



Report of the Monitoring Officer

Standards Committee – 15 October 2021

Public Service Ombudsman for Wales Annual Report and Annual Letter for 2020/21

Purpose:	To update the Standards Committee on the Annual Report of the Public Service Ombudsman for Wales 2020/21
Report Author:	Tracey Meredith
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar
For Information	

1. Background

- 1.1 The Public Service Ombudsman for Wales (PSOW) has published his Annual Report and Accounts for 2020/21 (Appendix A) and forwarded his Annual Letter to the Council which is attached at 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. Code of Conduct statistics

- 2.1 The year saw an increase in Code of Conduct complaints by 47%. Town and Community Council complaints have increased by 23.7% and County and Borough Councils complaints by 43.8%. The latter appears to be of particular concern. However it should be noted that the PSOW had received 35 complaints about 1 County Council member. Several investigations were ongoing in respect of those complaints.

- 2.2 The Ombudsman reiterated his previous statement that his office was still seeing complaints bordering on frivolity or motivated by political rivalry or clashes of personality rather than being Code of Conduct issues. The Ombudsman stated that where they received “tit for tat” complaints, his office would engage with the Council and Monitoring Officer of the principal authority to remind its members of their obligations under the Code and their democratic responsibilities to the community they serve.
- 2.3 The proportion of complaints relating to the Nolan principals were broken down as follows:
- 4% accountability and openness
 - 14% disclosure and registration of interests
 - 8% duty to uphold the law
 - 12% integrity
 - 5% objectivity and propriety
 - 55% promotion of equality and respect
 - 2% selflessness and stewardship
- 2.4 The themes ‘promotion of equality and respect’ (55%) and ‘disclosure and registration of interests’ (14) continued to dominate. There was an annual increase in the number of the complaints where bullying behaviour was being alleged.
- 2.5 In 2020/21 the Ombudsman closed 92% of all Code of Conduct complaints after assessment or after a complaint was withdrawn. 8% of complaints were taken forward for investigation and these constituted the most serious of the complaints. 6 complaints were referred to local Standards Committees and 4 to the Adjudication Panel for Wales.
- 2.6 The increase in the number of complaints referred for further consideration in respect of potentially serious breaches of the code last year, was of concern and suggests there had been some decline in member conduct. Of the complaints referred for hearing which were yet to be determined, it was concerning that the complaints suggest disreputable conduct and that some members may have misused their positions as members.
- 2.7 The Ombudsman uses the investigation procedure as an opportunity to promote good practice and training opportunities for members. They have revised and consulted upon their Code of Conduct Guidance for members of local authorities in Wales.
- 2.8 The new duties in the Local Government & Elections Act 2021 bring welcome additions to the ethical framework, which should help encourage greater local ownership and accountability for conduct matters, when these provisions come into force in May 2022.

2.9 The Annual Letter outlined at Appendix B provides a further breakdown for Swansea cases where the Ombudsman notes during 2020/21 that 8 Code of Conduct complaints against County Councillors were discontinued, 9 found no evidence of breach and 1 case where no action was necessary. In relation to Town and Community Town Councillors, 1 case was discontinued, no action necessary against 1 case and 1 case was referred to our Standards Committee.

3. Legal Implications

3.1 There are no legal implications associated with this report.

4. Financial Implications

4.1 There are no financial implications associated with this report.

5. Integrated Assessment Implications

5.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

5.1.1 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

5.1.2 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

5.2 There are no integrated assessment implications associated with this report.

Background papers: None

Appendices:

Appendix A – Public Service Ombudsman for Wales Annual Report and Accounts 2020/21

Appendix B – Annual Letter 2020/21