found the following facts admitted or proved:

⁶ [Email David – Commissioner 1 September 2022 – possible reason for complaint](#)

⁷ [Letter Commissioner – David 5 September 2022 – complaint admissible & seeking information](#)

⁸ [Report 03-19 to the Assembly under Standing Order 22.9 September 2019 – Hefin David AM Annex A Appendix 7](#)

⁹ [Letter Commissioner – David 11 January 2022 – use of social media](#)

¹⁰ [Email David – Commissioner 5 September 2022 – admitting tweet breached provisions and providing information](#)

¹¹ [Email \[REDACTED\] – Commissioner 13 September 2022 – aware of tweet only shortly before complaint submitted](#)

¹² [Email \[REDACTED\] – Commissioner 20 September 2022 – representations re findings of fact](#)

¹³ [Email David – Commissioner 20 September 2022 – no representations re findings of fact](#)

- i. On the evening of 6 March 2022, in the course of a twitter conversation with, the subject Dr David posted [REDACTED]
[REDACTED]
- ii. Early the next day Dr David tweeted his apology for the tweet to the subject and deleted it.
- iii. The subject accepted the apology [REDACTED]
[REDACTED]
[REDACTED]
- iv. On or about 23 August 2022 Dr David raised concerns about the conduct of a [REDACTED]
[REDACTED]
[REDACTED]
- v. On 26 August 2022, nearly six months after months after it had been posted, [REDACTED] submitted [REDACTED] complaint. [REDACTED] had not been party to the conversation between subject and Dr David nor had [REDACTED] been referred to in it.
- vi. On 5 September 2022 Dr David admitted that his conduct breached Rules 1, 3, 4 and 6 of the Code of Conduct and the Dignity and Respect Policy. He apologised for these breaches.

Reasoned opinion

12. I am satisfied that by his tweet in March 2022 Dr David breached Rules 1, 3, 4 and 6 of the Code and also the Dignity and Respect Policy. Even if he had not made that admission, I would on the other evidence, have had no hesitation in finding the breaches established.

13. The tweet was a vulgar and grossly offensive personal attack on the subject and [REDACTED] parents which affected their dignity. It was unwanted. Members are rightly required to show leadership and to be exemplars of good behaviour. Abusive use of social media of the kind employed by Dr David reflects badly on him but also tends to bring the Senedd into disrepute. Dr David conduct fell very far below the required standards.

14. In view of his acceptance of the facts, the apology for the tweet tendered to and accepted by the subject and his subsequent apology for breaching the various provisions I considered whether this complaint could appropriately be dealt with under the rectification procedure set out in paragraph 7.6 of the Procedure. Paragraph 7.6 requires also that the "*the failure is of a minor nature*". Although the subject readily accepted the apology, I do not consider that the misconduct itself can properly be regarded as a failure of a minor nature. It follows that the complaint cannot be dealt with by way of the rectification procedure.

15. In coming to my opinion that Dr David breached the provisions I have taken no account of Dr David's previous misuse of social media. Whilst section 10(4) of the 2009 Measure prohibits me from making any recommendation as to what sanction, if any, should be imposed, I would respectfully draw the attention of the Committee to the following matters to which it may wish to have regard:

- i. Dr David promptly apologised publicly to the subject and deleted the tweet.
- ii. Dr David apologised to me for his breach of the various provisions.
- iii. Dr David co-operated fully throughout my consideration of this complaint.
- iv. Dr David says he has taken steps to prevent any further misuse of social media.
- v. On 2 October 2019 the Assembly, following a finding by the Committee that a tweet by Dr David had breached the Code, accepted the recommendation that no further action should be taken.
- vi. In January 2022, following inadmissible complaints about two alleged misuses of social media, I urged Dr David to take care in his use of that medium.

Redaction

16. In accordance with paragraph 7.5(b) of the Procedure I have redacted the complainant's email and twitter addresses and personal details of the subject of the complaint and of third parties wherever they appear in this report and the supporting documents.

Douglas Bain CBE TD

Senedd Commissioner for Standards

28 September 2022

From: [REDACTED]

Sent: 26 August 2022 19:13

To: Standards Commissioner <Standards.Commissioner@senedd.wales>

Subject: Hefin David Breach of Code of Conduct

To whom it may concern,

It has been brought to my attention that the Senedd Member for my constituency may have breached the Code of Conduct to which he is signed up to. Please see below a screen grab of a tweet sent from the account of Hefin David MS in March of this year.

In particular, the final comment made by Mr David.

