

Document Pack



Mark James LLM, DPA, DCA
Prif Weithredwr,
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Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

WEDNESDAY, 10 OCTOBER 2018

TO: ALL MEMBERS OF THE STANDARDS COMMITTEE

I HEREBY SUMMON YOU TO ATTEND A MEETING OF THE **STANDARDS COMMITTEE** WHICH WILL BE HELD IN THE **CHAMBER, COUNTY HALL, CARMARTHEN AT 10.00 AM, ON FRIDAY, 19TH OCTOBER, 2018** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA.

Mark James CBE

CHIEF EXECUTIVE



PLEASE RECYCLE

Democratic Officer:	Kevin Thomas
Telephone (direct line):	01267 224027
E-Mail:	kjthomas@carmarthenshire.gov.uk
Ref:	AD016-001

STANDARDS COMMITTEE

MEMBERSHIP: 9 MEMBERS

Independent Members (5)

- | | | |
|----|--------------------|-----------------------------|
| 1. | Mrs Mary Dodd | Vice-Chair of the Committee |
| 2. | Mrs Daphne Evans | |
| 3. | Mrs Julie James | |
| 4. | Mr M. Andre Morgan | Chair of the Committee |
| 5. | Mr Alun Williams | |

Community Committee Member (1)

1. Town Councillor Philip Rogers

Elected Members of the County Council (3)

1. Councillor Jeanette Gilasbey
2. Councillor Andre McPherson
3. Councillor Gareth Thomas

AGENDA

1. APOLOGIES FOR ABSENCE.
2. DECLARATIONS OF PERSONAL INTEREST.
3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON THE 15TH JUNE, 2018 5 - 10
4. APPLICATION FOR DISPENSATION BY COUNCILLOR ANDRE MCPHERSON 11 - 20
5. APPLICATION FOR DISPENSATION BY COUNCILLOR EDWARD THOMAS 21 - 30
6. PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL REPORT 31 - 164
7. ADJUDICATION PANEL FOR WALES DECISION 165 - 184
8. ADJUDICATION PANEL FOR WALES - SANCTIONS GUIDANCE 185 - 210
9. OMBUDSMAN'S CODE OF CONDUCT CASEBOOK 211 - 222
10. WLGA SOCIAL MEDIA GUIDE FOR COUNCILLORS 223 - 262
11. CODE OF CONDUCT TRAINING FOR TOWN AND COMMUNITY COUNCILLORS 2018 263 - 266
12. ANY OTHER ITEMS OF BUSINESS THAT BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR DECIDES SHOULD BE CONSIDERED AS A MATTER OF URGENCY PURSUANT TO SECTION 100B(4)(B) OF THE LOCAL GOVERNMENT ACT 1972.

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FRIDAY, 15TH JUNE, 2018

PRESENT: Mr M.A. Morgan [Chair]

Independent Members:

Mrs D. Evans, Mrs J. James and Mr A. Williams

Councillors:

J.G. Gilasbey, A.S.J. McPherson and G.B. Thomas

Community Member:

Councillor P. Rogers

The following Officers were in attendance:

Ms L.R. Jones	-	Head of Administration and Law
R. Edgecombe	-	Acting Legal Services Manager
Mrs M. Evans Thomas	-	Principal Democratic Services Officer

Chamber, County Hall, Carmarthen : 10.00 a.m. - 11.25 a.m.

1. APOLOGIES AND OTHER MATTERS

An apology for absence was received from Mrs Mary Dodd, Independent Member.

The Chair welcomed Councillor Andre McPherson to his first meeting as a member of the Committee and expressed thanks to his predecessor, Councillor Louvain Roberts, for her valued contribution to the work of the Committee.

2. DECLARATIONS OF PERSONAL INTEREST

There were no declarations of personal interest.

3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON THE 16TH MARCH, 2018

It was pointed out that reference was made to the WG paper on Reforming Local Government as part of the discussions on the Forward Work Programme (minute 6 refers) when it was decided that the Committee should receive regular updates thereon.

RESOLVED that the minutes of the meeting of the Committee held on the 16th March, 2017 be signed as a correct record, subject to the inclusion of the above-mentioned amendment.

VARIATION OF BUSINESS

The Committee agreed, at the Chair's invitation and in accordance with Council Procedure Rule 2 [3], to vary the order of the remaining business on the agenda.

4. APPLICATION FOR DISPENSATION BY COUNCILLOR M.G. POORE

The Committee considered an application submitted by Councillor Maria Gabriela Poore of Whitland Town Council, for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak only in relation to matters regarding the Whitland Memorial Hall.

It was reported that a dispensation was sought as Councillor Poore had a personal interest in these matters by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct in that she is the Secretary and Treasurer of the Hall.

Councillor Poore's interest was also prejudicial as a member of the public, with full knowledge of the facts, would reasonably regard that interest as being so significant that it would be likely to prejudice the Councillor's judgement of the public interest.

Councillor Poore had accordingly requested that a dispensation be granted under Regulation 2 (d) (e) (f) (g) and (h) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001.

The Legal Services Manager advised the Committee that in considering the application it should note that paragraphs 2 (d) and (h) were the most appropriate grounds should the Committee be minded to approve the request to speak only.

Following a discussion it was

UNANIMOUSLY RESOLVED that dispensation be granted under Regulation 2 (d) and (h) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001 to Councillor Maria Gabriela Poore to SPEAK only at meetings of Whitland Town Council in relation to matters regarding the Whitland Memorial Hall and that the dispensation be valid until the end of her current term of office.

5. APPLICATION FOR DISPENSATION BY COUNCILLOR B. CHAPMAN (WHITLAND TOWN HALL COMMITTEE)

The Committee considered an application submitted by Councillor Barry Chapman of Whitland Town Council, for the grant of dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak only in relation to matters regarding Whitland Town Hall Committee.

It was reported that a dispensation was sought as Councillor Chapman had a personal interest in these matters by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct as he is a member and Chair of the Committee.

Councillor Chapman's interest was also prejudicial as a member of the public with full knowledge of the relevant facts would reasonably regard the interest as being so significant that it would be likely to prejudice the Councillor's judgement of the public interest.

Councillor Chapman had accordingly requested that a dispensation be granted under Regulation 2 (d) (e) (f) and (h) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001.

The Legal Services Manager advised the Committee that in considering the application it should note that paragraphs 2 (d) and (h) were the most appropriate grounds should the Committee be minded to approve the request to speak only.

Following a discussion it was

UNANIMOUSLY RESOLVED that dispensation be granted under Regulation 2 (d) and (h) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001 to Councillor Barry Chapman to SPEAK only at meetings of Whitland Town Council in relation to matters regarding Whitland Town Hall Committee and that the dispensation be valid until the end of his current term of office.

6. APPLICATION FOR DISPENSATION BY COUNCILLOR B. CHAPMAN (DEMENTIA FRIENDLY COMMUNITY ACTION GROUP)

The Committee considered an application submitted by Councillor Barry Chapman of Whitland Town Council, for the grant of dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote in relation to matters regarding the Laugharne, St. Clears, Whitland and surrounding areas Dementia Friendly Community Action Group.

It was reported that a dispensation was sought as Councillor Chapman had a personal interest in these matters by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct as he is a member and Chair of the Group's Committee.

Councillor Chapman's interest was also prejudicial as a member of the public with full knowledge of the relevant facts would reasonably regard the interest as being so significant that it would be likely to prejudice the Councillor's judgement of the public interest.

Councillor Chapman had accordingly requested that a dispensation be granted under Regulation 2 (d) (e) (f) and (h) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001.

The Legal Services Manager advised the Committee that in considering the application it should note that paragraphs 2 (d) and (h) were the most appropriate grounds should the Committee be minded to approve the request to speak and vote.

Following a discussion it was

UNANIMOUSLY RESOLVED that dispensation be granted under Regulation 2 (d) and (h) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001 to Councillor Barry Chapman to SPEAK only at meetings of Whitland Town Council in relation to matters regarding the Laugharne, St. Clears, Whitland and surrounding areas Dementia Friendly Community Action Group until the 30th June, 2019.

7. APPLICATION FOR DISPENSATION BY COUNCILLOR B. CHAPMAN (CHAMBER OF TRADE)

The Committee considered an application submitted by Councillor Barry Chapman of Whitland Town Council, for the grant of dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote in relation to matters regarding the Chamber of Trade.

It was reported that a dispensation was sought as Councillor Chapman had a personal interest in these matters by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct as he is a member and Chair of the Chamber.

Councillor Chapman's interest was also prejudicial as a member of the public with full knowledge of the relevant facts would reasonably regard the interest as being so significant that it would be likely to prejudice the Councillor's judgement of the public interest.

Councillor Chapman had accordingly requested that a dispensation be granted under Regulation 2 (b) (d) (e) and (h) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001. In addition, a further ground would appear to apply, namely (f).

Following a detailed discussion it was

RESOLVED that the application submitted by Councillor Barry Chapman for dispensation to speak and vote at meetings of Whitland Town Council in respect of matters relating to the Chamber of Trade be refused.

