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| Meeting of: | Standards Committee |
| Date of Meeting: | Thursday, 24 November 2022 |
| Relevant Scrutiny Committee: | All Scrutiny Committees |
| Report Title: | Letter from Public Services Ombudsman for Wales re Code of Conduct complaints guidance and process |
| Purpose of Report: | To apprise the Committee of minor changes made to the PSOW's Code of Conduct complaints guidance and process . |
| Report Owner: | Debbie Marles, Monitoring Officer/ Head of Legal and Democratic Services |
| Responsible Officer: | Karen Bowen, Principal Democratic and Scrutiny Services Officer |
| Elected Member and Officer Consultation: | This report does not involve any consultation with other parties |
| Policy Framework: | This is a matter for the Standards Committee |
| <p>Executive Summary:</p> <ul style="list-style-type: none"> • All Chairs of Standards Committee's in Wales have been sent a letter from the PSOW advising of minor changes to the Ombudman's office Code of Conduct complaints guidance and process. • A copy of the letter received dated 10th November 2022 is attached to the report as an Appendix. | |

Recommendation

1. That the Standards Committee notes the content of the report and the letter attached as an Appendix to the report.

Reason for Recommendation

1. To apprise Members of the Committee.

1. Background

1.1 The purpose of the Ombudsman's office is

- To investigate complaints about public bodies
- To recognise and share good practice so that public bodies can learn the lessons from our investigations and put right any systemic weaknesses identified, leading to continued improvement in the standards of public services in Wales
- To investigate complaints against local authorities members who have broken the code of conduct
- To build confidence in Welsh local government by promoting high standards in public life
- To put things right where we can

2. Key Issues for Consideration

- 2.1** Attached as an appendix to this report is a copy of a letter received from the Public Services Ombudsman addressed to Chairs of Standards Committee. The letter advises that to support Standards Committee some minor changes have been made to the Ombudsman's Code of Conduct Complaints Guidance and Process.
- 2.2** As advised within the letter the Ombudsman's Office will continue to share its decisions with Monitoring Officers as required under legislation. However, a minor change to the process means that they will now be sharing the complaint and their decision in a stand alone decision notice to facilitate Monitoring Officers in sharing complaint information with Standards Committees when Monitoring Officers consider it appropriate to do so.
- 2.3** Since June 2022 the Ombudsman's Office has also been trialling a new approach as to how Members are informed about complaints made against them. Previously, the practice had been to inform the accused Member, the Monitoring Officer and the Clerk of the Town/Community Council of a complaint as soon as it was received. The Ombudsman's Office now informs the relevant parties at the point when the Ombudsman's Office either declines to investigate or decides to investigate the complaint. During this trial the Ombudsman's Office has found that this approach has speeded up the process.

- 2.4 It is intended that the changes within the guidance will assist Standards Committees by keeping them informed of current issues so that they can take steps to address any potential concerns.
- 2.5 The letter also urges Members to use any local arrangements for dealing with 'Member -v – Member' complaints stating that the Ombudsman is aware that these have proved very effective as means of resolving cases e.g. the Local Dispute Resolution Procedure.
- 2.6 Members will note in the last paragraph of the letter that the Ombudsman's Office intends to also engage with Chairs of Standards Committees through the National Forum for Standards Committees when established.
- 2.7 Committee is asked to note the contents of the letter and the proposed changes.

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

- 3.1 The Standards Committee shall have the following roles and functions:
 - (a) promoting and maintaining high standards of conduct by Councillors, Co-Opted Members and Church and Parent Governor representatives;
 - (b) assisting Councillors, Co-Opted Members and Church and Parent Governor representatives to observe the Members' Code of Conduct;
 - (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
 - (d) monitoring the operation of the Members' Code of Conduct;
 - (e) advising, training or arranging to train Councillors, Co-Opted Members and Church and Parent Governor representatives on matters relating to the Members' Code of Conduct;
 - (f) granting dispensations to Councillors, Co-Opted Members and Church and Parent Governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
 - (g) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matters referred to that officer by the Public Services Ombudsman;
 - (h) the exercise of (a) to (g) above in relation to the Community Councils wholly or mainly in its area and the members of those Community Councils;
 - (i) overview of complaints handling and Ombudsman investigations.

