

Wales Council for Voluntary Action

Supporting charities, volunteers and communities

11. Campaigning and influencing

11.3 National Assembly for Wales and the Welsh Assembly Government



Overview

The National Assembly for Wales (NAfW) is the *legislative* body for Wales. Its role is to scrutinise and monitor the work of the Welsh Assembly Government (WAG).

The Welsh Assembly Government is the *executive* body for Wales. It is made up of the First Minister, other Welsh Ministers, Deputy Ministers and the Counsel General.

The distinction between the two bodies is the same as the distinction between the UK Parliament and the UK Government. Being clear about the difference between the two can be very beneficial for third sector organisations in order to ensure that you are talking to the right people about the right things and using all available opportunities to influence decision makers and have your say. This information sheet will explain more about each of the institutions, how they work and opportunities for the third sector to influence each of them.

What's the history behind all of this?

The National Assembly for Wales was established by the Government of Wales Act 1998 (GoWA 1998), it was established as a single body incorporating both executive and

legislative functions. Although the Welsh Assembly Government existed it was a part of the NAfW and the NAfW collectively decided its priorities; made, scrutinised and approved the legislation defined in Welsh provisions of Act of Parliament; and spent the Assembly budget.

The Government of Wales Act 2006 changed all of this. It formally separated the executive (Welsh Assembly Government) from the legislature (National Assembly for Wales). The changes made the WAG responsible for: making decisions on matters which affect people's daily lives; developing and implementing policy; making subordinate legislation (e.g. regulations and statutory guidance) and proposing new legislation. The NAfW is responsible for holding the WAG to account by monitoring and scrutinising the way it does all of this.

Further information on the history of devolution and the Government of Wales Act 2006 can be found in a separate information sheet.

The Welsh Assembly Government

How it is made up

The Welsh Assembly Government is made up of the First Minister, other Welsh Ministers, Deputy Ministers and the Counsel General. The First Minister is appointed by Her Majesty the Queen on the nomination of the National Assembly for Wales. The Ministers and Counsel General are appointed by the First Minister and approved by the Queen. The number of Ministers and Deputy Ministers cannot exceed 12. The Counsel General is the Chief Legal Adviser to the Welsh Assembly Government, he or she is not a Welsh Minister but is a member of the Welsh Assembly Government. The Counsel General can be an Assembly member but does not have to be, if s/he is an AM they are entitled to take part in National Assembly proceedings but not to vote.

The process means that generally the leader of the party that wins the most number of seats in an Assembly Election becomes the First Minister and that party become the party in Government. However, in the event of no party winning a majority of the seats it may be necessary for a coalition government to be formed as was the case in 2000 and 2007. In this instance the ministerial posts are normally divided between the two ruling parties.

What it does

The Welsh Assembly Government is responsible for: making decisions on matters which affect people's daily lives; developing and implementing policy; making subordinate legislation (e.g. regulations and statutory guidance) and

proposing new legislation. Overall it is responsible for the day to day running of Wales in all of the devolved policy areas, these include the Health Service, education, housing, social services, agriculture, transport and many more. The work of the WAG is led by the Ministers and delivered by civil servants.

Relationship with the third sector and opportunities for influence

The relationship between the Welsh Assembly Government and the third sector is set out in the Government of Wales Act 2006. It states that 'Welsh Ministers must make a scheme (the voluntary sector scheme) setting out how they propose, in the exercise of their functions, to promote the interests of relevant voluntary organisations'. It sets out a statutory relationship between the sector and the WAG and requires the WAG to report on the Voluntary Sector Scheme (also known as the third sector scheme) annually and keep it under review. This means that the sector has a formal mechanism for its engagement with the WAG which includes a third sector partnership council administered by WCVA and regular Ministerial meetings with representatives from the sector. The WAG strategy and action plan for its relationship with the sector which sets out how the scheme itself will work is called '*The Third Dimension*' and runs until 2010/11.

The 'partnership' arrangement between the WAG and the sector means that the sector:

- Has an equal say with the WAG about the arrangements by which the

WAG and the voluntary sector will work together.

- Will contribute at a formative stage in informing the development of policy and programmes across the WAG and has its proposals assessed against the same criteria as the public sector.
- Contributes its views on the procedures for the administration of resources and priorities for the distribution of resources for the voluntary sector.
- Has access to its own information, training, and capacity building services and resources.
- Has opportunities to lead in those areas where it is best placed to do so.

As part of the voluntary sector scheme each WAG Minister is committed to meeting with representatives from the voluntary sector twice a year. These meetings are facilitated by WCVA and the sector representatives come from the various WCVA policy networks. Other important mechanisms for organisations to use when influencing the WAG are providing responses to formal consultation documents and building relationships with individual Ministers, civil servants and special advisers.

