

Meeting of:	Standards Committee
Date of Meeting:	Thursday, 25 March 2021
Relevant Scrutiny Committee:	All Scrutiny Committees
Report Title:	Public Services Ombudsman for Wales Revised Guidance
Purpose of Report:	To advise Committee of the revised Guidance from the Ombudsman's office
Report Owner:	Karen Bowen, Principal Democratic Services Officer
Responsible Officer:	Debbie Marles, Monitoring Officer and Head of Legal Services
Elected Member and Officer Consultation:	This report does not require consultation to be undertaken
Policy Framework:	This is a matter for decision by the Standards Committee
<p>Executive Summary:</p> <ul style="list-style-type: none"> • The PSOW publishes guidance for Councillors on how to interpret the Code of Conduct. The guidance applicable to County Councillors also covers Fire Authorities and National Parks - link here to current guidance. • The Ombudsman has published a consultation on proposed revisions to the guidance - link here to the draft revisions. • In addition, the PSOW publishes separate guidance for Town and Community Councillors (link here) which has also been revised. • The changes to both sets of guidance do not fundamentally alter current advice on the meaning of the Code. Rather the changes seek to improve layout, improve clarity and to provide recent examples of the outcome of real life cases. 	

Recommendation

1. That the Committee welcomes the proposed changes to the Guidance and makes any comments as appropriate to be forwarded to the Ombudsman by the end of March 2021.

Reason for Recommendation

1. Having regard to the contents of the report

1. Background

- 1.1 The Ombudsman issues guidance on the Code of Conduct (the Code) to help Councillors and officials understand the interpret its provisions. The Ombudsman also issues separate guidance to County Councillors and Town / Community Councillors. The guidance is referred to collectively in the singular for ease of reference.

2. Key Issues for Consideration

- 2.1 The Ombudsman last reviewed his guidance on the Code in July 2016. The Code has not changed significantly since then nor have there been any legal cases in the courts which might affect its interpretation.
- 2.2 As the Code has not changed so too the fundamental elements of the guidance have not changed. The revised guidance seeks to improve wording to aid clarity, place greater emphasis on key messages (e.g. through the use of bold text) and provides fresh examples from real life of where the Code has been breached.
- 2.3 The principle changes appear to be:
 - The Ombudsman has expanded the explanation of the 2 stage test applied to decide whether to investigate a complaint;
 - Slightly clearer and more emphatic guidance on freedom of speech as it effects the requirement to treat people with respect, the prohibition on bullying and disrepute;
 - The guidance on what to do if one has a personal interest is expanded and more explicit.
- 2.4 Whilst most of the changes are small, they do add clarity and / or emphasis to the guidance. The changes appear to make the guidance easier to follow.
- 2.5 Although the guidance refers to any comments being forwarded by 21st March a short extension has been obtained by the Monitoring Officer in light of the Standards Committee meeting being held on 25th March.

- 2.6** Following receipt of the Final version of the document all Members of the Vale of Glamorgan Council and Town and Community Council clerks will be forwarded the link to the relevant documents.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** This report relates to the role of the Standards Committee to promote and maintain high standards of conduct of Members as detailed in the Council's Constitution.

4. Resources and Legal Considerations

Financial

- 4.1** None as a direct result of this report

Employment

- 4.2** None as a direct result of this report.

Legal (Including Equalities)

- 4.3** None as a direct result of this report.

5. Background Papers

None