

REPORT TO:	Standards Committee
REPORT NO:	HCCS/53/17
DATE:	7 September 2017
LEAD:	Deputy Monitoring Officer
CONTACT OFFICER:	Sioned Wyn Davies, Deputy Monitoring Officer (Tel: 292221)
SUBJECT:	Public Services Ombudsman for Wales Annual Report
WARD:	N/A

1. PURPOSE OF THE REPORT

- 1.1 To inform Members of the publication of the Annual Report and Accounts of the Public Services Ombudsman for Wales 2016/17 entitled “Innovation, Improvement, Influence”.

2 EXECUTIVE SUMMARY

- 2.1 The Public Services Ombudsman for Wales (“The Ombudsman”) has published his Annual Report for 2016/17. The report can be viewed by Members by visiting the Ombudsman’s website www.ombudsman-wales.org.uk and searching under Annual Reports in the Publications tab. This is the third report produced by Nick Bennett who took up office as Public Services Ombudsman for Wales in August 2014 and is the first combined annual report and accounts.
- 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 their adopted Codes of Conduct.
- 2.3 In his Annual Report, the Ombudsman reports substantial progress in the activities of the office over the past year, with specific reference to three year strategic themes of

innovation, improvement and influence, which have led to substantial increases in outcomes for complainants and, he hopes, positive impacts on public services.

- 2.4 The establishment of the Code Advisory Group is an innovative measure introduced during the year and has meant the proactive oversight of code of conduct complaints. The Ombudsman reports a seven per cent reduction in cases taking longer than six months. Furthermore the introduction of the Public Interest Test is reported to have reduced the number of low-level complaints being considered by the Ombudsman and that in the very rare occasions where we do refer more serious matters to the Adjudication Panel for Wales, it has found breaches of the code.

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>2016/17</u>	<u>2015/16</u>
Community Council	126	158
County/County Borough Council	108	115
Fire Authority	0	0
National Park Authority	2	1
Police and Crime Panels	0	0
TOTAL	236	274

- 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 (16/17)</u>
Accountability and Openness	4%
Disclosure and Registration of Interests	23%
Duty to uphold the law	3%
Integrity	18%

Objectivity and Propriety	14%
Promotion of Equality and Respect	37%
Other	1%

4.3 With regard to code of conduct closed cases, a greater number were fully investigated this year (34) compared to 2015/16 (27). Six cases were referred either to local authority's standards committee or to the Adjudication Panel for Wales in 2016/17, the same number as the previous year. In those cases it is for these bodies to consider the evidence found, together with any defence put forward by the member concerned and to determine whether a breach has occurred and, if so, what penalty, if any, should be imposed.

4.4 Consistent with previous years the vast majority of complaints (184 of them) were closed under the category "closed after initial consideration" (213 were closed in this way in 2015/16).

4.5 A breakdown of the outcomes of all complaints made to the Ombudsman is as follows:

<u>Complaint about a Public Body</u>	<u>2016/17</u>	<u>2015/16</u>
Closed after initial consideration	184	213
Complaint withdrawn	20	15
Investigation discontinued	10	10
Investigation completed – no evidence of breach	12	11
Investigation completed – no action necessary	16	10
Investigation completed – referred to Standards Committee	5	3
Investigation completed – referred to Adjudication Panel	1	3
TOTAL OUTCOMES	248	265

4.6 Members will be pleased to note that during the reporting period there were only 4 complaints to the Ombudsman in respect of a Member of the Wrexham County borough Council all of which were closed after initial consideration. Furthermore there appear to have been no investigated complaints in respect of Community Councils within the Wrexham County Borough during the period either.

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. CCS/EIA00165/2017.
- 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