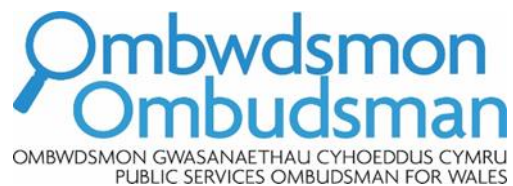


Mae'r ymateb yma hefyd ar gael yn Gymraeg.

This response is also available in Welsh.



**Response by the Public Services Ombudsman for Wales
to the Code of Conduct and Associated Procedures for Members of the Senedd**

I am pleased to have the opportunity to respond to the Welsh Government's consultation on the Code of Conduct and Associated Procedures for Members of the Senedd.

Our role

As Public Services Ombudsman for Wales (PSOW), I investigate complaints that members of local government bodies have breached their authority's code of conduct. I am also able to investigate complaints made by members of the public who believe they have suffered hardship or injustice through maladministration or service failure on the part of a body in my jurisdiction, which essentially includes all organisations that deliver public services devolved to Wales. These include:

- local government (both county and community councils)
- the National Health Service (including GPs and dentists)
- registered social landlords (housing associations)
- the Welsh Government, together with its sponsored bodies.

I can consider complaints about privately arranged or funded social care and palliative care services and, in certain specific circumstances, aspects of privately funded healthcare. The 'own initiative' powers I have been granted under the Public Services Ombudsman (Wales) Act 2019 (PSOW Act 2019) allow me to investigate where evidence suggests there may be systemic failings, even if service users themselves are not raising complaints. The Act also established the Complaints Standards Authority (CSA) to drive improvement in public services by supporting effective complaint handling.

General Comments

Whilst the conduct of Members of the Senedd is outside of my jurisdiction, I welcome the proposals as set out in the consultation document. Through the inclusion of a principle of 'Respect', the changes proposed bring better alignment between the Principles in the Code of Conduct for Members of the Senedd and

those contained with the Code for local authority members, as set out in Schedule 1 of the [Conduct of Members \(Principles\) \(Wales\) Order 2001](#). I consider that these Principles should underpin all conduct in public life in Wales so that there is a clear and consistent approach which promotes public confidence in our democratic bodies in Wales.

This coherence is reinforced by other similarities to the Model Code such as its enforceable provisions and its application to both members' public and private lives. To bring clarity as to what this and other aspects of the Model Code means for local authority members, I publish [Guidance](#), to help members understand their obligations and make clear any points of ambiguity. For example, the Guidance establishes that while members should be entitled to privacy in their personal lives, there may be times when a member's behaviour can impact upon the reputation and integrity of their relevant local authority.

As such, I support the recommendation to publish a separate Guidance document for the Code of Conduct for Members of the Senedd and would offer my publication as a useful example of good practice that the Standards Committee could draw from. I have recently reviewed this Guidance and shortly be publicly consulting on fresh draft Guidance.

The Standards Commissioner's independent role is very much akin to my own. If I find that a complaint is justified and it is in the public interest to do so, I am able to refer it either to the Standards Committee of the relevant authority, or to a tribunal convened by the Adjudication Panel for Wales, to make a determination on the issues. In the case of complaints against Senedd Members, I consider that, as the Standards Commissioner is independently appointed to investigate complaints, the Senedd's Standards Committee could determine any cases. This process includes the opportunity for representation by Members and would allow for appropriate scrutiny before any decisions are taken and as such naturally contains an independent appeal or review mechanism.

Closing remarks

I trust that you will find my comments useful. Should you wish to discuss any of my points further, please do not hesitate to contact Tanya Nash, my acting Head of Policy (tanya.nash@ombudsman.wales).



Nick Bennett

Public Services Ombudsman for Wales

January 2021

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