

STANDARDS COMMITTEE

Date of Meeting	Monday, 7 November 2022
Report Subject	Public Services Ombudsman for Wales' "My Findings" Publication
Report Author	Deputy Monitoring Officer

EXECUTIVE SUMMARY

To consider the summary of cases, related to alleged breaches of the Members' Code of Conduct (the Code), as published by the Public Services Ombudsman for Wales (PSOW) in their publication "My Findings" (My Findings).

RECOMMENDATIONS

1	That the Committee request that, having reviewed the cases summarised in the appendix to this report, the Monitoring Officer sends a communication to all members of the authority, setting out the themes identified in this report, together with a link to My Findings, so that members can access the summary of cases for their information.
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REPORT DETAILS

1.00	EXPLAINING THE PUBLIC SERVICES OMBUDSMAN FOR WALES' "MY FINDINGS" PUBLICATION
1.01	The PSOW considers complaints that members of local authorities in Wales have breached the Code. There are four findings the PSOW can arrive at: <ul style="list-style-type: none"> (a) that there is no evidence of breach; (b) that no action needs to be taken in respect of the complaint; (c) that the matter be referred to the authority's Monitoring Officer for consideration by the Standards Committee; (d) that the matter be referred to the President of the Adjudication Panel for Wales (the APW) for adjudication by a tribunal. It should

	<p>also be noted that occasionally an investigation may be discontinued, where circumstances change during the course of an investigation and it is considered that it would not be in the public interest to continue to investigate.</p>
1.02	<p>Prior to the 1st of April 2021 the PSOW summarised complaints that had been investigated on a quarterly basis in a publication called the Code of Conduct Casebook (the Casebook). The final edition of the Casebook (edition 25) covered the period of January to March 2021. The Casebook has since been replaced by My Findings, which includes a search tool to allow summaries of cases to be accessed by reference to the relevant organisation, matter type, dates, case reference numbers, or outcome. In terms of matter types, cases are broken down into the following categories:-</p> <ul style="list-style-type: none"> a. Integrity; b. Promotion of Equality and Respect; c. Disclosure or Registration of Interests; d. Duty to Uphold the Law; and e. Selflessness and Stewardship.
1.03	<p>In reference to (c) and (d) findings, My Findings only contains the summaries of those cases for which the hearings by the standards committee or APW have been concluded and the outcome of the hearing is known.</p>
1.04	<p>During the 1st of April 2021 and the 21st September 2022 32 complaints were investigated by the PSOW, 7 of which were referred to the relevant Standards Committees and 5 of which was referred to the APW. In 11 cases it was considered that there was no evidence of a breach of the Code, in 5 cases no action was considered necessary and 4 cases were discontinued. 13 of the matters investigated fall under the category of Integrity, 13 under Promotion of Equality and Respect, 3 under Disclosure or Registration of Interests, 2 under Duty to Uphold the Law and 1 under Selflessness and Stewardship. The appendix to this report contains a summary of all cases contained in My Findings between the 1st of April 2021 and the 21st of September 2022.</p>
1.05	<p>There are number of themes that can be identified through the findings that can be summarised as follows: -</p> <ul style="list-style-type: none"> i) Comments on social media are the cause of a significant number of complaints and members need to be very careful when writing what they might consider a throw away comment which might subsequently be either misconstrued (as in a number of cases) leading to lengthy investigation (which is a distressing process) or when expressing views that are a breach of the code; ii) Discriminatory conduct against any protected characteristic under the Equality Act 2010 attracts severe sanctions;

	iii) Members have a private life and provided they are clear to demarcate the boundaries of private and public action then the PSOW will not take action in respect of private matters.
1.06	There may be other messages about poor behaviour that, together with those identified above, would be useful for the wider membership of the authority to be aware of.

2.00	RESOURCE IMPLICATIONS
2.01	None.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	N/A

4.00	RISK MANAGEMENT
4.01	N/A

5.00	APPENDICES
5.01	Appendix 1 – PSOW My Findings Publication

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Contact Officer: Matthew Georgiou, Deputy Monitoring Officer Telephone: 01352 702330 E-mail: matthew.georgiou@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	<p>PSOW - Public Services Ombudsman for Wales is independent of other bodies and has legal powers to investigate complaints about public services and independent care providers in Wales and to investigate complaints that Members of local government bodies have broken their authority's Code of Conduct.</p> <p>APW – The Adjudication Panel for Wales is an independent tribunal whose function is to determine alleged breaches by elected and co-opted Members of Welsh County, County Borough and Community Councils,</p>

	Fire and National Park Authorities, against their authority's statutory Code of Conduct.
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