8. APPLICATION FOR DISPENSATION BY COUNCILLOR B. CHAPMAN (WHITLAND CIVIC WEEK COMMITTEE)

The Committee considered an application submitted by Councillor Barry Chapman of Whitland Town Council, for the grant of dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak only in relation to matters regarding Whitland Civic Week Committee.

It was reported that a dispensation was sought as Councillor Chapman had a personal interest in these matters by virtue of paragraph 10(2)(a)(ix)(ee) of the Code of Conduct as he is a member of the Committee.

Councillor Chapman's interest was also prejudicial as a member of the public with full knowledge of the relevant facts would reasonably regard the interest as being so significant that it would be likely to prejudice the Councillor's judgement of the public interest.

Councillor Chapman had accordingly requested that a dispensation be granted under Regulation 2 (d) (e) (f) and (h) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001.

Following a detailed discussion it was

RESOLVED that dispensation be granted under Regulation 2 (d) (e) (f) and (h) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001 to Councillor Barry Chapman to SPEAK only at meetings of Whitland Town Council in relation to matters regarding Whitland Civic Week Committee until the 30th June, 2019.

[NOTE: At 11.00 a.m., following consideration of the above application, Mrs Julie James, Independent Member, had to leave the meeting and in accordance with Article 9 of the Council's Constitution, Councillor Jeanette Gilasbey retired from the meeting.]

9. REVIEW OF CORPORATE WHISTLEBLOWING POLICY

The Committee considered the annual report on the Council's Whistle Blowing Policy with a view to including the relevant information within the Chair's Annual Report to Full Council and setting the policy for the forthcoming year. The policy had been updated to reflect guidance issued by the Welsh Government on ethical employment in supply chains.

It was noted that between 1st April, 2017 and 31st March, 2018 eight new whistle blowing complaints were received by the Council. This compared with nine new complaints in 2016/17. One complaint was carried over from 2016/17 and six complaints were carried over into 2017/18. Of the three complaints concluded during the year, all resulted in no further action being taken. None of the complainants provided any feedback.

The following questions/observations were raised on the report:-

- Concern was expressed that complaints relating to schools are not recorded. The Committee was advised that the Authority has no control over what happens with such complaints as they are a matter for the individual Governing Body and officers suggested that this information could be recorded separately;
- There was a numbering error on the Whistleblowing Policy with two sections being numbered 22. It was felt that the second section 22 was in the wrong position and would be more appropriately placed after section 26. It was also felt that the first two sentences of this section (Whistleblowing is where ... public interest dimension.) were unnecessary, were not "in contrast" and should be removed. It was agreed to suggest the following new section 27 of the Whistleblowing Policy: "It should be noted that a whistleblowing issue could be entangled within a grievance or standards of behaviour, in which case the Council will need to consider the facts, assess the risks and decide how to best deal with the issue (See Appendix A Whistleblowing Flowchart).";

- Concern was expressed that Case Study 3 was a poor example and unacceptable. Officers explained that the case studies did not relate to Carmarthenshire, however, they would feed the comments back to colleagues with a view to including a different case study instead;
- Reference was also made to several typographical errors in the document.

RESOLVED that the policy be amended to take account of the above-mentioned comments and the final document be presented to the Committee for information.

CHAIR

DATE

STANDARDS COMMITTEE 19/10/18

APPLICATION FOR DISPENSATION BY COUNCILLOR ANDRE McPHERSON

Recommendations / key decisions required:

To consider and determine the application

Reasons:

The subject matter of this report falls within the remit of the Committee

Scrutiny Committee recommendations / comments:

Not applicable

Exec Board Decision Required NO

Council Decision Required NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)

Directorate

Chief Executives

Name of Head of Service:

Linda Rees-Jones

Report Author:

Robert Edgecombe

Designations:

Head of Administration & Law

Acting Legal Services Manager

Tel Nos.

01267 224018

E Mail Addresses:

RJEdgeco@carmarthenshire.gov.uk.

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
19/10/18**

**APPLICATION FOR DISPENSATION BY COUNCILLOR ANDRE
McPHERSON**

A dispensation application has been received from County Councillor Andre McPherson to speak and vote and make written representations in respect of any council business relating to mental health issues and the provision of mental health services.

Councillor McPherson would have a personal interest in such council business by virtue of paragraph 10(2)(a)(i) of the Members Code of Conduct as he works as a clinical psychologist and paragraph 10(2)(a)(ix)(bb) as he is chairman of the charity Llanelli Mind.

These personal interests would also be prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard those interests as so significant that they would be likely to prejudice the Councillor's judgement of the public interest.

Councillor McPherson has submitted his application on the basis of two grounds set out in the Standards Committees (Grant of Dispensations)(Wales) regulations 2011 (as amended) namely;

1. That the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business.
2. That the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise.

If the committee is minded to grant Councillor McPherson a dispensation in respect of these interests it has absolute discretion as to the duration of that dispensation.

DETAILED REPORT ATTACHED ?

/NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not applicable

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-164	Legal Services, County Hall

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**APPLICATION TO THE STANDARDS COMMITTEE
FOR DISPENSATION**

Please note that each section MUST be completed. Please refer to the attached
Guidance Notes when completing the form.

1. YOUR DETAILS

Your full name: Councillor Andre McPherson

Name of your Council: Carmarthenshire County Council

Your address and postcode: 1 Heol Y Cloddiau, Dafen, Llanelli, SA14 8QX

Contact telephone number(s): 07583525635

Email address: asjmcpherson@carmarthenshire.gov.uk

2. DETAILS OF YOUR INTEREST

What is the matter under consideration?

Any matter relating to mental health issues and the provision of mental health services

What is your interest in the above matter?

I am a Clinical Psychologist
I am the Chairman of Llanelli Mind

When will the above matter be considered?

No specific date. Could be at any time during my term of office.

Are you applying for dispensation to:

Speak only: ☐

Speak and vote: x☒

Make written
Representations x☒

Exercise Executive
Powers ☐

3. GROUNDS FOR DISPENSATION

Regulations issued by the National Assembly for Wales prescribe the circumstances in which the Standards Committee may grant a dispensation. These grounds for granting a dispensation are summarised below and are set out in full in the attached guidance notes. On which of the following grounds do you believe that a dispensation should be granted in this case? Please tick the appropriate box(es).

• at least half of the members considering the business has an interest	<input type="checkbox"/>
• my inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected;	<input type="checkbox"/>
• my participation would not damage public confidence	x <input checked="" type="checkbox"/>
• the interest is common to me and a significant proportion of the general public;	<input type="checkbox"/>
• my participation in the business is justified by my particular role or expertise;	x <input checked="" type="checkbox"/>
• the business is to be considered by an overview and scrutiny committee and my interest is not a pecuniary interest;	<input type="checkbox"/>
• the business relates to the finances or property of a voluntary organisation of whose management committee or board I am a member and I have no other interest	<input type="checkbox"/>
• it is appropriate to do so in all the circumstances where not otherwise possible to make reasonable adjustments to accommodate a person's disability	<input type="checkbox"/>

4. INFORMATION IN SUPPORT OF YOUR APPLICATION

Please set out below the reasons why you consider that the Standards Committee should grant a dispensation in this case:

(Please note that failure to complete this section will result in the application form being returned to you)

Mental health issues represent a great challenge to our communities and affect a significant proportion of the population. Unfortunately these issues have not historically received the attention that they deserve, leading to many suffering in silence due to a lack of much needed support.

I believe that my expertise in the Mental health sector means that I am well placed to speak on these issues in meetings of the council and its committees, and to make written representations.

I believe that I should also be able to vote as on a day to day basis I am working with people who suffer either primary or secondary mental health problems, and though this I have a good understanding of their needs. By voting I will be able to more effectively represent the interests of this, often ignored, section of society.

As Chair of the board of Llanelli Mind, I am involved with the day to day running of the charity, which runs day drop in centres, befriending services as well as counselling and coping skills courses. It is also a place for people to get advice and for sign posting to other services.

Part of the funding stream of the charity is from direct and indirect funding through Carmarthenshire County Council. In total this works out to 25% of the overall budget.

I do not believe that this would affect the public's confidence in my ability to act in the wider public interest on these issues.

However I accept that it might undermine the public's confidence when dealing with matters that specifically relate to Llanelli Mind.

As such I do not seek dispensation in respect of any application by Llanelli Mind or any other Mind Charities for funding, or for any regulatory approval.

I confirm that the information provided on this form is true to the best of my knowledge. I agree that this application and all the information contained within it may form part of a public report to the Standards Committee. I request a dispensation in respect of the above matter.

Signed:

Date:

 / /

Please return this form to the Monitoring Officer, Chief Executive's Department, Carmarthenshire County Council, County Hall, Carmarthen, SA31 1JP.

Guidance notes

- (1) Please read through the Code of Conduct and decide which of the paragraphs is most appropriate to your case. Brief details of the relevant paragraphs are noted in the table below. If you are unsure, please contact the Monitoring Officer for advice.

