

Adroddiad 05-21 gan y Pwyllgor Safonau Ymddygiad i'r Senedd o dan Reol Sefydlog 22.9

Mawrth 2021



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Y Pwyllgor Safonau Ymddygiad

Senedd Cymru

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Adroddiad 05-21 gan y Pwyllgor Safonau Ymddygiad i'r Senedd o dan Reol Sefydlog 22.9

Mawrth 2021



Am y Pwyllgor

Sefydlwyd y Pwyllgor ar 28 Mehefin 2016. Ceir ei gylch gwaith yn:
www.senedd.cymru/SeneddSafonau

Cadeirydd y Pwyllgor:



Jayne Bryant AS
Llafur Cymru

Aelodau cyfredol y Pwyllgor:



Rhun ap Iorwerth AS
Plaid Cymru



Andrew RT Davies AS
Ceidwadwyr Cymreig



David J Rowlands AS
Grŵp y Gynghair Annibynnol
dros Ddiwygio

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Argymhellion

Argymhelliad 1. Mae'r Pwyllgor yn argymhell i'r Senedd, yn unol â pharagraff 7.12(iv) o'r Weithdrefn ar gyfer Ymdrin â Chwynion yn erbyn Aelodau o'r Senedd, fod achos o dorri'r Cod wedi'i ganfod ac y dylid ceryddu'r Aelod o dan Reol Sefydlog 22.10 (i).Tudalen 9

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. Lluniwyd yr adroddiad hwn ar gyfer y Senedd yn unol â Rheol Sefydlog 22.9 a pharagraff 8.1 o'r Weithdrefn ar gyfer Ymddrin â Chwynion yn erbyn Aelodau o'r Senedd³ (y Weithdrefn) ac mae'n ymwneud â chwyn yn erbyn Helen Mary Jones AS.

3. Mae adroddiad y Comisiynydd Safonau Dros Dro (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.

4. Mae'r adroddiad hwn yn nodi manylion am y gŵyn a'r hyn a ystyriodd y Pwyllgor wrth lunio ei argymhelliad.

¹ Y Rheolau Sefydlog

² Rheol Sefydlog 22.2(i)

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

2. Ystyried y gŵyn

5. Ail-drydarodd Helen Mary Jones AS neges ynghylch treial llofruddiaeth a oedd yn mynd rhagddo, a chanfuwyd ei bod wedi cyflawni dirmyg llys am wneud hynny am wneud hynny, a chafodd ei cheryddu gan farnwr y treial yn Llys y Goron Abertawe.

6. Roedd y Comisiynydd Dros Dro o'r farn bod yr ymddygiad hwn yn achos amlwg o ddirmyg llys, ac wrth sôn am yr ymddygiad nododd:

“... was not conduct that tended to maintain and strengthen the public's trust and confidence in the integrity of the Senedd.”

7. Roedd y gŵyn yn ymwneud â pharagraff 4b a 4g o'r Cod Ymddygiad, sy'n nodi:

Paragraff 4 (b) Uniondeb: Ni ddylai deiliaid swyddi cyhoeddus eu rhoi eu hunain o dan unrhyw rwymedigaeth ariannol neu rwymedigaeth arall tuag at unigolion neu gyrff allanol a allai geisio dylanwadu arnynt wrth iddynt gyflawni eu dyletswyddau swyddogol.

Dylai Aelodau'r Senedd bob amser ymddwyn mewn ffordd a fydd yn cynnal a chryfhau ffydd a hyder y cyhoedd yn unplygrwydd y Senedd ac osgoi unrhyw ymddygiad a fydd yn dwyn gwarth ar y Senedd neu ar ei Aelodau'n gyffredinol. Ni ddylai'r Aelodau ofyn i staff Comisiwn y Senedd na staff Llywodraeth Cymru weithredu mewn unrhyw ffordd a allai gyfaddawdu amhleidioldeb gwleidyddol y Gwasanaeth Sifil a/neu staff Comisiwn y Senedd neu wrthdaro â Chod y Gwasanaeth Sifil a/neu God Ymddygiad Staff Comisiwn y Senedd.

Paragraff 4 (g) (g) Arweiniad: Dylai deiliaid swyddi cyhoeddus hyrwyddo a chefnogi'r egwyddorion hyn drwy roi arweiniad a dangos esiampl.