I believe this unwarranted and childish outburst is in breach of at least two of the rules within the Senedd Code of Conduct: Rule 3 which states that ***'Members must not act or behave in a manner that brings the Senedd or its Members generally, into disrepute'*** and Rule 4 ***'Members must not engage in unwanted behaviour, harassment, bullying, or discrimination.'***

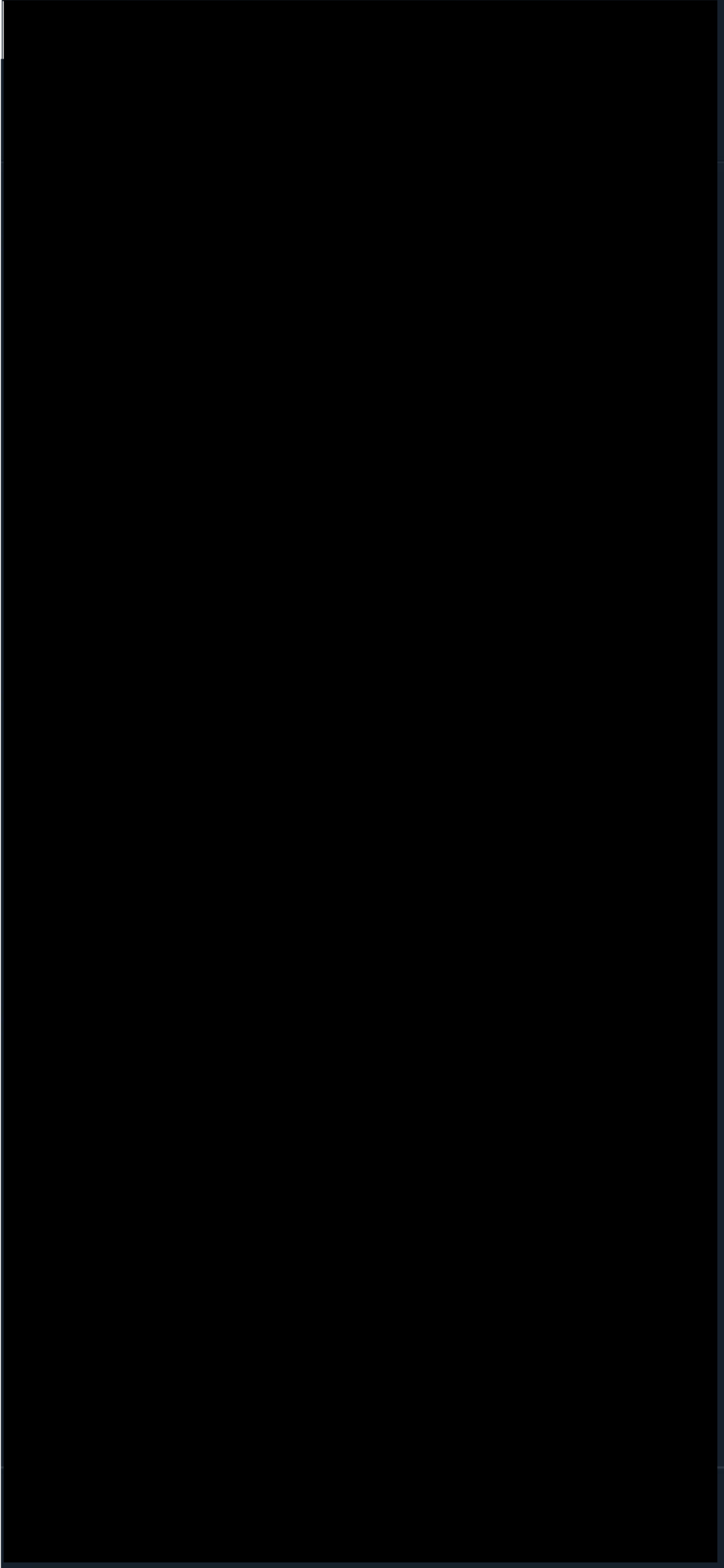
I shall leave it to your better judgment and expertise to see if the comments made on social media were in breach of any other parts of the Code of Conduct.

I also suggest that the Senedd Member in question had no regard for the Dignity and Respect policy he is signed up to when he made these comments which are not just unwarranted but also unbecoming of anyone in elected office.

Our elected representatives should hold themselves to a higher standard than this and be better. I trust you will investigate this complaint thoroughly and I look forward to your findings.

Yours sincerely,

[REDACTED]



By Email

Hefin David MS

Hefin.David@senedd.wales

1 September 2022

Dear Mr David

Complaint by [REDACTED]

I attach a copy of a complaint against you by [REDACTED]

I have decided to conduct a preliminary investigation to inform my decision on the admissibility of his complaint. If you wish to make any representations to me on admissibility, please let me have them in writing by 14 September.