Para.	Type of personal interest	
10(2)(a)	Council business which relates to or is likely to affect: <ul style="list-style-type: none"> • your employment or business, • your employer, firm or company • a contract made between the Council and you • any land, lease or licence in which you have an interest • a public body or other association in which you have membership or hold a position of general control or management 	
10(2)(c)	Council business which affects your well-being or financial position, or the well-being, financial position or other interests of a person with whom you live or have a close personal association	
13	Council business which is being considered by an Overview and Scrutiny Committee and which relates to a decision of the Cabinet or another Committee of which you were a member at the time [County Council only]	

- (2) The Standards Committees (Grant of Dispensations)(Wales) Regulations 2001(as amended) state that a Standards Committee may grant dispensations where:

- (a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;

- (d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;
- (e) the interest is common to the member and a significant proportion of the general public;
- (f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
- (g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;
- (h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or
- (i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.
- (j) It is considered appropriate in all the circumstances to do so where not otherwise possible to make reasonable adjustments to accommodate a persons disability

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STANDARDS COMMITTEE 19/10/18

APPLICATION FOR DISPENSATION BY COUNCILLOR EDWARD THOMAS

Recommendations / key decisions required:

To consider and determine the application

Reasons:

The subject matter of this report falls within the remit of the Committee

Scrutiny Committee recommendations / comments:

Not applicable

Exec Board Decision Required NO

Council Decision Required NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)

Directorate		
Chief Executives		
Name of Head of Service:	Designations:	
Linda Rees-Jones	Head of Administration & Law	Tel Nos.
Report Author:		01267 224018
Robert Edgecombe	Acting Legal Services Manager	E Mail Addresses:
		RJEdgeco@carmarthenshire.gov.uk.

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
19/10/18**

**APPLICATION FOR DISPENSATION BY COUNCILLOR
EDWARD THOMAS**

A dispensation application has been received from Councillor Edward Thomas of Llandeilo Fawr Town Council to speak only in respect of any council business relating to the annual grant from the Town Council to the Llandeilo and District Sports Association.

Councillor Thomas would have a personal interest in such council business by virtue of paragraph 10(2)(a)(ix)(ee) of the members code of conduct as he is chairman of the Llandeilo and District Sports Association.

This personal interest would also be prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard the interest as so significant that it would be likely to prejudice the Councillor's judgement of the public interest.

Councillor Thomas has submitted his application on the basis of two grounds set out in the Standards Committees (Grant of Dispensations)(Wales) regulations 2011 (as amended) namely;

1. That the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business.
2. That the business in question relates to the finances of a voluntary organisation of whose management committee the councillor is a member AND that he has no other interest.(A dispensation granted under this ground cannot extend to allowing the member to vote)

Committee members should note that paragraph 12(2)(c) of the Code provides that a personal interest is not to be regarded as a prejudicial interest where it relates to a member's role as a community councillor in respect of a grant, loan or other form of financial assistance made by that member's council to a community or voluntary organisation, up to a maximum of £500.

If the committee is minded to grant Councillor Thomas a dispensation in respect of this interest it has absolute discretion as to the duration of that dispensation.

DETAILED REPORT ATTACHED ?

/NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities NONE	Legal NONE	Finance NONE	ICT NONE	Risk Management Issues NONE	Staffing Implications NONE	Physical Assets NONE
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CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not applicable

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-164	Legal Services, County Hall

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**APPLICATION TO THE STANDARDS COMMITTEE
FOR DISPENSATION**

Please note that each section **MUST** be completed. Please refer to the attached
Guidance Notes when completing the form.

1. YOUR DETAILS

Your full name:	EDWARD GWYNNE THOMAS
Name of your Council:	LLANDEILO FAIR TOWN COUNCIL
Your address and postcode:	AWELFRYN, 8 BRIDGE ST, LLANDEILO SA19 6BN
Contact telephone number(s):	07842 649261
Email address:	egthomas@sirgar.gov.uk

2. DETAILS OF YOUR INTEREST

What is the matter under consideration?	
ANNUAL GRANT FROM LLANDEILO FAIR TOWN COUNCIL TO LLANDEILO & DISTRICT SPORTS ASSOCIATION	
What is your interest in the above matter?	
CHAIRMAN LLANDEILO & DISTRICT SPORTS ASSOCIATION	
When will the above matter be considered?	
OCT 24 FULL COUNCIL	
Are you applying for dispensation to:	
Speak only: <input checked="" type="checkbox"/>	Speak and vote: <input type="checkbox"/>
Make written Representations <input type="checkbox"/>	Exercise Executive Powers <input type="checkbox"/>

3. GROUNDS FOR DISPENSATION

Regulations issued by the National Assembly for Wales prescribe the circumstances in which the Standards Committee may grant a dispensation. These grounds for granting a dispensation are summarised below and are set out in full in the attached guidance notes. On which of the following grounds do you believe that a dispensation should be granted in this case? Please tick the appropriate box(es).

• at least half of the members considering the business has an interest	<input type="checkbox"/>
• my inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected;	<input type="checkbox"/>
• my participation would not damage public confidence	<input checked="" type="checkbox"/>
• the interest is common to me and a significant proportion of the general public;	<input type="checkbox"/>
• my participation in the business is justified by my particular role or expertise;	<input type="checkbox"/>
• the business is to be considered by an overview and scrutiny committee and my interest is not a pecuniary interest;	<input type="checkbox"/>
• the business relates to the finances or property of a voluntary organisation of whose management committee or board I am a member and I have no other interest	<input checked="" type="checkbox"/>

4. INFORMATION IN SUPPORT OF YOUR APPLICATION

Please set out below the reasons why you consider that the Standards Committee should grant a dispensation in this case:

(Please note that failure to complete this section will result in the application form being returned to you)

Whilst I will be writing to Haverhill Town Council and enclosing annual accounts, to comply with LTC internal regulations. I would like to speak in support of the continued support by LTC for this cause. The Haverhill & District Sports Association was set up as an initiative of the Town Council as an umbrella organisation for all Sports Club in the area. LTC grant £2000 p.a to the SA which is used to make grants to club & individuals.

Haverhill & District Sports Association receive small grants from neighbouring community council but is dependant on this main grant.

Guidance notes

- (1) Please read through the Code of Conduct and decide which of the paragraphs is most appropriate to your case. Brief details of the relevant paragraphs are noted in the table below. If you are unsure, please contact the Monitoring Officer for advice.

Para.	Type of personal interest	
10(2)(a)	Council business which relates to or is likely to affect: <ul style="list-style-type: none"> • your employment or business, • your employer, firm or company • a contract made between the Council and you • any land, lease or licence in which you have an interest • a public body or other association in which you have membership or hold a position of general control or management 	✓
10(2)(b)	Council business in which there may be a conflict between your decision-making role and your role in representing constituents in your ward	
10(2)(c)	Council business which affects your well-being or financial position, or the well-being, financial position or other interests of a person with whom you live or have a close personal association	
13	Council business which is being considered by an Overview and Scrutiny Committee and which relates to a decision of the Cabinet or another Committee of which you were a member at the time [County Council only]	

- (2) The Standards Committees (Grant of Dispensations)(Wales) Regulations 2001 state that a Standards Committee may grant dispensations where:

- (a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;
- (d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;
- (e) the interest is common to the member and a significant proportion of the general public;
- (f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise; ✓
- (g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;

I do not believe there is a conflict of interest
but seek dispensation to speak in support
and to answer any questions posed by LHC
councillors

(please continue on a separate sheet if necessary)

I confirm that the information provided on this form is true to the best of my knowledge. I agree that this application and all the information contained within it may form part of a public report to the Standards Committee. I request a dispensation in respect of the above matter.

Signed:



Date:

4/10/18

Please return this form to the Monitoring Officer, Chief Executive's Department, Carmarthenshire County Council, County Hall, Carmarthen, SA31 1JP.

- (h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or
- (i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.

STANDARDS COMMITTEE 19/10/18

PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL REPORT

Recommendations / key decisions required:

To consider the report and identify any trends and points of learning relevant to the role of the committee

Reasons:

This will help the committee plan its work for the forthcoming year.

Scrutiny Committee recommendations / comments:

Not applicable

Exec Board Decision Required NO

Council Decision Required NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)

Directorate		
Chief Executives		
Name of Head of Service:	Designations:	
Linda Rees-Jones	Head of Administration & Law	Tel Nos.
Report Author:		01267 224018
Robert Edgecombe	Acting Legal Services Manager	E Mail Addresses:
		RJEdgeco@carmarthenshire.gov.uk.

EXECUTIVE SUMMARY STANDARDS COMMITTEE 19/10/18

PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL REPORT

Every year the Public Services Ombudsman for Wales publishes an annual report and statement of accounts giving information about both maladministration and code of conduct cases that his office has dealt with during the preceding 12 months.

During the year the Ombudsman received 270 code complaints, an increase of 14% on the previous year. This was due entirely to a 33% increase in code complaints against Town & Community Councillors.

Of these by far the most common complaint (representing 42% of the total) was that a councillor or co-opted member had failed to promote equality and respect.

Of those complaints (plus those brought forward from the previous year) the Ombudsman closed 247 cases. However of these he only investigated 30 (down 32%) and found evidence of breach in only 13 (down 41%)

Of the 213 code complaints which were closed 'after initial consideration', the Ombudsman does not state what proportion were because of a lack of evidence and what proportion were due to him determining it was not in the public interest to investigate.

