



Report of the Monitoring Officer

Standards Committee – 7 October 2022

Public Service Ombudsman for Wales Annual Report and Accounts 2021/2022

Purpose:	To update the Standards Committee on the Annual Report and Accounts of the Public Service Ombudsman for Wales 2021/2022
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For Information	

1. Background

- 1.1 The Public Service Ombudsman for Wales (PSOW) has published the Annual Report and Accounts for 2021/2022 (Appendix A).
- 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 Compared to last year, there were fewer complaints about the Code of Conduct. However, last year the volume of those complaints was unusually high. Compared to 2019/20, there were many more new Code of Conduct complaints and there were more complaints about members of Town and Community Councils.
- 2.2 2021/2022 saw a decrease in Code of Conduct complaints by 5%, but the figure was 27% more than in 2019/2020. Town and Community Council complaints increased by 2% in 2021/2022, but 27% more than

in 2019/2020. County and Borough Councils complaints decreased by 17% to that in 2020/2021 but was 19% more than in 2019/2020.

- 2.3 The proportion of complaints relating to the Nolan principals were broken down as follows:
- 5% accountability and openness
 - 11% disclosure and registration of interests
 - 9% duty to uphold the law
 - 8% integrity
 - 11% objectivity and propriety
 - 51% promotion of equality and respect
 - 5% selflessness and stewardship
- 2.4 As in previous years, about half of all new Code of Conduct complaints that were received were about 'promotion of equality and respect'.
- 2.5 Many of the cases categorised under 'respect' were lower-level complaints. These are the ones where the PSOW tends to decide quickly that they will not investigate, or where it is recommended that the complaint is resolved locally.
- 2.6 However, some of these complaints and many of those categorised under 'equality' commonly involve more serious allegations of bullying or discrimination.
- 2.7 In 2021/22 the PSOW closed 86% of all Code of Conduct complaints after initial assessment. The PSOW closed investigations into 39 complaints - 63% more than last year and 18% more than the year before.
- 2.8 20 complaints that were taken forward for investigation and constituted the most serious of the complaints were referred to local Standards Committees (11) or the Adjudication Panel for Wales (9).
- 2.9 The increase in the number of complaints referred for further consideration in respect of potentially serious breaches of the code last year, was still of concern and suggested that the ethical standards of a small number of councillors had the potential to undermine public confidence and the reputation of local government democracy.
- 2.10 The PSOW would like to see the overall number of low-level complaints about members of Town and Community Councils reduce and they strongly believe that the way to overturn these trends is through training for councillors on the Code of Conduct. The PSOW would also encourage greater use of local resolution procedures.

- 2.11 Since not all members take up opportunities to undertake training, the PSOW is pleased that, under the Local Government and Elections (Wales) Act 2021, Town and Community Councils must now make and publish a plan about the training provision for its members and staff. The first training plans must be ready and published by 5 November 2022. They expect these plans to include training about the Code of Conduct.
- 2.12 The PSOW also welcomes the additional responsibilities that Group Leaders at principal councils have to promote good standards of behaviour.

3. Integrated Assessment Implications

3.1 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.

3.1.1 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'.

3.1.2 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.

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

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.

Background papers: None

Appendices:

Appendix A – Public Service Ombudsman for Wales Annual Report and Accounts 2021/22