



RHONDDA CYNON TAF

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

18 NOVEMBER 2022

PUBLIC SERVICES OMBUDSMAN FOR WALES – RECENT INVESTIGATION OUTCOMES – ‘OUR FINDINGS’

REPORT OF THE MONITORING OFFICER

1. PURPOSE OF REPORT

To consider the summary of investigation outcomes concerning alleged breaches of the Members’ Code of Conduct as published by the Public Services Ombudsman for Wales (PSOW) on the [‘our findings’](#) section of her website for the period 1st April 2021 – 31st October 2022.

2. RECOMMENDATION

- 2.1 To note and consider the contents of the summary of investigation outcomes concerning alleged breaches of the Members’ Code of Conduct, originally published by the Public Services Ombudsman for Wales on the ‘our findings’ section of her website and attached as Appendix 1 to the report.

3. BACKGROUND

- 3.1 The PSOW considers complaints that members of local authorities in Wales have breached the Code. There are four findings the PSOW can arrive at:
- (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 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.

- 3.2 Until 31st March 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 The Casebook has since been replaced by 'Our Findings', 'Our Findings' is a section on the PSOW website which includes a search tool to allow summaries of cases to be accessed by reference to the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:
- 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.
- 3.3 During the period 1st April 2021 – 31st October 2022 30 complaints were investigated by the PSOW, 6 of which were referred to the relevant Standards Committees and 5 of which was referred to the APW. In 9 cases it was considered that there was no evidence of a breach of the Code, in 5 cases no action was considered necessary and 5 cases were discontinued. 11 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 those cases, originally published in ['Our Findings'](#) between the 1st April 2021 – 31st October 2022.
- 3.4 There are number of themes that can be identified through the findings that can be summarised as follows: -
- 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; and
 - 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.
- 3.5 There may be other messages about poor behaviour that, together with those identified above, Committee Members may feel would be useful for the wider membership of the authority to be aware of.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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**PUBLIC SERVICES OMBUDSMAN FOR WALES – RECENT INVESTIGATION
OUTCOMES – ‘OUR FINDINGS’**

BACKGROUND PAPERS

Freestanding Matter

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