



Report of the Monitoring Officer

Special Standards Committee – 12 November 2019

Public Services Ombudsman for Wales Annual Report 2018/2019

Purpose:	To present the Annual Report of the Public Services Ombudsman for Wales 2018/2019.
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For Information

1. Introduction

- 1.1 The Public Services Ombudsman for Wales (PSOW) has published his Annual Report for 2018/19 and forwarded his Annual Letter to the Council which is attached at **Appendix A** and **Appendix B**.
- 1.2 The Annual Report sets out performance over the year including both complaints about Public Service providers as well as Code of Conduct complaints.

2. New Legislation

- 2.1 The report highlights the new Public Services Ombudsman (Wales) Act 2019 which came into force on 22 May 2019. The legislation provided the PSOW with additional powers to:
 - Accept oral complaints;
 - Investigate private health care providers;
 - Conduct own initiative investigations.

3. Code of Conduct statistics

- 3.1 The number of Code of Conduct complaints increased by 4% (270 to 282) compared to 2017/18. Complaints against Community and Town Councillors rose by 14%.

- 3.2 The majority of complaints received during 2018/19 related to matters of promotion of equality and respect which accounted for 51% (compared to 42% in 2017/18) of the complaints made.
- 3.3 There was a further slight reduction in complaints related to failure to disclose or register interests from 19% in 2017/18 to 17%:
- 13% related to failure to act with integrity;
 - 9% related to failure to uphold the law;
 - 7% related to accountability and openness.
- 3.4 Of the complaints made, 255 of the 308 complaints concluded during the year were closed under the category "Closed after initial consideration" allowing for resources to be directed towards the more serious complaints where an investigation is required in the public interest.
- 3.5 The PSOW notes with concern the rise in Community and Town Councillor complaints many of which alleged a failure to promote equality and respect. It is noted that there has been an increase in the number of these complaints from Clerks and staff members of such Councils.
- 3.6 The Committee will note the PSOW view that these complaints often indicate a breakdown in the employment relationship as opposed to true Code of Conduct issues and his commitment to working with representative organisations in their production of guidance for employees of Town and Community Councils to assist them in understanding his role and jurisdiction and in distinguishing between Code of Conduct and employment issues.
- 3.7 Eight cases during 2018/19 were referred to the Adjudication Panel for Wales and Standards Committee. 88% of those related to promotion of equality and 12% disclosure and registration. However the PSOW did not consider this to be representative of a wider decline in member conduct.
- 3.8 A statistical breakdown of code of conduct complaints by outcomes. For Swansea is contained within the Annual Letter attached at **Appendix B**.

4. Legal Implications

- 4.1 There are no legal implications associated with this report.

5. Financial Implications

- 5.1 There are no financial implications associated with this report.

6. Equality and Engagement Implications

- 6.1 There are no equality and engagement implications associated with this report.

Background papers: None

Appendices:

Appendix A	Public Service Ombudsman for Wales Annual Report and Accounts 2018/19
Appendix B	Annual Letter 2018/19