I am required to inform you that personal data will be processed in accordance with the [Commissioner's Privacy Notice](#).

Yours sincerely,



Douglas Bain CBE TD

Y Comisiynydd Safonau/Standards Commissioner

Y Pierhead
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CF99 1NA
Ffôn: 0300 200 6542
E-bost: Comisiynydd.Safonau@senedd.cymru

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg

Pierhead
Cardiff Bay
Cardiff
CF99 1NA
Tel: 0300 200 6542
E-mail: Standards.Commissioner@senedd.wales

We welcome correspondence in both English and Welsh

From: David, Hefin (Aelod o'r Senedd | Member of the Senedd) <Hefin.David@senedd.wales>

Sent: 01 September 2022 11:56

To: Standards Commissioner <Standards.Commissioner@senedd.wales>

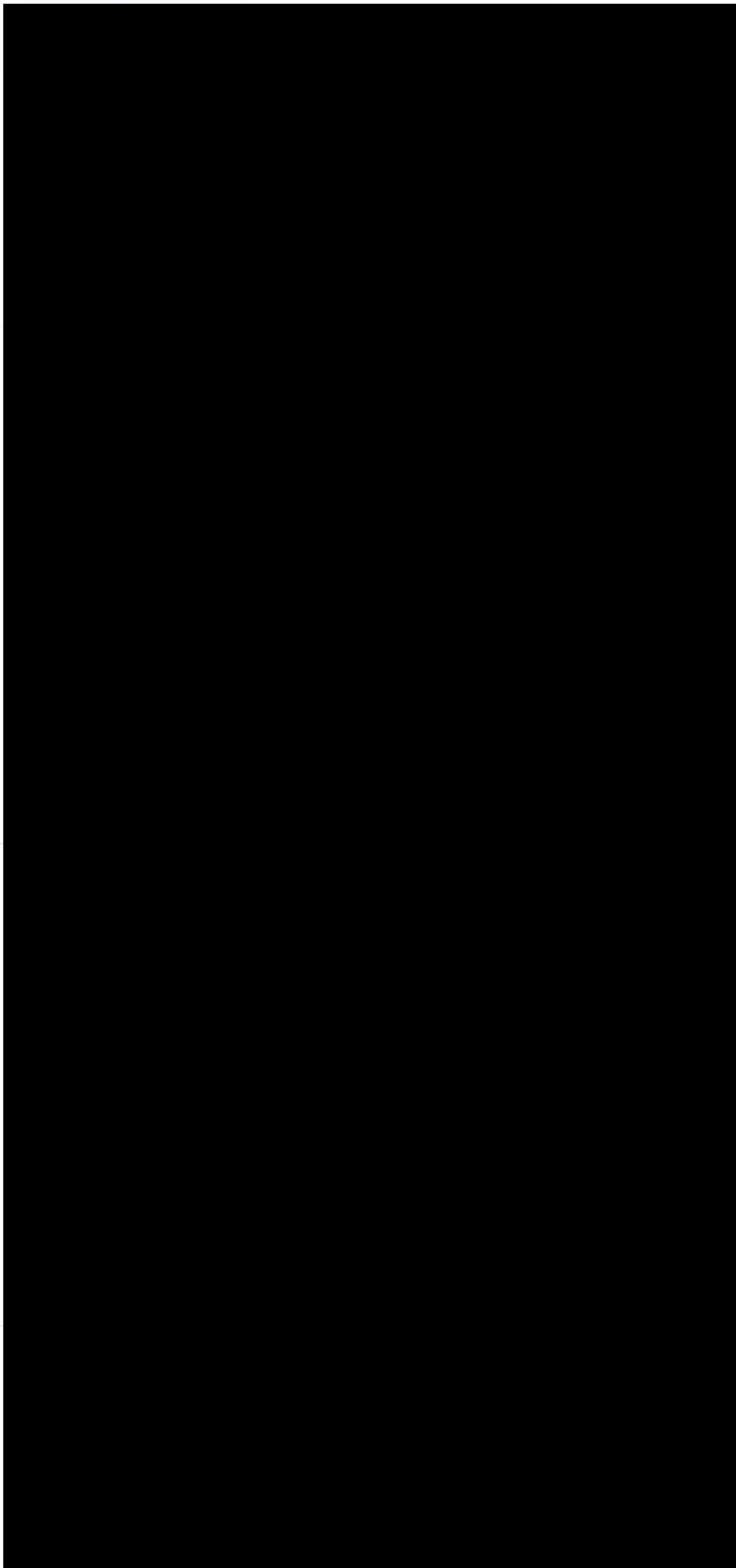
Subject: Re: Letter from Commissioner for Standards - Standards Confidential

Sensitivity: Confidential

Dear [REDACTED],

After I tweeted this response, I acknowledged it was inappropriate, apologised to [REDACTED] via a public tweet and deleted the tweet. [REDACTED] acknowledged and accepted my apology. I enclose screenshots of the same.