There were 6 complaints made against members of Carmarthenshire County Council, all of which were closed after initial consideration.

A total of 16 code complaints were made against the members of 3 different Town and Community Councils in Carmarthenshire during the year.

Council	No.of Complaints	Outcome
Llanddowror & Llanmilo	2	Closed after initial consideration
Llanelli Rural	1	No evidence of breach
Pembrey and Burry Port	14	Closed after initial consideration

DETAILED REPORT ATTACHED ?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities NONE	Legal NONE	Finance NONE	ICT NONE	Risk Management Issues NONE	Staffing Implications NONE	Physical Assets NONE
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CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not applicable

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-164	Legal Services, County Hall

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Annual Report and Accounts 2017/18

Annual Report & Accounts

of

The Public Services Ombudsman for Wales
for the year ended
31 March 2018

Laid before the National Assembly for Wales
under paragraphs 14,16 and 17 of Schedule 1
of the Public Services Ombudsman (Wales) Act 2005

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Performance Report

Ombudsman's Review of the Year



It is with great pleasure that I present this combined annual report and accounts for the Public Services Ombudsman for Wales (PSOW) for the year ended 31 March 2018, which was my third full year in office. In accordance with paragraph 18 of Schedule 1 to the Public Services Ombudsman (Wales) Act 2005 (the Act), I have personal responsibility for the overall organisation, management and staffing of the office and for its procedures in relation to financial and other matters.

Progress in Innovation, Improvement and Influence: A Review of 2017/18

Despite a challenging complaints context, I am delighted to be able to report positive progress in the activities of the office over the past year, with specific reference to our three-year strategic themes of innovation, improvement and influence, in what will be the final year of this corporate plan.

In terms of *innovation* the office made further progress on data analysis, data security and cyber security and has invested substantial resources in renewing and future-proofing our casework management system and developing a new website and intranet.

Our recently established Sounding Boards bedded down this year, providing very valuable insight from both healthcare provider and service user perspectives, and we established a local government sounding board which met for the first time.

The volume of health complaints coming to the office continues to be a concern. This year, whilst we've seen a welcome 2% reduction in the total number of complaints, complaints about health boards increased by 11%. The number of local government complaints fell by 10% for a further year.

The performance of most *improvement* bodies gives me some reason to be cheerful. Of the five health boards and two local authorities my Improvement Officers have been working with, I was delighted to see reductions against the overall health trend for Betsi Cadwaladr, Hywel Dda and Cwm Taf. There were, however, substantial increases in complaint volumes for both Abertawe Bro Morgannwg and Aneurin Bevan.

Continued pressure on the office as a result of increased numbers of health complaints has been an issue of real strain, resulting in a 11% reduction in the number of cases closed during the past year. Health complaints are generally more complex and there is often a need for clinical advice and multiple advisers, which can inevitably result in a longer investigation process.

However, it was also pleasing to see the number of cases of maladministration and service failure reduce in the course of the year, with 56% of investigated complaints upheld, compared to 61% in 2016/17.

Furthermore, only one improvement body, Hywel Dda Health Board, saw an increase in upheld complaints.

Early resolution and voluntary settlement continues to play an important part in providing administrative justice, now accounting for 63% of positive outcomes for complainants.

The variance in Health Board performance in complaint handling continues to give concern and therefore my office organised a special seminar for health complaints and best practice in June 2017, and a further seminar for all public services in the spring of 2018. At the latter event, I was very pleased to see further progress on Out of Hours services with the Rapid Response for Acute Illness Learning Set (RRAILS) project improving out of hours services in Health Boards across Wales, partly in response to my office's thematic report on the subject.

I published four public interest reports in the course of the year, all health related and two of which were in relation to Betsi Cadwaladr University Health Board.

In order to meet the needs of the people of Wales, my office can only function effectively by getting the best out of the talented people in its employ. During 2017/18 further developments were made to a new staff performance review and development process, with further investment in training including increased HR support, management training and coaching.

I am particularly pleased with the work conducted on developing PSOW internal values:

- Achievement – doing the best we can
- Togetherness – showing respect and collaborating for success
- Positivity – enthusiasm and pride about who we are and what we do

- Supportiveness – being there for each other and appreciating diversity
- Ownership – taking responsibility for everything we do
- Willingness – a keen and flexible can-do approach

In terms of our *influence* and collaboration with other bodies inside and outside Wales, I was delighted to host visits to the office from the Basque Ombudsman, the Local Government and Social Care Ombudsman for England and the Legal Ombudsman. I attended a workshop on own initiative investigations, hosted by the Dutch Ombudsman, in the Hague, and I also spoke at a seminar to promote peace and understanding between Georgia and Abkhazia in the Basque Country, an event supported by the Council of Europe.

I met with NHS and local government Chief Executives, monitoring officers and corporate complaints officers. In October I visited and addressed Flintshire Standards Committee and Cymdeithas y Feddygon (Welsh Speaking Doctors Society). In terms of broader stakeholder engagement, I was delighted that PSOW had a stand at the Urdd Eisteddfod in Pencoed and also a presence at the National Eisteddfod in my native Anglesey.

During the course of the year I met with Assembly Members from across the political spectrum and also gave evidence to the Equality, Local Government and Communities Committee and the Finance Committee of the National Assembly for Wales.

Having been elected to both the European and World Boards of the International Ombudsman Institute (IOI) I was also honoured to be elected Chair of the Ombudsman Association (OA) in May 2017.

Finally, during 2017/18 we saw welcome progress on stage 1 of the proposed new legislation governing my work. I was delighted to see the Plenary meeting of the National Assembly vote 47/1 in favour of the principles of the Public Services Ombudsman (Wales) Bill and I hope that further progress can be made during the year ahead. The combination of the challenging complaints context, experience of improvement activities and the possibility of additional legislative power will inform our strategic focus for the year ahead. The next corporate plan is likely to result in:

1. A concentration of improvement resources on bodies facing the greatest complaints challenges
2. A thematic specialisation of investigations to ensure that the office can continue to deal with high health volumes whilst not losing know how and efficiency in other areas
3. A continued focus on good practice and compliance



Nick Bennett
Ombudsman

SNAPSHOT OF THE YEAR 2017/18

April

The Ombudsman met with the Welsh Government's new Permanent Secretary Shan Morgan



Llywodraeth Cymru
Welsh Government

May

The Ombudsman is appointed Chair of the Ombudsman Association Executive Committee



June

Hosted a complaint handling seminar for health bodies in jurisdiction

Took part in Urdd Eisteddfod in Pencoed



Urdd

July

The first public interest report of the year was issued regarding Cwm Taf University Health Board



August

Our annual report highlighted an 8% rise in NHS complaints

The second public interest report of the year was issued regarding Betsi Cadwaladr University Health Board



September

Held the first PSOW Local Government Sounding Board



SNAPSHOT OF THE YEAR 2017/18

October

The Public Services Ombudsman (Wales) Bill is introduced by the National Assembly for Wales' Finance Committee

Two public interest reports are issued against two health boards



November

The Ombudsman appears in front of the National Assembly for Wales' Equality, Local Government and Communities Committee for scrutiny of the 2016/17 Annual Report



December

The Ombudsman appears in front of the National Assembly for Wales' Equality, Local Government and Communities Committee to give evidence on the Public Services Ombudsman (Wales) Bill



January

Attended the International Ombudsman Institute workshop on Human Rights in the Digital Age



February

The Ombudsman hosted a spring seminar on complaint handling culture in Llandrindod Wells



March

The general principles of the Public Services Ombudsman (Wales) Bill are agreed by the National Assembly for Wales



Who we are, what we do

Role of the Public Services Ombudsman for Wales

As Ombudsman, I have two specific roles. The first is to consider complaints about public services providers in Wales; the second role is to consider complaints that members of local authorities have broken the Code of Conduct. I am independent of all government bodies and the service that I provide is free of charge.

Complaints about public service providers

Under the PSOW Act 2005, I consider complaints about bodies which, generally, are those that provide public services where responsibility for their provision has been devolved to Wales. The types of bodies I can look into include:

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

I am also able to consider complaints about privately arranged or funded social care and palliative care services.

When considering complaints, I look to see whether people have been treated unfairly or inconsiderately, or have received a bad service through some fault on the part of the service provider. Attention will also be given to whether the service provider has acted in accordance with the law and its own policies. If a complaint is upheld I will recommend appropriate redress. The main approach taken when recommending redress is, where possible, to put the complainant (or the person who has suffered the injustice) back in the position they would have been in if the problem had not occurred. Furthermore, if from the investigation I see evidence of a systemic weakness, recommendations will be made with the aim of reducing the likelihood of others being similarly affected in future.

Code of Conduct Complaints

Under the provisions of Part III of the Local Government Act 2000 together with relevant Orders made by the National Assembly for Wales under that Act, I consider complaints that members of local authorities have breached their authority's Code of Conduct. I am also a "prescribed person" under the Public Interest Disclosure Act for raising whistleblowing concerns about breaches of the Code of Conduct by members of local authorities. I can consider complaints about the behaviour of members of:

- county and county borough councils
- community councils
- fire authorities
- national park authorities and
- police and crime panels.