8. Cyfarfu'r Pwyllgor ddydd Mawrth, 2 a 9 Mawrth 2021, i drafod a dod i'w gasgliad mewn perthynas â'r gŵyn hon.

3. Y broses o drafod Penderfyniad y Pwyllgor

9. Bu'r Pwyllgor yn trafod a dorrodd yr Aelod Reol Sefydlog 22.2(i).⁴
10. Wrth ystyried a fu achos o dorri'r Cod, adolygodd y Pwyllgor y ffeithiau a ganfuwyd gan y Comisiynydd ac a nodwyd yn ei adroddiad, barn y Comisiynydd bod y Cod wedi'i dorri, sylwadau gan Helen Mary Jones AS i'r Comisiynydd.
11. Ni fanteisiodd Helen Mary Jones AS ar y cyfle i roi tystiolaeth lafar i'r Pwyllgor.

Ar ôl adolygu adroddiad y Comisiynydd Safonau Dros Dro, mae'r Pwyllgor o'r farn bod Helen Mary Jones AS wedi mynd yn groes i baragraff 4 (b) a (g) o'r Cod Ymddygiad.

Argymhelliad y Pwyllgor - Sancsiynau posibl.

12. Mae achos o dorri'r Cod 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.
13. Wrth lunio ei argymhelliad, nododd y Pwyllgor bod Helen Mary Jones AS yn cydnabod yn llawn bod ei gweithredoedd yn mynd yn groes i'r Cod Ymddygiad, a'i bod wedi cydweithredu ag ymchwiliad y Comisiynydd.
14. Nododd y Pwyllgor hefyd fod Helen Mary Jones wedi atgyfeirio ei hun mewn da bryd i'r Comisiynydd ar y mater hwn, a'i bod wedi ymddiheuro'n llawn i'r llys ac i'r Comisiynydd am ei gweithredoedd. Nododd y Comisiynydd:

“It is to her credit that her conduct was reckless rather than deliberate and that she immediately accepted her error and apologised for it both to the court and in her letter to me.”

15. Mae cyflawni dirmyg llys yn fater difrifol, ac yn un y cred y Pwyllgor sy'n golygu bod angen i'r Aelod gael ei cheryddu. Wrth ddod i'r penderfyniad hwn, nododd y Pwyllgor yr ymdriniwyd ag ymddygiad Helen Mary Jones AS eisoes yn y llys.

⁴ Rheol Sefydlog 22.2(i)

16. Mae'r Pwyllgor yn croesawu'r ymddiheuriadau a wnaed hyd yn hyn gan Helen Mary Jones AS, a byddai'n awgrymu y dylai'r Aelod ystyried ymddiheuro i'r Senedd am ei hymddygiad hefyd.

Argymhelliad 1. Mae'r Pwyllgor yn argymhell i'r Senedd, yn unol â pharagraff 7.12(iv) o'r Weithdrefn ar gyfer Ymdrin â Chwynion yn erbyn Aelodau o'r Senedd, fod achos o dorri'r Cod wedi'i ganfod ac y dylid ceryddu'r Aelod o dan Reol Sefydlog 22.10 (i).

17. Darparwyd copi o'r adroddiad hwn i'r Aelod dan sylw, a chafodd wybod hefyd am yr hawl i apelio o dan adran 8 o'r Weithdrefn – ni fanteisiwyd ar yr hawl hwnnw.⁵

18. Mae Cadeirydd y Pwyllgor wedi cyflwyno cynnig (yn unol â Rheol Sefydlog 22.11 a pharagraff 9.1 o'r Weithdrefn) yn galw ar y Senedd i gymeradwyo argymhelliad y Pwyllgor.

Materion sy'n codi o'r gŵyn hon.

19. Mae'r mater hwn yn atgyfnerthu'r angen i'r holl Aelodau fod yn ofalus o ran eu hymddygiad ar Twitter. Fel ffigyrau cyhoeddus â phroffil uchel, mae ein presenoldeb ar y cyfryngau cymdeithasol yn cael cryn ddylanwad ac effaith. Yn yr achos hwn, drwy aildrydar rhywbeth mewn perthynas â threial llofruddiaeth cyfredol gallai Aelod fod wedi niweidio sut y cynhaliwyd y treial. Mae'n ddyletswydd ar bob un ohonom i weithredu'n gyfrifol yn y fforymau hyn a rhoi ystyriaeth briodol i unrhyw beth rydym yn ei nodi neu'n ymwneud ag ef yn gyhoeddus.