Hefin



From: David, Hefin (Aelod o'r Senedd | Member of the Senedd) <Hefin.David@senedd.wales>

Sent: 01 September 2022 12:11

To: Standards Commissioner <Standards.Commissioner@senedd.wales>

Subject: Re: Letter from Commissioner for Standards - Standards Confidential

Sensitivity: Confidential

██████████

I should add that this apology was made in March 2022.

Hefin

Hefin David MS
Member of the Senedd for Caerphilly
Aelod o'r Senedd dros Caerffili

From: David, Hefin (Aelod o'r Senedd | Member of the Senedd) <Hefin.David@senedd.wales>

Sent: 01 September 2022 16:51

To: Standards Commissioner <Standards.Commissioner@senedd.wales>

Subject: Re: Letter from Commissioner for Standards - Standards Confidential

Sensitivity: Confidential

Dear [REDACTED]

I should add that [REDACTED] I am wondering if this complaint about me is being made now, six months after the event, because last week I raised concerns about a [REDACTED] which was subsequently investigated by the police.

Hefin

Hefin David MS

Member of the Senedd for Caerphilly

Aelod o'r Senedd dros Caerffili

By Email

Hefin David MS

Hefin.David@senedd.wales

5 September 2022

Dear Dr David,

Having considered your three emails of 1 September sent in response to mine of 1 September I have to advise you that I have decided that the complaint is admissible and that I have started my formal investigation of it.

As you know [REDACTED] alleges breaches of Rules 3 and 4 of the Code of Conduct and a breach of the Dignity and Respect Policy. I shall, in addition, consider whether your conduct, if established, would constitute a breach of Rules 1 and 6 of the Code.

By virtue of paragraph 6.2 of the Procedure I am "not required to investigate any part of the complaint which has been accepted by the Member complained of." I would be grateful if you would tell me whether you admit or deny that on 6 March 2022, in response to a tweet by [REDACTED] you posted [REDACTED]

It may avoid the need for a formal interview if you tell me whether you admit or deny that tweet was in breach of –

- a. Rule 1 of the Code (in particular the Integrity, Respect and Leadership Principles)
- b. Rules 3 of the Code (bringing the Senedd into disrepute)
- c. Rules 4 of the Code (in particular not engaging in unwanted behaviour)
- d. Rule 6 of the Code (not subjecting anyone to excessive or abusive personal attack)
- e. The Dignity and Respect Policy (in particular inappropriate behaviour that adversely affects the dignity of another).

Y Pierhead
Bae Caerdydd
Caerdydd
CF99 1NA
Ffôn: 0300 200 6542
E-bost: Comisiynydd.Safonau@senedd.cymru

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg

Pierhead
Cardiff Bay
Cardiff
CF99 1NA
Tel: 0300 200 6542
E-mail: Standards.Commissioner@senedd.wales

We welcome correspondence in both English and Welsh

If you do admit any of the above, please make clear whether or not you now apologise for the breach and state what you have done to prevent a repetition. I acknowledge that [REDACTED] has accepted the apology for the tweet tendered to [REDACTED] in March 2022 and that you have deleted the tweet.

If you deny any of the above, please explain why.

It would also be helpful if you could explain –

- a. why you did not on 6 March 2022 adopt the new strategy for dealing with abusive tweets that you referred to in the statement dated 18 June 2019 that you submitted to my predecessor in connection with the complaints he was investigating about your reference to a person as 'an utter knob' and 'a lamb's cock';
- b. what action, if any, you took following receipt of my letter of 11 January 2022 urging "you to take great care in your use of social media."

Please also provide any further material or information which you believe relevant to my consideration of the present complaint against you.

It would be helpful to have your written response by 19 September.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Douglas Bain', with a long horizontal flourish extending to the right.

Douglas Bain CBE TD

Y Comisiynydd Safonau/Standards Commissioner

[Report 03-19 to the Assembly under Standing Order 22.9](#)

Hefin David MS
Senedd Cymru
Cardiff
CF99 1SA

By Email Hefin.david@senedd.wales

Date 11 January 2022

Dear Hefin David MS,

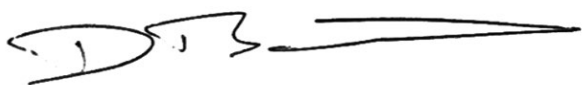
Your use of social media

On 5 January I received two complaints about the manner in which you had responded to comments made about you on social media. I have held one of these to be inadmissible and will make the same decision on the other one unless the complainant is able to provide me with further information. If further information is provided I will contact you again.

