

STANDARDS COMMITTEE

Date of Meeting	Monday 4 th September 2023
Report Subject	Overview of Ethical Complaints
Report Author	Chief Officer Governance

EXECUTIVE SUMMARY

This report shows a summary of the ethical complaints alleging a breach of the Code that have been submitted to the Public Services Ombudsman for Wales (PSOW). As per the Committee's resolution, the complaints distinguish between different Councils and Councillors whilst still remaining anonymous.

The report gives the Committee an understanding of the number and types of complaints being made, and the outcome of consideration by the PSOW. Since the last report (3 July 2023) 4 complaints have been received which were not investigated. There are still 5 outstanding.

RECOMMENDATIONS

1	That the Committee notes the number and type of complaints.
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REPORT DETAILS

1.00	NUMBER OF COMPLAINTS
1.01	<p>The attached spreadsheet at Appendix A lists in summary form the complaints received during 2022/2023 and 2023/2024. Each entry lists:</p> <ul style="list-style-type: none"> • the Ombudsman's reference number (year/4 digit reference) • the type of Council (Community, County or Town) • the complainant (Councillor, officer, public) • the provisions which are alleged to have been breached • the decision at each of the 3 stages of investigation
1.02	<p>Since the last report 4 new complaints (2023/02636,1712, 2892 and 3339) have been received. None were investigated. Two relate to the same town council and perhaps indicate that relationships within that body have broken down. We have also received the outcome on 2022/01136 which has been under investigation for a little over 12 months. In summary, the Ombudsman found breaches of the code and was very disapproving of the</p>

	<p>comments made. However, in light of a subsequent apology and the wish of the complainant to withdraw the complaint, the breaches won't be referred for a hearing. I have asked the Ombudsman's office whether we can report the summary and/or full findings. As at the time of writing they have not replied. If we receive a response before the meeting I will circulate the additional information.</p> <p>A number of the complaints were not investigated because the complainant did not provide sufficient evidence to support the complaint. Where a complainant seeks my advice prior to referring an issue to the PSOW I warn them of the need to supply evidence. It is also open to them to reply to the PSOW with the required evidence though it is not particularly clear from the PSOW correspondence that this option is one to them.</p>
1.03	<p>There are presently 4 complaints being investigated:</p> <ul style="list-style-type: none"> i) 1 made in 2021/22 ii) 3 made in 2022/23 <p>The complaint dating from 2021/22 in respect of bullying a Town Council clerk is nearing conclusion. The other investigations are still proceeding.</p>
1.04	<p>This report is correct as at the date of preparation. If we are notified of the outcome of any complaints after this date a verbal update will be provided.</p>

2.00	RESOURCE IMPLICATIONS
2.01	None associated with the complaints recorded in this report.
2.02	If any complaint is referred to the Committee for a hearing, then training on how to hold such hearing s will be provided. This will involve external training providers and will be a one-off cost in the region of several thousand pounds.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	None.

4.00	RISK MANAGEMENT
4.01	None

5.00	APPENDICES
5.01	Appendix A - Number of complaints.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>None</p> <p>Contact Officer: Gareth Owens, Chief Officer Governance Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	<p>Public Services Ombudsman for Wales – the Ombudsman investigates service complaints and alleged breaches of the code. The Ombudsman will only investigate an alleged breach of the Code if there is clear evidence of a breach and it is in the public interest to do so.</p>