All these authorities have a code of conduct which sets out in detail how members must follow recognised principles for behaviour in public life.

If a county councillor wishes to make a complaint about another county councillor within their own authority, I expect them to first of all make their complaint to that authority's Monitoring Officer, as it may be possible to resolve the matter locally without my involvement.

Management Team

The Management Team has continued to support and advise me in relation to strategic direction as well as the operational, day to day, running of the office.

Shared Services and Collaboration

My Finance, ICT and HR staff, who enable the delivery of our objectives, work collaboratively when appropriate, sharing professional knowledge through a network comprising Welsh Government sponsored bodies and Commissioners and they will continue to do so.

Improvement Officers

In 2016, I introduced into the roles of a number of investigation staff in my office, the additional role of ‘improvement officer’. Whilst the main element of their role remains the investigation of complaints, their improvement role includes stakeholder engagement with certain bodies in jurisdiction as well as subject leads for areas which continue to affect the quality of public services.

During 2017/18 organisations assigned an Improvement Officer were:

- Abertawe Bro Morgannwg University Health Board
- Aneurin Bevan University Health Board
- Betsi Cadwaladr University Health Board
- Ceredigion County Council
- Cwm Taf University Health Board
- Hywel Dda University Health Board
- Powys County Council

Subject leads were specifically tasked with identifying trends from casework across the office, leading on thematic reports, and monitoring legislative and other developments affecting the subject areas.

Subject leads were put in place for:

- health
- housing
- local government planning services
- social services
- school appeals
- the code of conduct for local authority members
- our service provision in the Welsh language, and
- recommendations and compliance

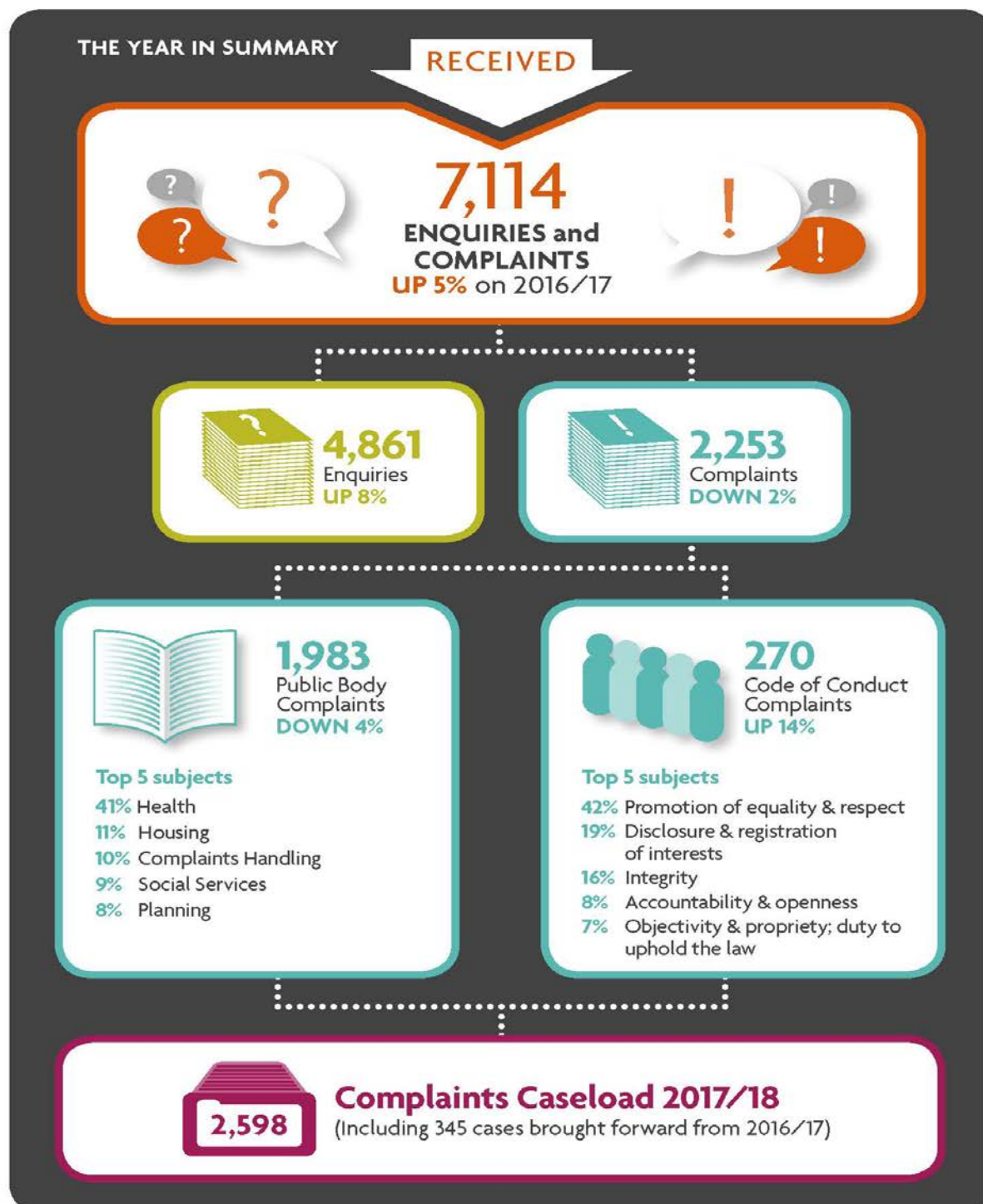
My improvement officers report a number of changes and improvements across health boards in the past year. A cultural change in the way in which Cwm Taf Health Board views complaints is emerging, with a keenness to engage with the Ombudsman and learn from complaints playing a role in this. The Health Board has embraced the closer involvement of the Ombudsman’s Improvement Officer, with senior clinicians and nursing staff welcoming a presentation on the Board’s performance and its relationship with the Ombudsman at its second annual “Listening and Learning from Concerns” seminar. In quantitative terms, the Health Board’s performance in the timeliness of its responses to requests for information and in complying with the Ombudsman’s recommendations has significantly improved.

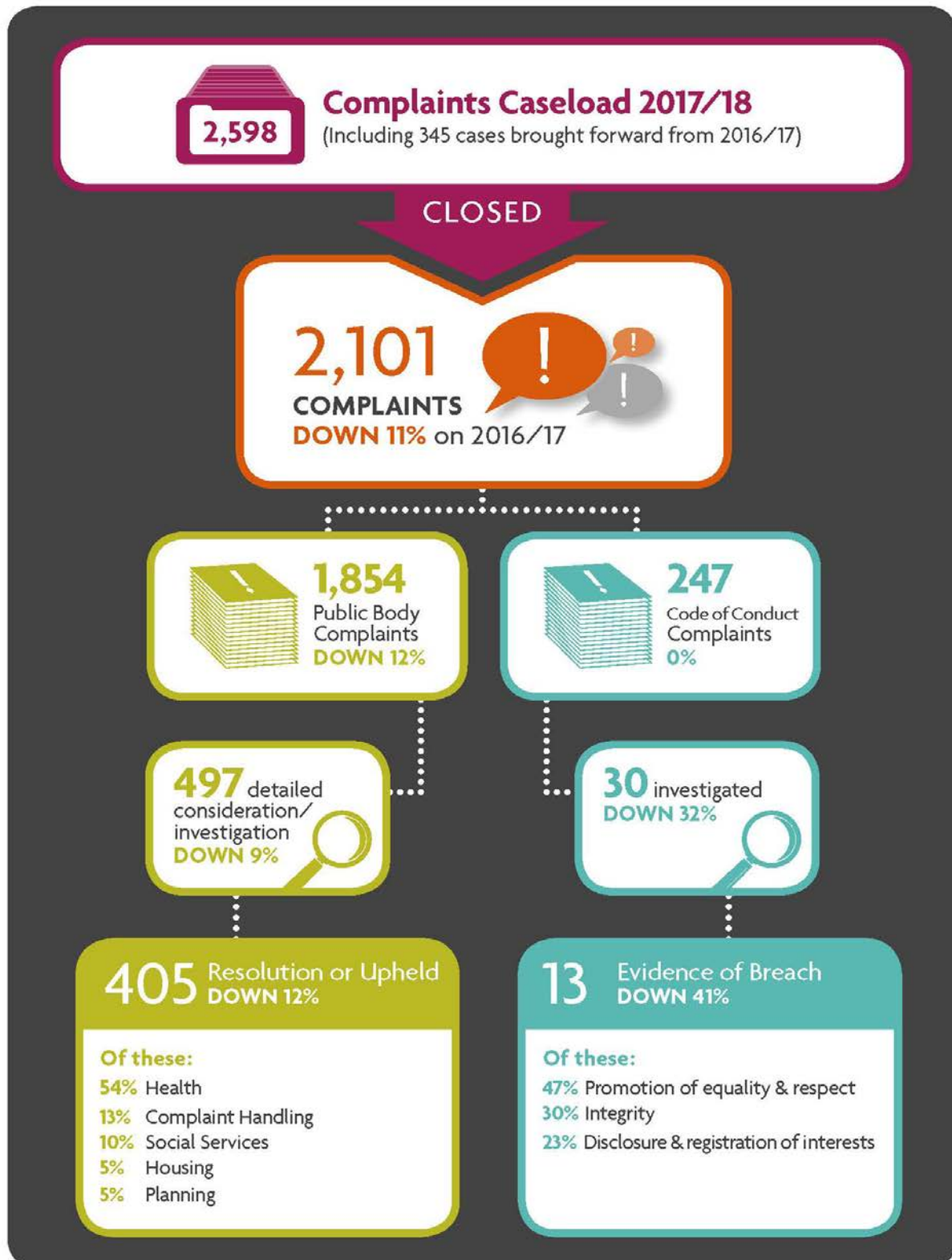
One of my Improvement Officers has worked collaboratively with Ceredigion County Council on a complaint handling toolkit for internal use within the Council. It aims to improve the way in which complaints generally, and those which are made to my office, are handled, by promoting accountability and a culture which is receptive to complaints. I hope that the toolkit will prove to be a useful resource for the Council and other local authorities who wish to adopt a similar approach.

