

Report to	Standards Committee
Date of meeting	06 March 2020
Lead Member / Officer	Gary Williams, Monitoring Officer
Report author	Gary Williams, Monitoring Officer
Title	Public Services Ombudsman for Wales – Code of Conduct Casebook

1. What is the report about?

1.1. 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?

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

3. What are the Recommendations?

3.1. 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 21 of the Casebook published in September 2019 covering the period April 2019 to June 2019. Members will note that there are five case summaries in this edition of the casebook, three of which resulted in a finding that there was no evidence of a breach, one that no action was necessary, and one which was referred to a Standards Committee. None of these cases relate to Councillors in Denbighshire.
- 4.6. Appendix 2 to this report contains Issue 22 of the Casebook published in October 2019 covering the period July 2019 to September 2019. There are twelve case summaries in this edition of the Casebook, five of which resulted in a finding that there was no evidence of a breach of the Code of Conduct and four that no action was necessary. There were two cases referred to a Standards Committee and one that was referred to the Adjudication Panel for Wales.
- 4.7. Of the cases in which no evidence of a breach was found, one related to a Denbighshire County Councillor and one to a member of Prestatyn Town Council. Both cases related to allegations regarding equalities and a failure to show respect and consideration.
- 4.8. One of the cases referred to a Standards Committee related to a member of Prestatyn Town Council who was found to have failed to show respect and consideration and to have brought the Council into disrepute. Members of the Committee will recall the hearing in held in respect of this matter and the sanction imposed of a four months suspension. Members will note that the other case referred to a Standards Committee during this same period involving a member of Neath Town Council also involved allegations of failing to show respect and consideration and resulted in the same sanction as that imposed by this Committee.
- 4.9. The one case that was referred to the Adjudication Panel for Wales involved a Councillor from Mathern Community Council. The Councillor had previously been before the Adjudication Panel for Wales in respect of comments made about homosexuality. The Adjudication Panel found the Councillor to have been in breach of the Code of Conduct and imposed a suspension upon him. At that hearing and in subsequent correspondence in response to the finding of the Panel, the Councillor repeated comments similar to those for which he had been suspended. The Ombudsman sought to make a further referral to the Panel in respect of these comments. The Panel dismissed the case on the basis that the Ombudsman could only investigate matters complained of by a third party, or matters which arose during an investigation. Since the second referral was not based on a third party complaint, and the comments had been made after the previous investigation had been concluded, the Panel determined that there was no basis in law for the second referral and dismissed the case.

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

5.1. The report has no direct impact on the corporate priorities.

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

6.1. There are no costs directly associated with the report.

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

7.1. This report does not require an impact assessment.

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

8.1. This matter has not been reported or consulted upon elsewhere.

9. Chief Finance Officer Statement

9.1. 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?

10.1. There are no risks directly associated with this report.

11. Power to make the decision

11.1. There is no decision required.