



RHONDA CYNON TAF COUNTY BOROUGH COUNCIL

STANDARDS COMMITTEE

13 NOVEMBER 2023

PUBLIC SERVICES OMBUDSMAN FOR WALES - ANNUAL REPORT AND LETTER 2022–2023

REPORT OF THE MONITORING OFFICER

1. PURPOSE OF THE REPORT

To provide Members with a summary of matters pertaining to standards of conduct of County, Town and Community Councillors as set out in the Public Services Ombudsman for Wales' ('PSOW') Annual Report and Annual Letter to this Council for 2022-2023.

2. RECOMMENDATION

- 2.1 That the Committee notes the matters relating to Code of Conduct Complaints reported in the Public Services Ombudsman for Wales' Annual Report and Annual Letter to this Council 2022-2023.

3. BACKGROUND AND PSOW 2021-22 ANNUAL REPORT

- 3.1 The PSOW has published his Annual Report for 2022-2023 ('AR') pursuant to Paragraph 14 of Schedule 1 of the Public Services Ombudsman (Wales) Act 2005. The AR has been combined with the annual accounts for the PSOW as it was last year. The purpose of the AR is to report on the performance of the PSOW's office over the year, provide an update on developments and to deliver any key messages arising from their work carried out during the year.
- 3.2 The AR Executive Summary is attached at Appendix 1. The full report can be accessed via the following link on the PSOW website:
[Annual Report 2022-2023](#)
- 3.3 The PSOW also issues an Annual Letter (AL) to each Local Authority in Wales with a summary of complaints received by his office that relate specifically to that Local Authority. The AL is attached as Appendix 2 to this report.
- 3.4 The AR sets out the workload that has been dealt with by the PSOW during 2022-2023. It breaks the workload down into the number of enquiries received and the number of complaints received, and also breaks down the complaints into those received about services (public body complaints) and those

received in relation to Code of Conduct Complaints (CCCs). This report will highlight the data relating to CCCs only (issues arising from public services or the annual accounts section of the AR are beyond the scope of this report).

- 3.5 In Michelle Morris' (the 'Public Services Ombudsman for Wales') forward to her 2022-2023 report the Ombudsman has noted a small reduction in the number of complaints about the Code of Conduct for Councillors and was glad to see that, after the previous year's record numbers her office had to refer fewer cases of potentially serious breaches to local Standards Committees or the Adjudication Panel or Wales.
- 3.6 The PSOW received 283 new complaints about the Code of Conduct – 4% less than in 2022/23. 56% (158) of those complaints concerned Town and Community Councils. For the first time since 2019/20 this represents a decrease in the number of complaints about this group of Councillors. 43% (122) of the total complaints received related to County and County Borough Councillors. This represents a 7% increase in the number of complaints about councillors at principal councils when compared to 2021/22. There were 3 complaints about members of National Park Authorities and zero related to members on Fire & Rescue Authorities & Police and Crime Panels.
- 3.7 The table below shows the proportion of complaints received for each subject:

| Subject | 2022/23 | 2021/22 | 2020/21 |
|--|----------------|----------------|----------------|
| Accountability & Openness | 10% | 5% | 4% |
| Disclosure and registration of interests | 9% | 11% | 14% |
| Duty to uphold the law | 8% | 9% | 8% |
| Integrity | 6% | 8% | 12% |
| Objectivity and propriety | 3% | 11% | 5% |
| Promotion of equality and respect | 61% | 51% | 55% |
| Selflessness and stewardship | 3% | 5% | 2% |

- 3.8 As in previous years more than half of the new Code of Conduct complaints that the PSOW received were about 'promotion of equality and respect' but there is a further notable increase when compared to last year. Many of these cases, categorised by the PSOW under 'respect', are lower-level complaints. These are the ones where the PSOW will tend to decide quickly that they will not investigate, or where they recommend that the complaint is resolved locally. However, some of these complaints and many of those categorised under 'equality' commonly involve more serious allegations of bullying or discrimination. The PSOW is concerned that more of the complaints relate to the promotion of equality and respect.
- 3.9 There was 1 Code of Conduct complaint made about a Member in relation to their role as an RCT County Borough Councillor during the period, compared against 2 in 2021-2022. The complaint was discontinued after investigation.
- 3.10 6 complaints were received in relation to Town and Community Councils within RCT as against 9 in the previous reporting period. In relation to all 6 complaints the PSOW decided not to investigate - see Table F of Appendix 2.
- 3.11 In 2022-2023 the PSOW closed 280 cases – about the same number as the previous year. The most common outcome of the complaints were that they were 'closed after initial consideration'. The majority were closed under this

outcome. These include decisions where there is no 'prima facie' evidence of a breach of the Code and it is not in the public interest to investigate.

- 3.12 35 complaints were taken forward for investigation in 2022-23, compared to 39 in the 2021-22 period, with the PSOW again directing investigative resources towards the more serious complaints where an investigation is required in the public interest. In 23 cases an investigation was discontinued, no evidence of breach was found or no further action was necessary. The main reasons the PSOW might decide no further action is necessary are if the councillor has acknowledged their behaviour and apologised, or has taken steps to put things right. There were 12 referrals (to either Standards Committees or the Adjudication Panel for Wales) compared to 20 in the previous period – so a notable reduction. 8 referrals were made to Standards Committees and 4 referrals to the Adjudication Panel for Wales. The PSOW welcomes this reduction as it shows they found fewer potentially serious issues that could undermine public confidence in the people who represent them.
- 3.13 The Adjudication Panel for Wales and Standards Committees upheld and found breaches in 96% of the referrals they considered in 2022/23.
- 3.14 The PSOW has stipulated that although she noted some positive trends in 2022/2023 her office continues to underline the value of more education and training for councillors on the Code of Conduct and encourage the use of local resolution procedures. Her belief is that these procedures can calm situations deal with problems early and prevent the need for further escalation to her office.
- 3.15 In 2022/23 the PSOW received 24 Code of Conduct complaints that would potentially meet the statutory definition of disclosure from employees or former employees of a council. The disclosures (8) mostly related to allegations that the members concerned had 'failed to promote equality and respect'. The PSOW investigated 13 of these complaints. So far the PSOW has closed one of those investigations. They decided in that case it was not in the interest to pursue it. The PSOW concluded investigations into 1 relevant complaint that was ongoing since 2021/22 and found no evidence of breach. The Committee decided that there was a breach of the Code of Conduct and censured the member. One case was referred to the Adjudication Panel for Wales. The Panel has not yet decided on that complaint. In three cases, investigations were discontinued. In three cases the PSOW decided that they did not need to take any action further action in respect of the matters investigated. One of the investigations opened in 2020/21 is still ongoing.

4. LEGAL IMPLICATIONS

- 4.1 There are no legal implications arising from this report.

5. CONSULTATION

- 5.1 There are no consultation implications arising from this report.

6. EQUALITY AND DIVERSITY IMPLICATIONS

- 6.1 There are no equality and diversity implications arising from this report.

7. FINANCIAL AND RESOURCE IMPLICATIONS

7.1 There are no financial implications arising from this report.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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Background Papers: Public Services Ombudsman for Wales' Annual Report
2022-2023
Public Services Ombudsman for Wales' Annual Letter –
RCT CBC 2022-2023

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