

STANDARDS COMMITTEE

Date of Meeting	Monday, 5 September 2016
Report Subject	Public Services Ombudsman for Wales Annual Report
Report Author	Deputy Monitoring Officer

EXECUTIVE SUMMARY

The PSOW has published his annual report (AR) for 2015/2016 pursuant to Paragraph 14 of Schedule 1 of the Public Services Ombudsman (Wales) Act 2005.

The purpose of the AR is to report on the performance of the PSOW's office over the year and to deliver key messages arising from the work carried out during the year. As it is also the 10-year anniversary of the office of the PSOW the AR sets out some key development of the office over the decade.

This report summarises the headline matters in the AR with a particular focus on matters relating to standards of county & town and community councillors.

RECOMMENDATIONS

1	To note the contents of the AR and consider it raises any issues for action.
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REPORT DETAILS

1.00	
1.01	The AR sets out the workload that has been dealt with by the PSOW during 2015/2016. It breaks the workload down into the number of enquiries received and the number of complaints received, and also breaks down the complaints into those received about services (public body complaints) and those received in relation to Code of Conduct Complaints (CCC's). It sets out some key messages to take from the workload and strategies that the PSOW have implemented to improve their function, including through statutory enactments and proposed

	enactments. This report will highlight those matters (complaints and key messages) relating to CCC's only (and not issues arising from public services).
1.02	While for only the second time in a decade the number of public services complaints have gone down, the number of CCC's has risen by 19% (from 231 in 2014/15 to 276 in 2015/16). The rise is due to complaints from Town and Community Councillors (which have risen by 49% since 2014/15). The detail of CCC's is contained at pages 21 to 24 of the AR.
1.03	<p>In terms of key messages/improvements, the messages echo the comments made by the PSOW at the conference in Cardiff in October last year as follows:</p> <ul style="list-style-type: none"> • The PSOW is keen to filter out less serious (or vexatious) complaints that could and should be dealt with locally. This may seem slightly ironic given the increases referred to at paragraph 1.02. • the AR refers to legislative changes that should help to facilitate this (perhaps next year's annual report will give a clearer indication of whether this will work). • the AR refers to recent legislation (the Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016 and The Local Government (Standards Committees, Investigations, Dispensations and Referral (Wales) (Amendment) Regulations 2016 which amend the Standards Committee (Wales) Regulations 2001; the Local Government Investigations (Functions of Monitoring Officers and Standards Committee (Wales) Regulations 2001; and the Local Authorities (Grant of Dispensations) (Wales) Regulations 2001) and sets out what he hopes it will achieve.
1.04	The PSOW hopes that the changes to the Model Code of Conduct that removed the duty to refer potential breaches to the PSOW (but retains the requirement to report them to the Monitoring Officer) will assist in cutting down referrals of less serious complaints. The PSOW refers to the provisions to enable a standards committee or a monitoring officer, with the prior written agreement of the Chairperson of the standards committee, to refer the report of a misconduct investigation to another authority's standards committee for determination with a view to overcoming any potential conflict of interest a standards committee may have in dealing with the complaint under consideration. He also refers to the provisions allowing two or more relevant authorities to establish a joint standards committee, and the requirement for a member seeking to appeal the determination of a standards committee to now obtain the permission of the President, or a nominated panel member, of the Adjudication Panel for Wales.
1.05	The AR also reports on the forthcoming introduction of a new Bill, the Draft Public Services Ombudsman (Wales) Bill (March 2016) (the Bill), as a result of the recommendation from the Welsh Assembly Finance Committee. The Bill includes proposed powers for the PSOW to undertake own initiative investigations and the ability to accept oral complaints.
1.06	Finally, the AR reports that the Code of Conduct Case Book will now be published quarterly, as opposed to bi-annually and refers to the PSOW's

	new 3-year Strategic Plan which can be accessed on the PSOW's website under "Three Year Strategic Plan 2016/17 to 2018/19: Innovation, Influence, Improvement.
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2.00	RESOURCE IMPLICATIONS
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2.01	None
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3.00	CONSULTATIONS REQUIRED / CARRIED OUT
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3.01	None
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4.00	RISK MANAGEMENT
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4.01	None
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5.00	APPENDICES
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5.01	The AR can be found at:- http://www.ombudsman-wales.org.uk/en/publications.aspx
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6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
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6.01	<p>The AR:- can be found at:- http://www.ombudsman-wales.org.uk/en/publications.aspx</p> <p>Contact Officer: Matthew Georgiou Solicitor/Deputy Monitoring Officer</p> <p>Telephone: 01352 702330</p> <p>E-mail: matthew.georgiou@flintshire.gov.uk</p>
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7.00	GLOSSARY OF TERMS
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7.01	<p>AR: Annual Report of the PSOW</p> <p>CCC's: Code of Conduct Complaints</p> <p>PSOW: Public Services Ombudsman For Wales is a statutory role to consider complaints about public services in Wales and complaints that members of local authorities have broken the Code of Conduct.</p>
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