⁵ Gweithdrefn y Senedd ar gyfer Ymdrin â Chwynion yn erbyn Aelodau o'r Senedd.

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

REPORT

by

**THE ACTING SENEDD COMMISSIONER FOR
STANDARDS**

of the investigation of a complaint

against

HELEN MARY JONES MS

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INTRODUCTION

1.1 By email dated 19 February 2021 Helen Mary Jones referred to me her conduct in relation to a trial for murder.¹ In accordance with precedent I decided to regard her email as a complaint.² This is the report of my investigation of that complaint.

1.2 Footnote references to the documents listed at Annex A that I have relied on are provided. Quotations are italicised.

THE INVESTIGATION

21. On 22 February, having considered the information provided by Ms Jones and from media reports I decided that the complaint was admissible but did not consider that any further investigation of it was necessary. I informed Ms Jones of my decision and provided her with a copy of the final draft of this report.

FACTS ESTABLISHED

2.1 I found the following facts established –

- i. On 8 February 2021 a man went on trial at Swansea Crown Court on a charge of the murdering his wife. Unlawful killing was admitted but the defendant claimed that due to diminished responsibility he should be convicted of manslaughter rather than murder;³
- ii. On Saturday 13 February, whilst the jury had been sent away for the weekend and had not yet reached a decision on whether their verdict should be guilty of murder or of manslaughter, a domestic abuse campaigner posted a tweet that included the words *Another perp using the "I just snapped." It is complete bullshit. As so many of us will know, there will be a history of domestic abuse. I hope this jury finds him guilty of murder. Rest in peace, Ruth;*⁴
- iii. Ms Jones shared that tweet later the same day;⁵
- iv. When contacted by the police on Monday 14 February Ms Jones deleted her tweet;⁶
- v. On 15 February the man was found guilty of manslaughter. Sentence was deferred to 18 February when the man was sentenced to five years imprisonment;⁷

¹ Email Jones – Acting Commissioner 19 February 2021

² <http://www.assembly.wales/laid%20documents/cr-ld11651/cr-ld11651-e.pdf>

³ [BBC Wales report 18 February 2021 with links to other reports](#)

⁴ [BBC Wales report 18 February 2021 with links to other reports](#)

⁵ [Belfast Telegraph article 20 Feb 21](#)

⁶ Email Jones – Acting Commissioner 19 February 2021

⁷ [BBC Wales report 18 February 2021 with links to other reports](#)

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- vi. Ms Jones and the individual who had posted the original tweet were ordered to appear before the court on 18 February when His Honour Judge Paul Thomas QC considered their contempt of court;⁸
- vii. Counsel for Ms Jones told the court that the politician only *glanced at it [the original tweet before retweeting it]* and that *She did not read it properly and two days later she was contacted by the police and took it straight down. She is mortified by this careless, negligent tweet and realises she is completely at fault;*⁹
- viii. Ms Jones told the court: that she had not *read the original tweet carefully*¹⁰ but that entirely her fault for not realising that the case was ongoing. *It is entirely my fault that I failed to realise the case was ongoing, I realise that this is a very serious matter indeed and I wish to offer my fullest and sincerest apologies to the court. I can assure the court that I understand that my position as a person holding office makes this matter even more serious. The reposting was done in genuine error but I accept that this is no way, changes the seriousness of the matter. I profoundly regret my actions, and I am truly sorry;*¹¹
- ix. Having heard from both women the learned judge decided not to invoke summary proceedings against either of them but held them both to be in contempt of court. In admonishing Ms Jones and the other person the learned judge observed that –
- Their conduct *ran the risk of influencing the jury* had they become aware of it, particularly as the catchment area for Swansea Crown Court juries included Ms Jones's constituency;¹²
 - *On the face of it' your conduct amounts to a clear contempt of court. You both abused your social media, political influences and high profiles.*¹³
 - *In your case Helen Mary Jones, I accept that you actually acted thoughtlessly, but somebody in your prominent public position, simply should not have done so. Your gross irresponsibility sets a very bad example to others.*¹⁴
- x. The conduct of MS Jones received significant broadcast and printed media coverage.¹⁵
- xi. Ms Jones self-referred herself to me at the earliest opportunity. In her email she rehearsed what had taken place and apologised for her conduct which