4. Climate Change and Nature Implications

- 4.1 None as a result of this report.

5. Resources and Legal Considerations

Financial

5.1 None as a result of this report.

Employment

5.2 None as a result of this report.

Legal (Including Equalities)

5.3 None as a result of this report.

6. Background Papers

N/A

Ask for: Communications

 01656 641150

Date: 10 November 2022

 Communications
@ombudsman.wales

Our Code of Conduct complaints guidance and process

Dear Chairs

I took up my role as Public Services Ombudsman for Wales on 1 April 2022. Since then we have continued to promote high standards in public life to maintain trust and confidence in those who hold public office.

As political leaders and Standards Committees across Wales take forward their new duties to promote high standards of conduct under the Local Government & Elections (Wales) Act 2021, I have taken the opportunity to review my guidance for members. This will help my office support them in their work and help all members fully understand the requirements placed upon them when fulfilling their role.

To support the Standards Committees, we will be making some minor changes to our process. We will continue to share our decisions with Monitoring Officers, as required by legislation. However, we will now be sharing the complaint and our decision in a standalone decision notice to facilitate the Monitoring Officers in sharing complaint information with Standards Committees (when they consider it appropriate to do so).

Since June, we have been trialling a fresh approach to how we inform members about complaints made against them. Our practice had been that we informed the accused member, the Monitoring Officer, and the Clerk (if a Town/Community Council) of a complaint as soon as it was received. We now inform the relevant parties at the point when we either decline to investigate or decide to investigate the complaint. During the trial, we found that this approach sped up our process. It also helped to avoid unnecessary concern for members complained about, as they waited for a decision on whether the complaint should be investigated. Therefore, we will be continuing with this approach.

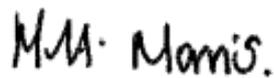
Whenever possible, I would like to see any concerns about a member's conduct to be resolved locally and at an early stage. This can calm situations down and prevent the need for further escalation and formal investigation by my office. The guidance and the changes we have made to our process will assist Standards Committees by keeping them informed of current issues, so they can take steps to address any potential concerns.

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Ensuring Standards Committees are adequately informed will also support them to draw up training plans. I, and members of the public, expect all members to take advantage of training which is available to them. I would also urge members to use any local arrangements for dealing with 'member versus member' complaints, which have proved very effective as a means of resolving many of these cases.

We should continue to work collaboratively to drive up standards in public life and to create a culture where members are respected for their selflessness, objectivity and respectful behaviour. If we do so, we can build public confidence in our democratic institutions and promote good governance for the benefit of the people in all of our communities. I, and my office, look forward to engaging with you all via the National Forum for Standards Committees.

Yours sincerely,

A handwritten signature in black ink that reads "M.M. Morris." The signature is written in a cursive, slightly slanted style.

Michelle Morris
Public Services Ombudsman

Cc. Monitoring Officer

Gofynnwch Cyfathrebu
am:

 01656 641150

Dyddiad: 10 Tachwedd 2022

 Cyfathrebu
@ombwdsmon.cymru

Ein canllawiau a phroses cwynion y Cod Ymddygiad

Annwyl Cadeiryddion

Dechreuais yn fy rôl fel Ombwdsmon Gwasanaethau Cyhoeddus Cymru ar 1 Ebrill 2022. Ers hynny rydym wedi parhau i hyrwyddo safonau uchel mewn bywyd cyhoeddus er mwyn cynnal ymddiriedaeth a hyder yn y sawl sy'n dal swyddi cyhoeddus.