In engaging with other bodies, we hope to see ongoing improvements in complaints handling, learning and putting things right, along with further development of the governance arrangements necessary for continuous improvement.

For 2018/19 I have decided to concentrate the work of the improvement officers on a smaller number of public bodies most needing support.

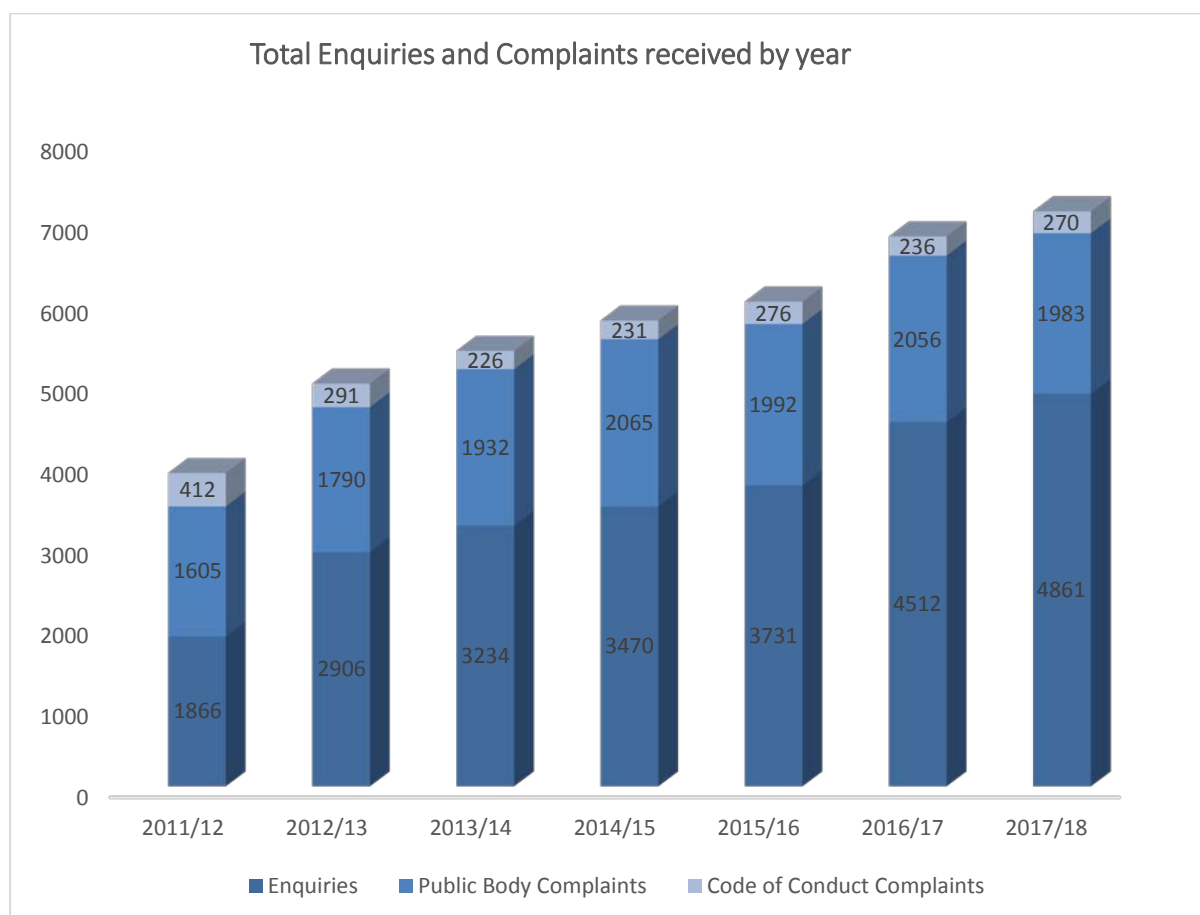
The Complaints Service





Overall Casework Statistics

The overall number of enquiries and complaints (public body complaints, and complaints about the conduct of members of local authorities) has increased by 83% since 2011/12. In 2017/18 enquiries and complaints totalled 7,114, a 5% increase on the previous year.



Graph 1.1

Enquiries

An enquiry is a contact made by a potential complainant asking about the service provided, which does not result in a formal complaint being made to me at that time. At this point in our service we will advise people how to make a complaint to me or, where the matter is outside my jurisdiction, direct the enquirer to the appropriate organisation able to help them. Where appropriate, the Complaints Advice Team will also seek to resolve a problem at enquiry stage without taking the matter forward to the formal complaint stage.

2017/18 saw the office deal with the highest number of enquiries since it was established. In total, there were 4,861 enquiries in 2017/18 compared to 4,512 in 2016/17 – an 8% increase. This may be explained by the higher visibility the office has experienced over the

past few years, both in terms of press activity and outreach, with more members of the public being aware of our service.

We set ourselves the target of answering our main line telephone calls within 30 seconds in 95% of cases. The team has performed well, answering 97% of calls within this timescale.

Public Body Complaints

During 2017/18 we received 1,983 complaints about public service providers – a 4% reduction on the previous financial year. This reduces such complaints to the 2015/16 level when my office received 1,992 complaints. Whilst it is not possible to demonstrate a direct causal link, I am confident that the considerable work my office has undertaken with key public bodies, on the improvement agenda and cultural change, is now beginning to bear fruit.

Detailed breakdowns of the numbers of complaints received by public body can be found at Annex C.

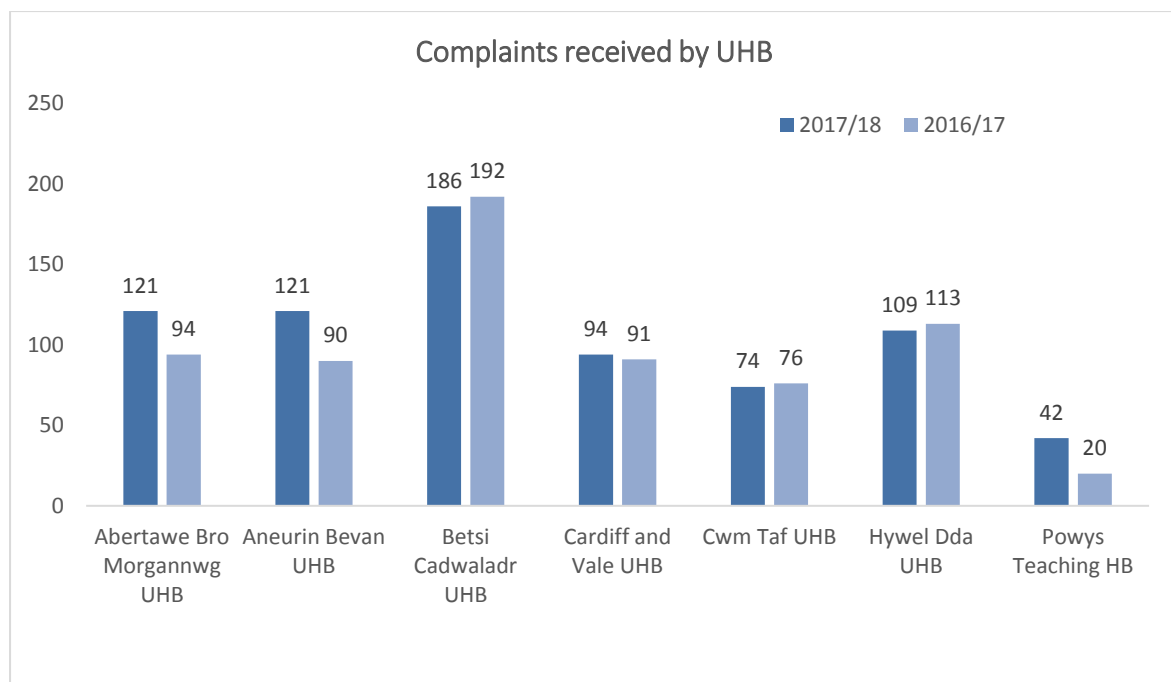
Sectoral breakdown of complaints received

For the second year running, I am delighted to report a decrease in complaints against county councils. During 2017/18 my office received 791 complaints, compared with 881 in 2016/17 – a 10% drop. This year has also seen a considerable (28%) drop in social housing complaints compared to the previous year.

