

Report to	Standards Committee
Date of meeting	17 September 2021
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 edition 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. The latest issue of the casebook covers the entire calendar year of 2020.
- 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 24 of the Casebook published in April 2021 covering the period January 2020 to December 2020. Members will note that there are thirteen case summaries in this edition of the casebook, ten of which resulted in a finding that no action was necessary, two of which were referred to a Standards Committee, and one that was referred to the Adjudication Panel for Wales.
- 4.6. Of the cases in which no action was considered necessary, seven related to issues of equality and respect, two to the duty to uphold the law and one in respect of the disclosure of interests. Members will see that in each of these cases, the Ombudsman's office conducted an investigation and concluded for a variety of reasons that it was not in the public interest to take any further action against those against whom complaints were made.
- 4.7. Of the cases referred to a Standards Committee, one related to a member of Denbighshire County Council. The Committee has conducted a hearing into this matter, the outcome of which is the subject of an appeal. The other case referred to a Standards Committee involved a member of a community council in South Wales who was alleged to have misused a debit card belonging to that community council. The member had resigned from their position and been investigated by the Police. The matter was referred to the relevant standards committee on the basis that the member's actions amounted to a breach of paragraph 7 of the Code and could be considered to have brought the community council into disrepute.
- 4.8. The one case that was referred to the Adjudication Panel for Wales involved a Councillor from Sully and Lavernock Community Council in the Vale of Glamorgan. The Councillor concerned was alleged to have made a series of social media posts about high profile female politicians that were gratuitously offensive and could be considered to bring the Council into disrepute. The comments were considered to be such that they went beyond political expression and that the imposition of a sanction would be a proportionate interference with the Councillor's right to freedom of expression. The Adjudication Panel for Wales disqualified the Councillor from holding office for a period of 15 months.

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.