

<b>Report to</b>	Standards Committee
<b>Date of meeting</b>	22 <sup>nd</sup> July 2022
<b>Lead Member / Officer</b>	Gary Williams, Monitoring Officer
<b>Report author</b>	Gary Williams, Monitoring Officer
<b>Title</b>	Public Services Ombudsman For Wales – ‘Our Findings’

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

- 1.1. The introduction of ‘Our Findings’ on the Public Services Ombudsman for Wales (the Ombudsman) website

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

- 2.1. To inform members of the ‘Our Findings’ section of the Ombudsman’s website which replaces the previous Code of Conduct Casebook.

## **3. What are the Recommendations?**

- 3.1. That the Committee notes the content of this report.

## **4. Report details**

- 4.1. Members of the Committee will recall that the Ombudsman has previously published a ‘Code of Conduct Casebook’ (the Casebook) on a quarterly basis which set out a short summary of matters which had been investigated by the Ombudsman and the outcome that had resulted from that investigation.
- 4.2. The Casebook was regarded as a useful tool in giving elected members, the public, and standards committees an insight into the types of complaints that were being investigated and the results of those investigations.

- 4.3. The Ombudsman has now ceased to publish the Casebook and has instead created an 'Our Findings' section on her website which can be accessed via the following link: <http://ombudsman.wales/findings/>
- 4.4. The 'Our Findings' section contains a search facility whereby details of cases considered by the Ombudsman can be searched for by topic, by authority, by outcome, by date, and by case reference number. The section covers all matters investigated by the Ombudsman and not just Conduct matters.
- 4.5. This report covers the period from 1<sup>st</sup> April 2021 to 30<sup>th</sup> June 2022. The 'Our Findings' section of the Ombudsman's website contains a summary of 31 cases that have been investigated by the Ombudsman, broken down by subject matter as follows:

Integrity	12
Equality and respect	12
Disclosure and registration of interests	3
Duty to uphold the law	3
Selflessness and Stewardship	1

- 4.6. The outcomes can be categorised as follows:

No evidence of breach	10
Investigation discontinued	5
No action necessary	6
Referral to a Standards Committee	7
Referral to Adjudication Panel for Wales	3

- 4.7. Only one of these cases related to a council in Denbighshire. This case involved the posting of an image from a CCTV camera on the Facebook page of the Bodelwyddan Town Council from which it may have been possible to identify an individual young person. The Town Council referred the matter to the

Ombudsman's office and it was investigated. The Ombudsman found that the member may have breached paragraphs 5(a) and 6(1)(a) of the Code of Conduct. However, as the Town Council had not provided training on the use of its social media, or CCTV system, and, given that the Councillor had apologised and removed the image swiftly when requested to do so, the Ombudsman considered that no further action was necessary.

4.8. The cases that were referred to the Adjudication Panel for Wales (the Panel) are recorded as three matters but they in fact relate to two substantive complaints.

4.9. The first of these related to a member of a community council who had failed to disclose a criminal conviction when standing for election in 2018. The conviction would have disqualified the member from being able to stand. The member had therefore been a member for one year and eight months on a false premise. The member resigned but the Panel decided that he should be disqualified from holding office or standing for election for a period of 24 months.

4.10. The second matter referred to the Panel related to a member who was a member of both a town council and a county council. The member had over a period of several months posted information on social media about the complainant which he knew to be incorrect, some of which was provided to the member in confidence as a councillor. The member also approached the complainant in the street resulting in an altercation that became a police incident. The Panel found that the member had breached paragraphs 6(1)(d), 6(2) and 7(a) of the Code of Conduct and imposed a suspension for 9 months. The Panel found that, while the member had breached paragraphs 4(b), 6(1)(a) and 7(a), any restriction or sanction imposed would be a potential restriction on the member's Article 10 right to Freedom of Speech and therefore no restriction was imposed in respect of this aspect of the matter.

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

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

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

6.1. There are no costs associated with this report.

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

7.1. An assessment is not required for this report.

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

8.1. There have been no consultations in respect of this report.

**9. Chief Finance Officer Statement**

9.1. As stated in 6.1, there is no direct financial impact to this report.

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

10.1. There are no risks associated with this report.

**11. Power to make the decision**

11.1. No decision is required.