

**Report To:** Standards Committee

**Date of Meeting:** 12<sup>th</sup> April 2019

**Lead Member / Officer:** Gary Williams, Monitoring Officer

**Report Author:** Gary Williams, Monitoring Officer

**Title:** Public Services Ombudsman for Wales – Code of Conduct Casebook

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**1. What is the report about?**

The report is about the Code of Conduct Casebook produced by the Public Services Ombudsman for Wales (the Ombudsman).

**2. What is the reason for making this report?**

To inform the Committee of the most recent editions of the Ombudsman's Code of Conduct Casebook.

**3. What are the Recommendations?**

That members of the Committee note the information contained within the Code of Conduct Casebook.

**4. Report details.**

4.1 The Ombudsman has since 2013 produced a Code of Conduct Casebook (the Casebook). The Ombudsman had for some time previously produced a casebook relating to the complaints he investigated in respect of alleged maladministration by public bodies. Following calls for a similar approach to be taken with regard to code of conduct complaints, the Ombudsman began publishing the Casebook in 2013.

4.2 The Casebook was originally published twice a year, however the Ombudsman decided to produce the casebook on a quarterly basis from April 2015. The Casebook contains summaries of all of the cases in respect of which the Ombudsman has completed an investigation during the relevant period.

4.3 The production of a Casebook is intended to help Members and others in considering whether circumstances that they may be experiencing amount to a breach of the Code. This is an extension of the publication of real life examples in the Ombudsman's Guidance on the Code.

4.4 The casebook also assists local authority Standards Committees by giving them access to information about the way in which other Standards Committees in Wales are imposing sanctions and disposing of cases and helps to explain why in some cases the Ombudsman may decline to

investigate alleged breaches on the basis that previous similar allegations have not resulted in a sanction.

- 4.5 Appendix 1 to this report contains Issue 18 of the Casebook published in October 2018 covering the period July 2018 to September 2018. Members will note that there are eleven case summaries in this edition of the casebook, four of which resulted in a finding that there was no evidence of a breach of the Code and five of which resulted in a finding that no action was necessary. In addition one case was referred to a Standards Committee and one case to the Adjudication Panel for Wales. None of the cases relate to Councillors in Denbighshire.
- 4.6 The case that was referred to the Adjudication Panel for Wales involved an allegation that a Councillor had sent e-mails in his capacity as a councillor that failed to show respect and consideration to members of the LGBT community. The Ombudsman considered this to be a breach of the requirement under the Code to show respect and consideration and referred the matter directly to the Adjudication Panel. The Panel found the councillor to be in breach and suspended him for a period of two months.
- 4.7 The case that was referred to the standards Committee involved an allegation that a former councillor had failed to declare a personal and prejudicial interest, failed to withdraw from the discussion of the relevant matter, sought to influence the matter through oral and written representations, and conducted himself in a manner which brought the Council into disrepute. The Standards Committee of the relevant authority imposed a formal censure on the former councillor.
- 4.8 Appendix 2 to this report contains Issue 19 of the Code of Conduct Casebook issued on 19<sup>th</sup> February 2019 covering the period October 2018 to December 2018. There are eleven case summaries included in this edition. Four resulted in findings that there was no evidence of a breach, and in seven cases the Ombudsman concluded that there was no further action required. One of these cases involved a community council in Denbighshire. In this case it was alleged that the member concerned had, at two meetings failed to show respect and consideration and had bullied or harassed another person. In addition it was alleged that the member had brought the Council into disrepute in respect of the submission of a funding application. The Ombudsman's investigation concluded that there was no evidence of a breach of the Code of Conduct in respect of the funding application and the member's conduct at the second meeting. The Ombudsman concluded that there was no further action required in respect of the member's conduct at the first meeting.
- 4.9 There were no cases referred to either a Standards Committee or the Adjudication Panel for Wales.

## **5. How does the decision contribute to the Corporate Priorities?**

The report has no direct impact on the corporate priorities.

## **6. What will it cost and how will it affect other services?**

There are no costs directly associated with the report.

**7. What are the main conclusions of the Well-Being Impact Assessment?**

This report does not require an impact assessment.

**8. What consultations have been carried out with Scrutiny and others?**

This matter has not been reported or consulted upon elsewhere.

**9. Chief Finance Officer Statement**

There are no direct financial consequences as a result of this report.

**10. What risks are there and is there anything we can do to reduce them?**

There are no risks directly associated with this report

**11. Power to make the Decision**

There is no decision required.