

STANDARDS COMMITTEE

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| Date of Meeting | Monday 9 th January 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 (5 September 2022) 5 complaints have been received none of which were investigated. There are still 4 outstanding.

RECOMMENDATIONS

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

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| 1.00 | NUMBER OF COMPLAINTS |
| 1.01 | <p>The attached spreadsheet at Appendix A lists in summary form the complaints received during 2022/2023. 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 5 complaints have been received. These complaints vary in terms of matters alleged and the circumstances of the incident. The Ombudsman is trialling a different approach to assessing complaints whereby it reaches a decision on whether or not an investigation is needed before notifying the Monitoring Officer or Councillor. The intention is to speed up the processing of complaints, the vast majority of which will not pass the 2 stage test. This means that we became aware of the most</p> |

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| | recent complaints at the point where they were dismissed. This happened with the 5 most recent complaints. |
| 1.03 | Three of the most recent complaints (Community Council 2) have not been investigated. 2 were not investigated because they duplicated the third complaint, which was itself not investigated. As implied all related to the same incident. |
| 1.04 | There are presently 4 complaints being investigated (3 made in 2022/23 and 1 remaining from 2021/22). The complaint in respect of bullying a Town Council clerk is over 12 months old but is apparently nearing the end of the investigation. The other investigations are still being investigated. The complaints being investigated are on a variety of issues with no common pattern, although 3 relate to the same individual as can be seen from the record. |
| 1.05 | 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. |

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| 2.00 | RESOURCE IMPLICATIONS |
| 2.01 | None associated with the complaints recorded in this report. Working with individual Town and Community Councils to address relationship breakdown is time consuming. Where some form of whole Council “mediation” is required the Council has been recommending the use of an experienced governance consultant at the cost of the Council involved. |

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| 3.00 | CONSULTATIONS REQUIRED / CARRIED OUT |
| 3.01 | None. |

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| 4.00 | RISK MANAGEMENT |
| 4.01 | None |

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| 5.00 | APPENDICES |
| 5.01 | Appendix A - Number of complaints. |

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

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| 7.00 | GLOSSARY OF TERMS |
| 7.01 | 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. |