However, there has been an increase in the total number of complaints against NHS bodies, with 927 complaints made in 2017/18 compared with 863 in 2016/17. This represents a 7% increase. This is attributable to health board complaints which rose from 676 in 2016/17 to 747 in 2017/18 – an 11% increase.

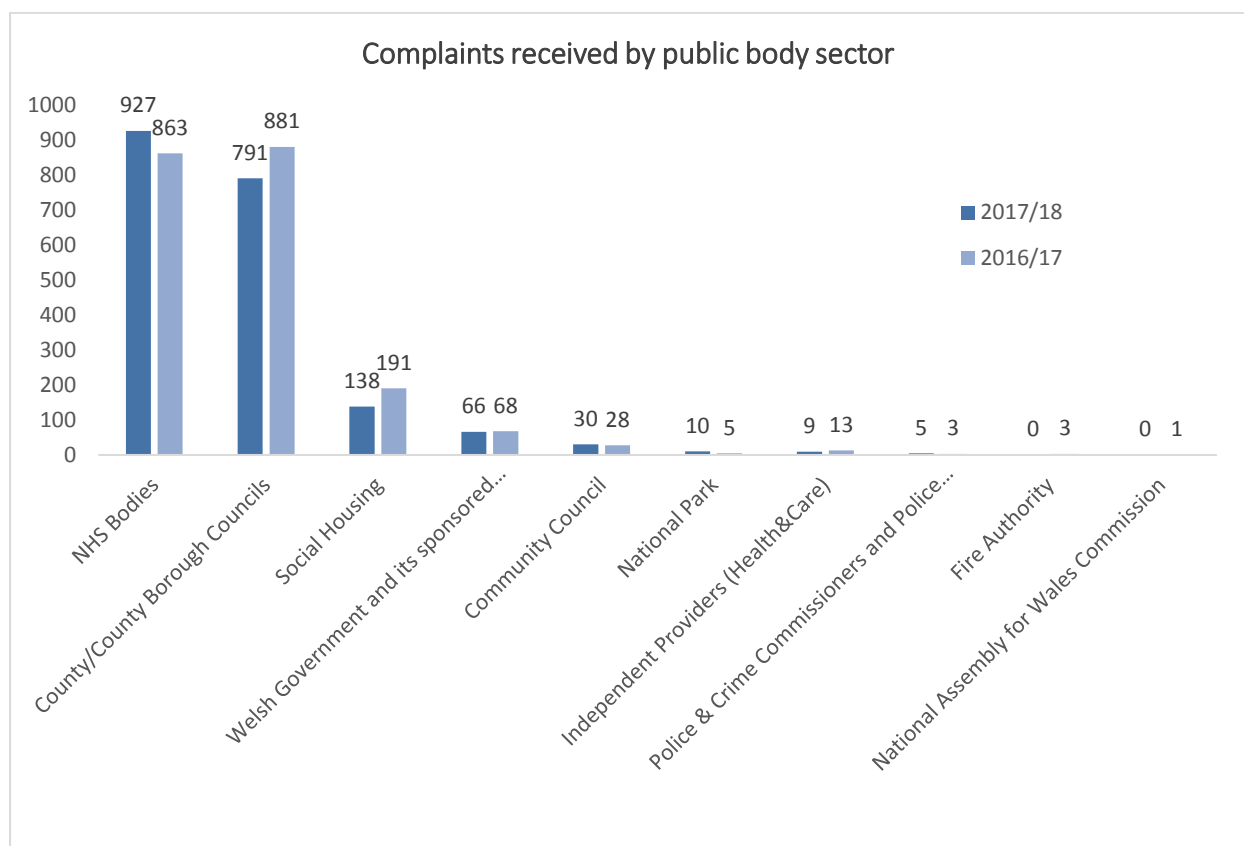
Graph 1.2 shows significant year-on-year increases in complaints received about Abertawe Bro Morgannwg (29%) and Aneurin Bevan University Health Boards (34%), as well as Powys Teaching Health Board (110%).

More encouragingly the graph shows that, despite the number of complaints received about Betsi Cadwaladr University Health Board remaining high, they have fallen moderately (3%) compared with the previous year. I am hopeful this trend will continue next year.



Graph 1.2

Graph 1.3 (below) shows the breakdown of complaints received by sector, together with comparisons with the previous year. NHS Bodies and County/County Borough Councils continue to dominate our caseload.



Graph 1.3

Complaints received about public bodies by subject

Turning to consider complaints by subject, rather than sector, unsurprisingly complaints about healthcare made up the largest part of our caseload. This trend has continued for a number of years. Complaints about healthcare increased from 38% of our caseload in 2016/17 to 41% in 2017/18. This was followed by complaints about housing services and complaint handling. Complaints about Social Services and Planning and Building Control are the other complaints subjects in the top five. These top five complaint subjects, together with the percentage of complaints they account for, are shown below.



The subjects of complaints received are shown in more detail in Chart 1.1 below.

Complaints received about public bodies by subject

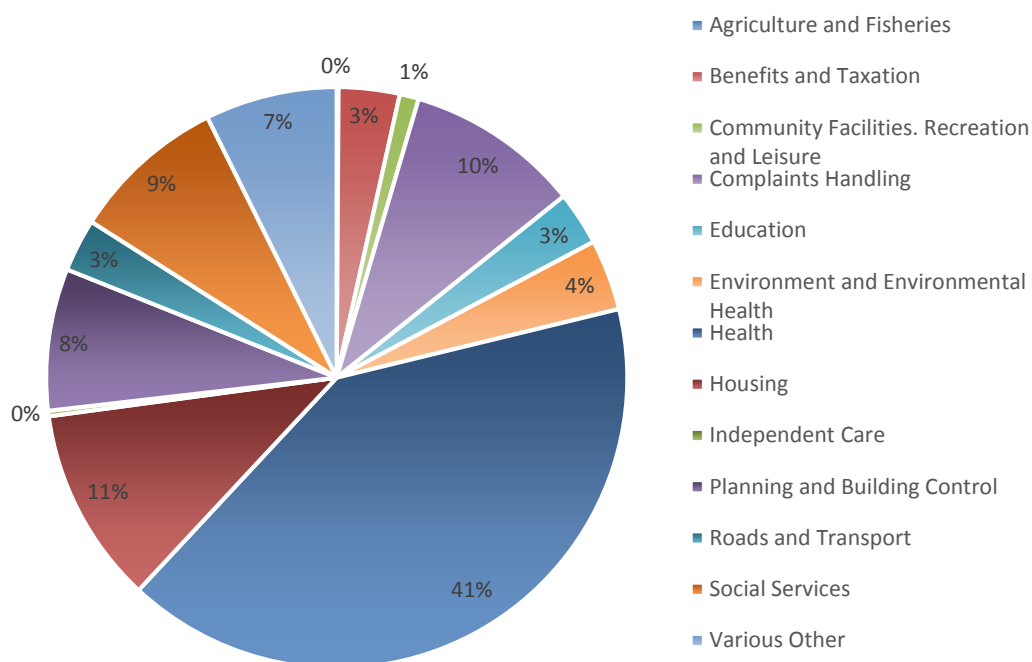


Chart 1.1

Outcomes of complaints considered – cases closed during 2017/18

During 2017/18 we closed 1,854 complaints about public service providers, compared with 2,114 in 2016/17 (a reduction of 12%). This is a matter of some concern to me.

Complaints about healthcare are complex, time-consuming and, as indicated above, they are increasing in number. These significantly increase our workload for three reasons.

Firstly, we are less likely to be able to resolve a complaint or reach a decision about these complaints without securing additional information, including medical records, from the public body. To do this we must commence an investigation. Consequently, complaints about healthcare are five times more likely to require an investigation than complaints about other public services.

Secondly, these complaints are more complex and time-consuming to investigate. Since I am able to consider professional judgement in these cases, I will also generally need to seek professional clinical advice, often from more than one specialist. This extends the time needed to complete the investigation, as well as increasing the associated costs.

Thirdly, the subjects of many complaints about healthcare are sensitive and significant, often involving harm or the death of a family member. Health boards and clinical staff involved in the matters complained about will, quite rightly, want to ensure that their perspectives are fully and accurately reflected in our reports and decisions. The importance and significance of the matters considered in our healthcare investigations, and the fact that they involve professional judgement, are such that draft reports are more likely to be challenged by one or both of the parties. The important stage of inviting comments on our draft reports and proposed decisions is more time-consuming in complaints about healthcare than in other complaints. In some cases additional specialist advice may also be required.

The increase in the number of complaints about healthcare has, for these reasons, had a substantial impact on my investigation teams, reducing the number of cases closed whilst increasing the number of cases they are working on.

A summary of the outcomes is set out in table 1.1 below. The table shows that the number of straightforward complaints that could be closed after initial consideration was considerably lower than in the previous year. Whilst the number of investigations being progressed has increased, the number of investigations completed in the year was slightly lower than in 2016/17.