Although the complaints appeared unconnected I am not a believer in coincidence. My purpose in writing to you is to warn you that a person or group may be orchestrating complaints against you.

To reduce the risk of further complaints I would urge you to take great care in your use of social media.

Yours sincerely,



Douglas Bain CBE TD

Y Comisiynydd Safonau/Standards Commissioner

Y Pierhead
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We welcome correspondence in both English and Welsh

From: David, Hefin (Aelod o'r Senedd | Member of the Senedd) <Hefin.David@senedd.wales>

Sent: 05 September 2022 11:11

To: Standards Commissioner <Standards.Commissioner@senedd.wales>

Subject: Re: Letter from Commissioner for Standards - Standards Confidential

Sensitivity: Confidential

Dear [REDACTED]

Please see my response below;

I admit I posted the tweet and would accept that it is in breach of the code as stated. It is for this reason that I apologised and deleted the tweet after posting it. That apology also extends without reservation to breaching the code.

With regard to a strategy for dealing with abusive tweets, I have muted a total of 537 accounts, although abusive tweets are occasionally brought to my attention inadvertently.

I was grateful for the warning in January 2022 about taking care of the use of social media which, other than in this case (which I sought to immediately rectify), has made me aware of avoiding responding to correspondents who deliberately wish to create a dispute. I can provide examples of these, should you wish to see them.

Hefin

Hefin David MS

Member of the Senedd for Caerphilly

Aelod o'r Senedd dros Caerffili

From: [REDACTED]
Sent: 22 September 2022 10:35
To: Standards Commissioner <Standards.Commissioner@senedd.wales>
Subject: Re: Letter from Commissioner for Standards - Standards Confidential

Dear [REDACTED]

Thank you for your reply and letting me know the deadline for responses. Would it be possible to send me information on this process as this is the first time I have used it. For example it would be useful to know what happens to the findings of the Commissioner at the end of the process.

Regarding the Statement you provided I question the inclusion of the item regarding [REDACTED] referred? What is its purpose? This issue I believe is being considered by another body and the details of which are unrelated to this one. Is the suggestion that Dr.Davids comments are not so serious because there has been another unrelated incident?

There is secondly reference to the time gap between the comments being made by Dr David and my making a complaint. As I said previously I only became aware of the comments in August.

Finally can I assume that my previous answers to questions you raised will be used in the consideration of this case?

Regards

[REDACTED]

From: David, Hefin (Aelod o'r Senedd | Member of the Senedd) <Hefin.David@senedd.wales>

Sent: 20 September 2022 10:59

To: Standards Commissioner <Standards.Commissioner@senedd.wales>

Subject: Re: Letter from Commissioner for Standards - Standards Confidential

Sensitivity: Confidential

Dear [REDACTED]

Thank you for this. I've nothing further to add regarding these findings.

Hefin

Hefin David MS
Member of the Senedd for Caerphilly
Aelod o'r Senedd dros Caerffili

From: [REDACTED]
Sent: 13 September 2022 15:42
To: Standards Commissioner <Standards.Commissioner@senedd.wales>
Subject: Re: Letter from Commissioner for Standards - Standards Confidential

Dear [REDACTED]

Thank you for your message. Apologies for not having replied more promptly, but I have only just returned this morning from holiday. I have read the attached letter from Mr Douglas Bain and I am assuming that replying via email through you is sufficient.

In regards to the first question I was only made aware of the Tweet via a conversation in late August I was having with friends about standards in public life and specifically on social media. For someone in such a prominent position in the public life, I thought it was a particularly sad example of what happens when a person fails to think before they act. Indeed I would expect a person in such a position to instinctively avoid such comments rather than instinctively, it seems, make such comments.

Regarding the second question, I was not aware that an apology had been offered and accepted and the tweet deleted. The fact, though, that I was passed the tweet, illustrates the dangers of social media, as it is clearly still in the public domain. In addition, I do not think that the apology reduces the seriousness of the tweet and therefore the breach of standards expected of an elected member of the Senedd. It would be a worrying precedent if a member of the Senedd believed that an apology was simply an acceptable convenient tool to remove future foolish behaviour, a licence to make personal and deeply insulting attacks on an individual, who I assume, in this case, to be a member of the public.

I do hope these responses answer your questions,

Regards

[REDACTED]