Wrth i arweinwyr gwleidyddol a Phwyllgorau Safonau ledled Cymru fwrw ymlaen â'u dyletswyddau newydd i hybu safonau ymddygiad uchel o dan Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021, rwyf wedi achub ar y cyfle i adolygu fy nghanllawiau i aelodau. Bydd hyn yn helpu fy swyddfa i'w cefnogi yn eu gwaith a bydd yn helpu pob aelod i ddeall yn llawn y gofynion a osodir arnynt wrth gyflawni eu rôl.

I gefnogi'r Pwyllgorau Safonau, byddwn yn gwneud rhai mân newidiadau i'n proses. Byddwn yn parhau i rannu ein penderfyniadau â Swyddogion Monitro, yn unol â gofynion deddfwriaeth. Fodd bynnag, byddwn nawr yn rhannu'r gŵyn a'n penderfyniad mewn hysbysiad annibynnol o benderfyniad i hwyluso gwaith y Swyddogion Monitro o rannu'r wybodaeth am y gŵyn gyda Phwyllgorau Safonau (pan fyddant yn ystyried ei bod yn briodol gwneud hynny).

Ers mis Mehefin, rydym wedi bod yn treialu dull newydd o roi gwybod i aelodau am gwynion a wneir yn eu herbyn. Ein harfer blaenorol oedd rhoi gwybod i'r aelod cyhuddedig, y Swyddog Monitro, a'r Clerc (os yn Gyngor Tref/Cymuned) am y gŵyn cyn gynted ag y'i derbyniwyd. Rydym nawr yn rhoi gwybod i'r partïon perthnasol pan fyddwn naill ai'n gwrthod ymchwilio neu'n penderfynu ymchwilio i'r gŵyn. Yn ystod y treial, canfuom fod y dull hwn yn cyflymu ein proses. Helpodd hefyd i osgoi pryder diangen i aelodau sy'n destun cwyn, wrth iddynt aros am benderfyniad ynghylch a ddylid ymchwilio i'r gŵyn. Felly, byddwn yn parhau â'r dull hwn.

Lle bynnag y bo modd, hoffwn weld unrhyw bryderon am ymddygiad aelod yn cael eu datrys yn lleol ac yn gynnar yn y broses. Gall hyn dawelu sefyllfaoedd ac atal yr angen am ddwysâd pellach ac ymchwiliad ffurfiol gan fy swyddfa. Bydd y canllawiau

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a'r newidiadau yr ydym wedi'u gwneud i'n proses yn cynorthwyo Pwyllgorau Safonau drwy roi'r wybodaeth ddiweddaraf iddynt am faterion cyfredol, fel y gallant gymryd camau i fynd i'r afael ag unrhyw bryderon posibl.

Bydd sicrhau bod Pwyllgorau Safonau yn cael digon o wybodaeth hefyd yn eu cefnogi i lunio cynlluniau hyfforddi. Rwyf i, ac aelodau'r cyhoedd, yn disgwyl i bob aelod fanteisio ar yr hyfforddiant sydd ar gael iddynt. Byddwn hefyd yn annog aelodau i ddefnyddio unrhyw drefniadau lleol ar gyfer delio â chwynion 'aelod yn erbyn aelod', sydd wedi bod yn hynod effeithiol fel ffordd o ddatrys llawer o'r achosion hyn.

Dylem barhau i gydweithio i godi safonau mewn bywyd cyhoeddus ac i greu diwylliant lle caiff aelodau eu parchu am eu hanhunanoldeb, eu gwrthrychedd a'u hymddygiad parchus. Os gwnawn hynny, gallwn feithrin hyder y cyhoedd yn ein sefydliadau democrataidd a hyrwyddo llywodraethu da er budd y bobl ym mhob un o'n cymunedau. Rwyf i, a fy swyddfa, yn edrych ymlaen at ymgysylltu â phob un ohonoch drwy'r Fforwm Cenedlaethol ar gyfer Pwyllgorau Safonau.

Yn gywir

MM. Morris.

Michelle Morris
Ombwdsmon Gwasanaethau Cyhoeddus

cc. Swyddog Monitro