The National Assembly for Wales

How it is made up

The National Assembly for Wales (NAfW) is made up of 60 Assembly Members (AMs) and is administered by the Assembly Commission. The Commission is a new body established by the GoWA 2006 and is responsible for ensuring that the NAfW has the resources, staff and services that it requires. More information

on the Assembly Commission can be found in a separate information sheet. The AMs are elected as follows: one AM is elected to represent each of the 40 constituencies in Wales using the first past the post system; a further 20 AMs are elected from regional lists using the Additional Member System which is a form of proportional representation. Assembly elections take place every 4 years and each voter is given two votes. The first vote is for the individual they would like to represent their constituency (this forms the first past the post element in that the person with the most votes wins); the second vote is for a political party and the results of this are used on a regional basis (Wales is divided into 5 regions) to allocate the remaining 20 seats to the candidates that each party has put forward. This system goes some way towards ensuring that the overall number of seats held by each political party reflects the share of the vote that the party receives.

What it does

The role of the National Assembly for Wales (NAfW) is to hold the Government to account and scrutinise legislation. This can involve scrutinising the way in which Welsh Ministers discharge their functions; scrutinising and approving the budget; scrutinising subordinate legislation and making and scrutinising laws. This is done via plenary sessions and via committees. Plenary sessions take place on Tuesday and Wednesday afternoons and are the decision making and law making forum of the NAfW. A committee is a group of Assembly Members (AMs) who meet to scrutinise policy and legislation. Committees are generally party balanced reflecting the number of

AMs making up each party in the Assembly. The three main types of committee are scrutiny committees which are organised into policy areas e.g. Health, Well-being and Local Government; mandatory committees which are named in the standing orders (rules) of the Assembly e.g. Finance Committee; and legislation committees which scrutinise new legislative proposals. More detailed information on the way the Assembly conducts its business including the work of Assembly Committees can be found in a separate information sheet.

Relationship with the third sector and opportunities for influence

Unlike the statutory relationship that exists between the Welsh Assembly Government and the third sector through the Voluntary Sector Scheme there is no formal relationship between the sector and the National Assembly for Wales. However, there are many opportunities for the third sector to influence the NAFW and feed into its work. These include:

The Petitions Process – The Government of Wales Act 2006 created a new petitioning system within the Assembly which provides the opportunity for the Welsh public to ask the Assembly to look at issues of importance to them. Any petition that has 10 or more signatures and falls within the scope of the NAFW's functions must be considered by the Petitions Committee who will then decide how each issue should be taken forward. (See our separate information sheet on this topic for further information about the Petitions Process.)

Committee Inquiries – Assembly committees regularly undertake inquiries into specific issues covered by their broad portfolios. These inquiries tend to involve a public consultation process / call for evidence and interested organisations can be invited to give evidence to committees in person. Contributing to committee inquiries is a good way to present your views to a cross party group of AMs who are keen to scrutinise the Government's work and hear from a wide range of stakeholders. Each inquiry will result in a report and recommendations to the Welsh Assembly Government.

Lobbying individual Assembly Members

– all AMs represent constituencies and have an interest in ensuring that the views of their constituents are heard. Many AMs also have specific area of interest and can be useful allies for supporting organisation's campaigns. It is always worth making sure that all AMs are given information about any campaigns that you are running or issues that you wish to raise. This can be done by sending briefings (the more succinct the better); arranging a face to face meeting or asking an AM to sponsor or speak at an event that you are holding.

Suggesting ideas for legislation – The Government of Wales Act 2006 gave the National Assembly new powers to make Wales-specific legislation for the first time. This means that there is an opportunity for the third sector to highlight gaps or flaws in current legislation and suggest new laws that could be made in Wales.

This is not a simple process and there are a number of issues to consider as the Assembly is not allowed to make laws in all policy areas but this is a new and unique opportunity for the third sector nonetheless. Ideas for new legislation can be proposed by the Welsh Assembly Government, NAFW Committees, the Assembly Commission and individual AMs if they are selected in a ballot. (See separate information sheets on Legislative Competence Orders; Assembly Measures and Influencing the National Assembly for more detail on this topic.)

Further information

Voices for Change Cymru is a WCVA project supported by the Big Lottery Fund. There are now more opportunities than ever to make your voice heard and this project provides services to help third sector organisations influence policy and legislation at local and national levels.

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www.voicesforchangecymru.org.uk

Welsh Assembly Government

www.wales.gov.uk

National Assembly for Wales

www.assemblywales.org

Disclaimer

The information provided in this sheet is intended for guidance only. It is not a substitute for professional advice and we cannot accept any responsibility for loss occasioned as a result of any person acting or refraining from acting upon it.

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Produced by WCVA, County Voluntary Councils and Volunteer Centres.

Last Updated: 30/03/2009