

<b>REPORT TO:</b>	Standards Committee
<b>REPORT NO:</b>	HCCS/107/15
<b>DATE:</b>	10 September 2015
<b>LEAD:</b>	Deputy Monitoring Officer
<b>CONTACT OFFICER:</b>	Sioned Wyn Davies, Legal Services Manager/Deputy Monitoring Officer (Tel: 292221)
<b>SUBJECT:</b>	Public Services Ombudsman for Wales Annual Report
<b>WARD:</b>	N/A

## 1. PURPOSE OF THE REPORT

- 1.1 To inform Members of the publication of the Annual Report of the Public Services Ombudsman for Wales 2014/15 entitled "Making Complaints Serve Wales".

## 2 EXECUTIVE SUMMARY

- 2.1 The Public Services Ombudsman for Wales ("The Ombudsman") has published his Annual Report for 2014/15. The report can be viewed by Members by visiting the Ombudsman's website [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk) and searching under Annual Reports in the Publications tab. This is the first report produced by Nick Bennett who took up office as Public Services Ombudsman for Wales in August 2014. The period covered in the report includes the period when Professor Margaret Griffiths was in the role of Acting Ombudsman.
- 2.2 The Ombudsman has two specific roles, firstly to consider complaints made by members of the public that they have suffered hardship or injustice through maladministration or service failure on the part of the public body and the second role is to consider complaints that Members of Local Authorities and other public bodies have breached the Code of Conduct. The report includes a visual depiction of the Ombudsman's visions, values and strategic aims (page 9) and sets out the vision as:
- "To put things right for users of public services and to drive improvement in those services and in standards in public life using the learning from the complaints we consider".
- 2.3 The headline figures in respect of Code of Conduct complaints show that there were 231 new complaints, an increase of 1% on 2013/14. The Ombudsman referred 9 investigation reports to either a Standard Committee or the Adjudication Panel for Wales, an increase on the 6 referred in 2013/14.

- 2.4 The Ombudsman notes in his report that he continues to receive “low level” complaints from one councillor against another, notwithstanding that there is an expectation that those are dealt with via the Local Resolution procedure. He points out that these are often allegations of failure to show respect and consideration of others under paragraph 4(b) of the Code. The Ombudsman’s office will in future be taking a firmer position in referring such complaints back to Monitoring Officers to be dealt with locally and no doubt this will be reinforced by the recent change in the guidance on the Code of Conduct for Local Authority Members published in March 2015. This was the subject of a report to Standards Committee in June. The key change was the introduction of the new “Public Interest Test” the Ombudsman will be applying and considering whether or not to investigate a complaint.
- 2.5 The Ombudsman also makes a commitment in the report to publish the Code of Conduct casebook quarterly rather than twice a year and the first report in the current year covering the period April 2015 – June 2015 is now available on the Ombudsman’s website.

### **3 RECOMMENDATION**

#### **3.1 To note the contents of the report.**

#### **REASON FOR RECOMMENDATION**

To inform Members of the work undertaken by the Public Services Ombudsman for Wales.

### **4 BACKGROUND PAPERS**

- 4.1 The Ombudsman’s Annual Report contains details of the Code of Conduct complaints received in respect of members of different types of public bodies as follows:

<u>Type of Body</u>	<u>2014/15</u>	<u>2013/14</u>
Community Council	106	115
County/County Borough Council	125	111
Fire Authority	0	2
National Park Authority	0	0
Police and Crime Panels	0	0
<b>TOTAL</b>	<b>231</b>	<b>228</b>

- 4.2 The nature of the Code of Conduct complaints received is broken down according to the Principles of Conduct in Public Life as follows:

<u>Description of Nature of Complaint</u>	<u>Percentage</u>
Accountability and Openness	10%
Disclosure and Registration of Interests	22%
Duty to uphold the law	9%
Integrity	16%
Objectivity and Propriety	8%
Promotion of Equality and Respect	35%
Selflessness and Stewardship	0%

- 4.3 Members will note that the largest single category of complaints related to the promotion of equality and respect at 35% which together with complaints about disclosure and registration of interests at 22% makes up over half of all complaints. This mirrors the position over recent years where these two categories combined make up over 50% of complaints, although in previous years the percentage of complaints in respect of accountability and openness and integrity have represented a higher proportion of complaints than in this reporting period.
- 4.4 The report contains a summary of the outcome of cases concluded during the course of the year, the majority of which were closed under the category “closed after initial consideration” which includes decisions such as there was no prima facie evidence of the breach; the alleged breach was insufficiently serious to warrant an investigation and unlikely to attract a sanction; the incident complained about happened before the member was elected and was bound by the Code.

<u>Complaint about a Public Body</u>	<u>2014/15</u>	<u>2013/14</u>
Closed after initial consideration	178	176
Complaint withdrawn	7	12
Investigation discontinued	20	8
Investigation completed – no evidence of breach	17	10
Investigation completed – no action necessary	8	17
Investigation completed – referred to Standards Committee	8	5
Investigation completed – referred to Adjudication Panel	1	1
<b>TOTAL OUTCOMES</b>	<b>239</b>	<b>229</b>

- 4.5 Members will be pleased to note that there was only 2 complaints to the Ombudsman in respect of a Wrexham County Borough Council Member, one of which was discontinued, the other was withdrawn.
- 4.6 Members will note that there were complaints in respect of Members of two Community Councils within the Wrexham County Borough, three of those complaints were closed after initial consideration and one was withdrawn.
- 4.7 During his first year in office the Ombudsman has considered whether the Public Services Ombudsman (Wales) Act 2005 required review and found that whilst the Act remains well regarded within the Ombudsman community, he had concerns that Wales would be left behind as regard developments taking place in other Nations and Countries. During the course of the past year, the Ombudsman put forward

proposals to the National Assembly for Wales in relation to areas where he believed that the current Act could be extended and strengthened. This was taken up by the Assembly's Finance Committee and Members will recall that a consultation document considered by Standards Committee at its meeting in March this year. At the time the Annual Report was published the outcome of the Finance Committee's deliberations were still awaited.

4.8 Members will be interested to note that the Ombudsman continues to produce factsheets to explain his role and assist members of the public in understanding what he can and cannot investigate. The most recent additions were in July 2015 entitled:

- Factsheet for Local Authority Members: What we do when we get a complaint about your conduct
- Code of Conduct Complaints: Factsheet for Member Interviewees

Copies of these are annexed for information.

## 5 IMPLICATIONS

5.1 **Policy Framework** – A strong ethical framework and governance arrangements support the Council Plan outcome of Creating Conditions for Success.

5.2 **Budget** – The report has no immediate budgetary implications.

5.3 **Legal** – By virtue of the Local Government Act 2000, Members are required to comply with the Council's Code of Conduct for Members. The Code is supplemented by the guidance issued from time to time by the Public Services Ombudsman for Wales whose Annual Report is under consideration in this report.

5.4 **Staffing** – The report has no immediate staffing implications.

5.5 **Equalities/Human Rights** – Members are required to observe the provisions of the Code of Conduct for Members which includes an obligation that their duties and responsibilities be carried out with due regard to the principle of equality and opportunity for all. There are no specific issues raised in this report which would impact on those obligations and duties.

5.6 **Risks** – This report does not give rise to any specific risks.

5.7 **Consultation** – This report has not been the subject of consultation as it does not involve any decision making or recommendations.

5.8 **Scrutiny Committee** – The matter has not been subject to scrutiny.

## 6 WEBSITE INFORMATION

[www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)