

Mae'r ymateb yma hefyd ar gael yn Gymraeg.

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**Response by the Public Services Ombudsman for Wales  
to the Welsh Government's consultation on  
the Local Government and Elections (Wales) Act 2021:  
standards of conduct statutory guidance**

We are pleased to have the opportunity to respond to this consultation.

### **Our role**

As Public Services Ombudsman for Wales (PSOW), we 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 our 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.

We can consider complaints about privately arranged or funded social care and palliative care services and, in certain specific circumstances, aspects of privately funded healthcare.

We also investigate complaints that elected members of local authorities have breached their Codes of Conduct, which set out the recognised principles of behaviour that members should follow in public life.

The 'own initiative' powers we have been granted under the Public Services Ombudsman (Wales) Act 2019 (PSOW Act 2019) allow us 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 through model procedures, training and collecting and publishing complaints data.

## **General comments**

We support the additional duties and guidance in relation to Group Leaders and Standards Committees.

We think that the proposed Guidance is clear and will provide a helpful guide for Group Leaders, Standards Committees and Monitoring Officers.

We especially welcome the clarification of what steps the Group Leaders could take to promote and maintain high standards of conduct by the members of the group; as well as what would be considered as malicious or vexatious low-level complaints (Chapter 2).

We are glad that the guidance states that it would be 'good practice' for the Standards Committees to share their annual report with us. This will help us keep an overview of the standards of conduct in local democracy in Wales.

We support the use of local resolution for low level complaints, especially complaints between members. This will prevent these complaints from being escalated to us and allow us to focus our resources on investigating the most serious of complaints where there is a public interest in doing so.

We are therefore glad that Chapter 4 of the guidance encourages the Standards Committees to report in their annual reports on the number of cases considered under local resolution processes. This data is not currently available and we believe this will be particularly helpful in relation to the Town and Community Council sector, given that some councils choose not to join the representative body, One Voice Wales.

## **Suggestions**

We notice that the guidance does not refer to the role of Group Leaders in the new Corporate Joint Committees. In view of the planned expansion of the ethical standards framework to include these new Committees, we consider that there should be some reference to the Group Leaders role in supporting good standards of conduct within those bodies as well – as well as within other strategic partnerships, such as Public Service Boards and Regional Partnership Boards.

In addition, we have recently set up a new section on our website which includes resources for elected members (<https://www.ombudsman.wales/information-for-elected-members/>). We would be grateful if the link to our website in Chapter 2 of the guidance could be amended accordingly.

## **Closing remarks**

Once the guidance is introduced, we will amend our own statutory guidance to elected members, accordingly.

We are looking forward to supporting Group Leaders and Standards Committees in using these new powers to improve standards of conduct in local democracy in Wales.

We trust that you will find our comments useful. If you would like to discuss our comments further, please do not hesitate to contact Ania Rolewska, our Head of Policy ([ania.rolewska@ombudsman.wales](mailto:ania.rolewska@ombudsman.wales)).

*M.M. Morris.*

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**Public Services Ombudsman for Wales**

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