

## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday, 3 June 2024
<b>Report Subject</b>	Notification of the Decision of the Adjudication Panel for Wales
<b>Report Author</b>	Chief Officer (Governance)

### EXECUTIVE SUMMARY

Councillor Attridge was referred to the Adjudication Panel for Wales by the Public Services Ombudsman for Wales (case reference 2022/01509). Cllr Attridge admitted all the allegations and the case tribunal convened to consider the case “on the papers” on 26<sup>th</sup> April 2024.

The decision report of the case tribunal is attached. Councillor Attridge was found to have committed a number of breaches of the code and was suspended for four months. In light of Cllr Attridge’s actions and findings within the decision report it is recommended that steps be considered to protect officers and to provide advice on safeguarding practice. Training for all councillors has already been provided (see separate report) on respectful communication in response to the Committee’s recommendation in its first annual report.

### RECOMMENDATIONS

1	That the Monitoring Officer speaks with those affected and group leaders about whether any special arrangements to protect staff from Cllr Attridge’s behaviour are required.
2	To provide Cllr Attridge with advice on safeguarding practice.

### REPORT DETAILS

<b>1.00</b>	<b>EXPLAINING THE DECISION OF THE CASE TRIBUNAL</b>
-------------	---

1.01	The Public Services Ombudsman for Wales (PSOW) referred a case in respect of Cllr Attridge (reference 2022/01509) to the Adjudication for Wales (APW). The APW appointed a case tribunal to consider the allegations, which it did “on the papers” (i.e. without anyone appearing in person before it) on 26 <sup>th</sup> April 2024.
1.02	The decision notice and the decision report are attached at Appendix 1 and 2 respectively.
1.03	<p>The factual basis of the allegations against Cllr Attridge, which were all admitted by him, are that he</p> <ol style="list-style-type: none"> <li>1) exchanged sexualised messages with a vulnerable resident and asked her for sex;</li> <li>2) requested information about an issue raised with him by the resident and then bullied a housing manager who refused to provide that information;</li> <li>3) tried to intervene to prevent the Monitoring Officer from reporting these events;</li> <li>4) shared confidential information with the resident in relation to a former tenant.</li> </ol>
1.04	<p>The case tribunal considered the allegations and evidence. They decided that he</p> <ol style="list-style-type: none"> <li>1) failed to show respect to the resident, the housing manager and the monitoring officer (paragraph 4(b));</li> <li>2) he bullied the housing officer but not the resident or monitoring officer (paragraph 4(c));</li> <li>3) he did not seek to compromise the impartiality of the housing manager (paragraph 4(d));</li> <li>4) he shared confidential information (paragraph 5(a));</li> <li>5) he brought his office into disrepute (paragraph 6(1)a);</li> <li>6) by seeking sex from the resident, he tried to obtain an improper advantage for himself (paragraph 7(a));</li> <li>7) he did not have and therefore did not fail to disclose a personal or personal and prejudicial interest (paragraphs 11 and 14).</li> </ol>
1.05	<p>The case tribunal considered an apology given by Cllr Attridge and the mitigation advanced by him in relation to his mental state at the time of the actions including medical evidence in that regard. They outlined the following aggravating and mitigating features:</p> <p>“6.2.6 The Tribunal considered that the following aggravating factors applied;</p> <ol style="list-style-type: none"> <li>(i) That the Respondent had lengthy experience as a councillor and had held positions of seniority;</li> <li>(ii) That his conduct was reckless;</li> <li>(iii) That he had sought to abuse a position of trust which he had garnered with Ms M, a position in which there was a significant imbalance of power;</li> <li>(iv) That he had initially sought to blame the Monitoring Officer for having brought about or contributed to the complaint, albeit that he was not seeking to blame others for the actions which were the subject of the complaint;</li> <li>(v) That he appeared to have taken some steps to disadvantage Family X, albeit not a particularly strong or concerted manner;</li> </ol>

