



Report of the Head of Democratic Services

Standards Committee – 19 January 2024

Public Service Ombudsman for Wales Annual Report and Accounts 2022/2023

Purpose:	To update the Standards Committee on the Annual Report and Accounts of the Public Service Ombudsman for Wales 2022/2023
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For Information	

1. Background

- 1.1 The Public Service Ombudsman for Wales (“the Ombudsman”) has two specific roles: (a) To consider complaints about public service providers in Wales; and (b) To consider complaints that members of local authorities or town and community councils have breached their Code of Conduct. The Ombudsman sends letters on an annual basis to county borough councils and local health boards concerning the complaints they have received and considered during the previous financial year. The aim of the Annual Report is to provide the relevant bodies with information to help them improve their complaint handling and the services that they provide.
- 1.2 The Public Service Ombudsman for Wales (PSOW) has published the Annual Report and Accounts for 2022/2023 (Appendix A).
- 1.3 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 was a small reduction in the number of new complaints about the Code of Conduct. In addition, fewer cases of potentially serious breaches were referred to local Standards Committees or the Adjudication Panel for Wales.
- 2.2 2022/2023 saw a decrease in Code of Conduct complaints (442) compared to the previous year, with over half of those complaints (56%) being about councillors at Town and Community Councils. However, for the first time since 2019/2020, there was a decrease in the number of complaints about this group of Councillors. In contrast, there were 7% more complaints about Councillors at Principal Councils.
- 2.3 61% of the complaints that the PSOW could look into were about the 'promotion of equality and respect'. This was a much higher proportion than last year (51%).
- 2.4 Generally, 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.
- 2.5 The complaints that they categorise under 'equality' commonly involve more serious allegations of bullying or discrimination.
- 2.6 In 2022/23 the PSOW assessed or investigated 280 complaints about the Code of Conduct – about the same as last year. They investigated 35 or 13% of these complaints, a slightly lower proportion than last year (14%).
- 2.7 Of the 35 complaints that were taken forward for investigation and constituted the most serious of the complaints (12) were referred to local Standards Committees (8) or the Adjudication Panel for Wales (4). Overall, this was much less than the previous year (20)
- 2.8 The PSOW welcome this decrease as it shows that they found fewer potentially serious issues that could undermine public confidence in the people who represent them.
- 2.9 The Adjudication Panel for Wales and Standards Committees upheld and found breaches in 96% of the referrals they considered in 2022/23. This provides the PSOW will additional assurance that their process for considering these complaints is sound.
- 2.10 Although they noted some positive trends this year, they continue to underline the value of more education and training for Councillors on the Code of Conduct. To raise awareness of the process, they produced a video for new Councillors following the May local elections.

- 2.11 The PSOW also encourages more use of local resolution procedures. These procedures can calm situations, deal with problems early and prevent the need for further escalation to their office.

3. Public Services Ombudsman (Wales) Annual Letter

- 3.1 The PSOW publishes the annual letters to all Councils on its website and is attached to this report at Appendix B. The letter highlights activities undertaken by the Ombudsman's office during the year and the Council's performance.

- 3.2 Further to the letter, the Ombudsman requests the Council presents the letter to the Standards Committee as it refers to Code of Conduct complaints which is within the Standards Committee's terms of reference.

4. Integrated Assessment Implications

- 4.1 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.

- 4.1.1 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'.

- 4.1.2 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.

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

5. Legal Implications

5.1 There are no legal implications associated with this report.

6. Financial Implications

6.1 There are no financial implications associated with this report.

Background papers: None

Appendices:

Appendix A – Public Services Ombudsman for Wales Annual Report and Accounts 2022/23

<https://www.ombudsman.wales/wp-content/uploads/2023/08/Annual-Report-and-Accounts-2022-23-19-07-2023-Auditor-signed.pdf>

Appendix B – Public Services Ombudsman for Wales Annual Letter 2022/23