⁸ [BBC Wales report 18 February 2021 with links to other reports](#)

⁹ [BBC Wales report 18 February 2021 with links to other reports](#)

¹⁰ [Belfast Telegraph article 20 Feb 21](#)

¹¹ [BBC Wales report 18 February 2021 with links to other reports](#)

¹² [Belfast Telegraph article 20 Feb 21](#)

¹³ [Belfast Telegraph article 20 Feb 21](#)

¹⁴ [BBC Wales report 18 February 2021 with links to other reports](#); [Belfast Telegraph article 20 Feb 21](#)

¹⁵ [BBC Wales report 18 February 2021 with links to other reports](#); [Belfast Telegraph article 20 Feb 21](#)

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she acknowledged fell below the standard she would expect of herself as a Member of the Senedd.¹⁶

RELEVANT PROVISIONS

3.1 Paragraph 4 of the Code of Conduct for Members of the Senedd (“the Code”) provides –

4. Members of the Senedd should observe the seven general principles of conduct identified by the Committee on Standards in Public Life. The seven principles are:

(a)

(b) Integrity: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Members of the Senedd should at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Senedd and refrain from any action which would bring the Senedd, or its Members generally, into disrepute. Members should not ask Senedd Commission or Welsh Government staff to act in any way which would compromise the political impartiality of the Civil Service and/or Senedd Commission staff or conflict with the Civil Service Code and/or the Senedd Commission Staff Code of Conduct.

(c)

(d)

(e)

(f)

(g) Leadership: Holders of public office should promote and support these principles by leadership and example.

CONSIDERATION

4.1 Ms Jones’s conduct in re-tweeting a post that was a flagrant contempt of court was not conduct that tended to maintain and strengthen the public's trust and confidence in the integrity of the Senedd. That conduct was likely to bring the Senedd into disrepute. Her conduct was, as the learned judge said, grossly irresponsible. She failed in her duty to set a good example to others. **I have no**

¹⁶ Email Jones – Acting Commissioner 19 February 2021

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doubt that Ms Jones contravened both the Integrity and Leadership Principles set out in paragraph 4 of the Code.

4.2 It is to her credit that her conduct was reckless rather than deliberate and that she immediately accepted her error and apologised for it both to the court and in her letter to me.

4.3 Her conduct reinforces a more general point. Members must take as much care when using social media as they do in conducting their other activities. Momentary failure can, as illustrated here, have very serious consequences. Comments on social media or liking or re-tweeting a post made by another person can often, due to their wide circulation, be much more harmful and hurtful than the same comments made by more traditional means.

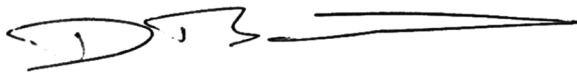
MATTERS OF GENERAL PRINCIPLE

5.1 No matters of general principles arise from my investigation of these complaints.

PROCESS

6.1 Ms Jones has been afforded an opportunity to comment on the factual accuracy of the final draft of this report. She did not avail herself of that opportunity.

6.2 A copy of this final report has today been passed the Member.



DOUGLAS BAIN CBE TD

Acting Senedd Commissioner for Standards

1 March 2021

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DOCUMENTS RELIED ON

1. Email Jones – Acting Commissioner
2. BBC Wales report 18 February 2021 with links to other reports
3. Belfast Telegraph report 20 February 2021

Atodiad B: Gohebiaeth gan Helen Mary Jones (Saesneg yn unig)

16.03.21

Dear Chair

Re Standards Committee Report.

With regard to the Committee's recent report regarding a breach of the Code of Conduct on my part I am writing to confirm that I fully accept the findings of the Commissioner and the Committee and understand that I deserve the censure and I fully accept it.

My conduct fell far short of the standards I expect of myself, as well as those expected of all in public life.

I wish to apologise unreservedly to the Senedd.

Yours sincerely

Helen Mary

Helen Mary JonesMS