	<p>(vi) That he appeared to lack an understanding, at least initially, in relation to all elements of his wrongdoing. He certainly failed to show contrition at the outset, as perhaps best exhibited through his Facebook post [264].</p> <p>6.2.7 The Tribunal considered that the following mitigating factors applied;</p> <p>(i) The Respondent's physical and, particularly, his mental ill-health. Whilst those matters did not excuse his conduct, it provided some context and explanation for it;</p> <p>(ii) His past record of good service;</p> <p>(iii) The fact that he cooperated with the Ombudsman in relation to the investigation and has now shown contrition, recognition, and regret;</p> <p>(iv) Whilst it could not be said that the Respondent's conduct was truly isolated (particularly in relation to his communications with Ms M), neither could it be said that he had behaved wilfully and/or had ignored advice or warnings by continuing in a particular vein."</p>
1.06	The case tribunal suspended Cllr Attridge with immediate effect for four months from the county council and Connah's Quay town council.
1.07	Councillor Attridge has since sent written apologies to the resident (via officers), to the housing manager and the monitoring officer.
1.08	The case tribunal is the properly appointed body to reach decisions and did so on the basis of evidence that is before it which is not available to others. However, it is fair to say that the widespread reaction is that the decision is too lenient. The Committee has no powers to alter the decision nor to request a review.
1.09	<p>The Committee's role at this point is to decide whether action is needed in response to the findings. I have broken down the findings below with commentary or suggested actions against each:</p> <p><b>Disrespect to the resident and seeking an improper advantage</b> - the message exchange with the resident was a rare event and allegations of councillors seeking sexual favours from residents are extremely uncommon. The facts have met with widespread revulsion, and it is clear that his actions are seen as transgressive. Would the committee wish to see something included within the code of conduct for councillors prohibiting seeking sexual favours from residents or is such an injunction "self-evident"?</p> <p><b>Disrespect to and bullying of officers</b> – behaviour that might be deemed disrespectful to and/or bullying of officers is inevitably more common because councillors will, and are permitted, to challenge officer decisions. Even where well intentioned, such challenges may not always be received in the spirit that was intended. Training has already been provided to councillors on respectful communication in response to the recommendation in the Committee's first annual report. There will be further training (to be delivered jointly to members and officers) in relation to the respective roles of officers/councillors and on how the professional/political interface should function. I have spoken with the officer concerned and will discuss the issue with the Chief Officer Team. Currently, I think the following should be put in place</p> <ol style="list-style-type: none"> <li>1) Training on safeguarding practice;</li> </ol>

	<p>2) A discussion with Cllr Attridge about how his behaviour was wrong and how it should be amended in future;</p> <p>3) A reminder to employees of the processes open to them if they feel they are being spoken to inappropriately; and</p> <p>4) An offer of support to anyone who has been affected by the issues raised in the decision report.</p> <p><b>Breach of confidence</b> - is a matter that can be simply reiterated to members though it is already widely understood by most/all.</p>
--	---

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	The further training mentioned in paragraph 1.09 is being provided free of charge and so there are no resource implications to the recommendations.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	All councillors have seen the decision report and it has been reported to the group leaders.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	The recommended actions will hopefully mitigate the risk of such behaviour being repeated in future. However, the actions of Cllr Attridge and the attendant publicity have created a risk of difficulties for other (especially male) councillors who now feel that their work with vulnerable people will be made more difficult as a result.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1 – decision notice Appendix 2 – decision report

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p>The evidence in relation to the PSOW's investigation is confidential under the Local Government Act 2000. The only available information is the public notice of decision and decision report</p> <p><b>Contact Officer:</b> Gareth Owens, Chief Officer Governance  <b>Telephone:</b> 01352 702411  <b>E-mail:</b> <a href="mailto:gareth.legal@flintshire.gov.uk">gareth.legal@flintshire.gov.uk</a></p>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<p><b>Adjudication Panel for Wales</b> – the tribunal (a form of specialist court that has less formal rules and proceedings) appointed to hold hearings of alleged breaches of the code.</p> <p><b>Case Tribunal</b> – the specific panel of 3 members of the APW who are appointed to consider a specific case. They are chaired by a lawyer and also include an elected councillor.</p>