Detailed breakdowns of the outcomes by public service provider can be found at Annex A.

Complaints about a Public Body – Outcomes of cases closed	2017/18	2016/17
Closed after initial consideration	1357	1570
Complaint settled voluntarily	257	287
Investigation discontinued	8	16
Investigation: complaint not upheld	84	66
Investigation: complaint upheld in whole or in part	144	168
Investigation: complaint upheld in whole or in part - public interest report	4	6
Special report under Section 22 of the PSOW Act – public body failed to carry out actions it had previously agreed with the Ombudsman	0	1
Total Outcomes - Complaints	1854	2114

Table 1.1

Detailed breakdowns of the numbers of cases per local authority and health board where my office intervened (either by seeking an early resolution, settlement or by upholding a complaint following investigation) can be found at Annex D.

Decision times

Time taken to tell the complainant if I will take up their complaint

We have set ourselves target times within which we will decide and tell complainants whether or not we will take up their complaints. As explained in the 2016/17 annual report, we changed our approach to ensure that we measure our performance in a way that reflects the service user's experience.

We aim to achieve the following times:

- Decision on whether complaint is within jurisdiction/premature - within three weeks.
- Decision on whether or not to investigate, following detailed assessment - within six weeks.
- Resolution of complaint, where we seek early resolution without the need to investigate - within nine weeks.
- Investigation start, where investigation is required – within six weeks of the Date Sufficient Information is Received (DSIR).

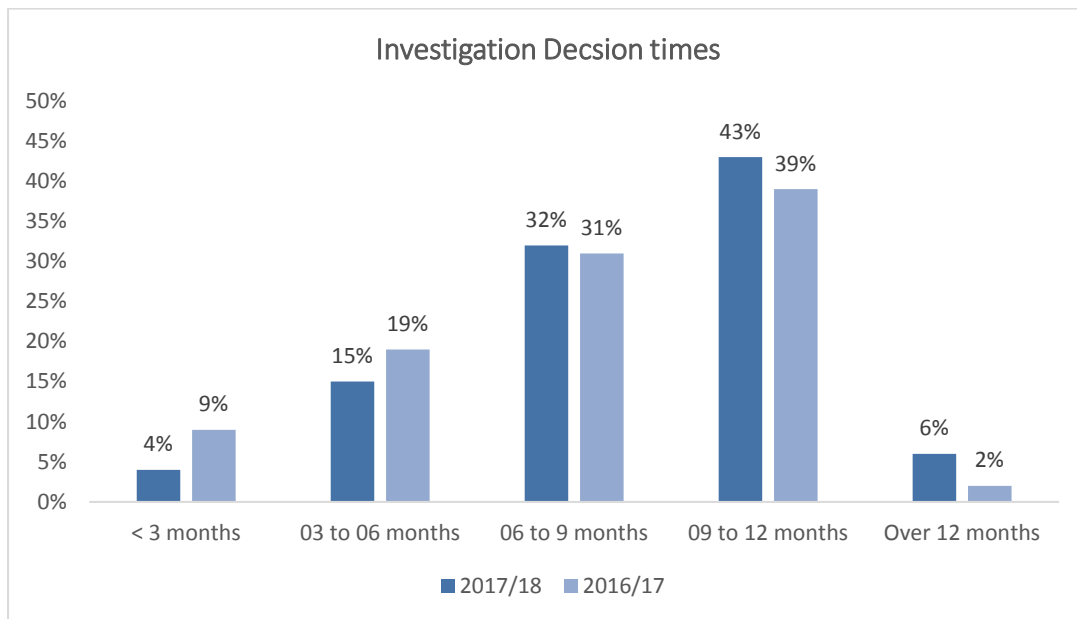
The following table shows the percentage of cases where we met these targets.

	Percentage 2017/18
Decision on whether complaint is within jurisdiction/premature – within three weeks	92%
Decision on whether or not to investigate, following detailed assessment - within six weeks.	89%
Resolution of complaint, where we seek early resolution without the need to investigate - within nine weeks	91%
Investigation start, where investigation is required – within six weeks of the Date Sufficient Information is Received (DSIR)	74%

Table 1.2

Investigation Decision Times

In 2017/18 we completed 94% of investigations within 12 months. There were 17 investigations that took longer than 12 months. These cases were complex and required further investigatory work, or were cases where there were significant challenges, from the complainant or public body, to draft findings. Graph 1.4 gives further details of investigation timescales.



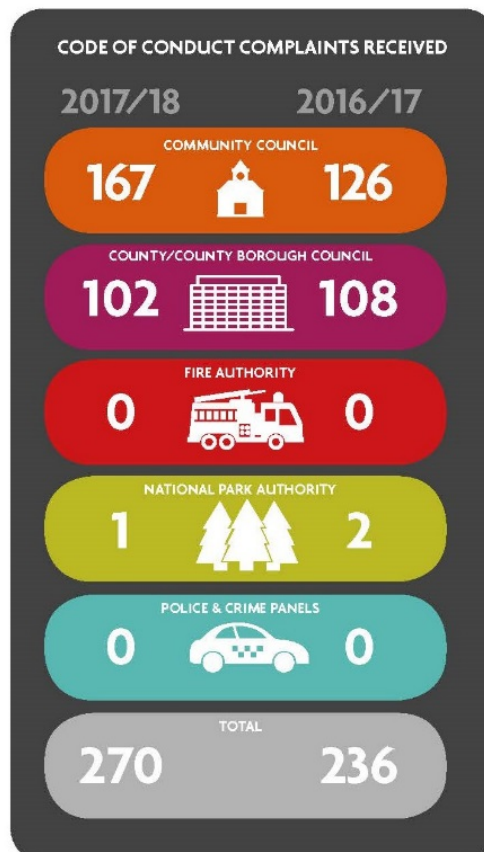
Graph 1.4

Code of Conduct Complaints

The number of code of conduct complaints received increased to 270, an increase of 14% compared with 2016/17.

The increase relates entirely to Code of Conduct complaints involving Community Councils which have increased by 33%.

It is difficult at this stage to say exactly why there has been a significant rise in complaints about members of Town and Community Councils. Many of the complaints have arisen following changes in the membership of these council and difficulties have arisen between long established and new members. I am continuing to promote the concept of local resolution which has been adopted by a significant number of Town and Community councils, and I am encouraged by the efforts of One Voice Wales in this area which has, in collaboration with my office, created a model process for its members.



Nature of Code of Conduct complaints received

As in previous years, the majority of Code of Conduct complaints received during 2017/18 related to matters of 'promotion of equality and respect'. These accounted for 42% of complaints (37% in 2016/17). Disclosure and registration of interests (19%) and integrity (16%) were the second and third most common types of complaint, which is consistent with the previous year. Chart 1.2 below provides a full breakdown of the nature of Code of Conduct Complaints received.

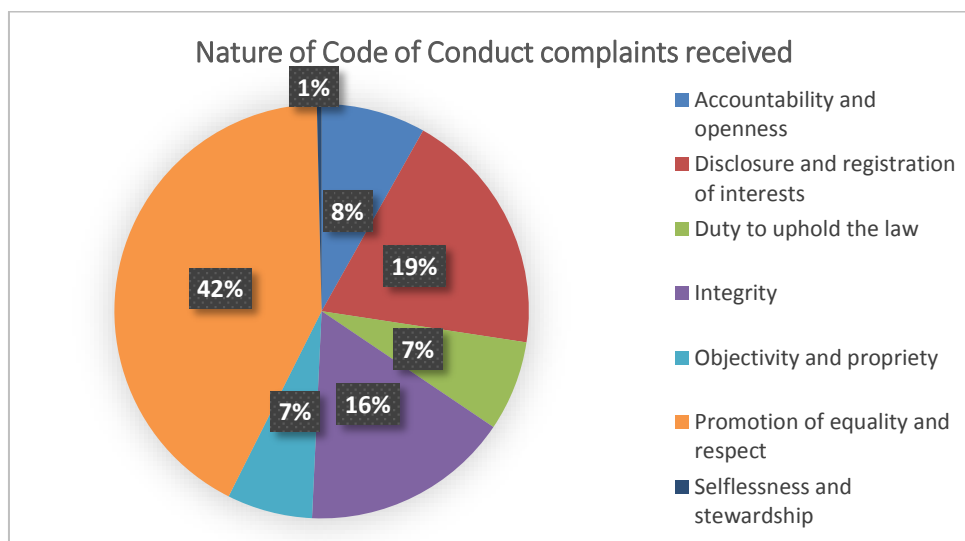


Chart 1.2

Summary of Code of Conduct complaint outcomes

The most common outcome is 'Closed after initial consideration.' Of the 247 complaints in 2017/18, the majority were closed (213) 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.

Fewer complaints were closed after full investigation in 2017/18 (26) than in 2016/17 (34). This is because I have continued to apply a public interest test when deciding whether to investigate Code of Conduct complaints. This means that I investigate only the more serious complaints where an investigation is required in the public interest.

In 2017/18 I received nine complaints which raised potential whistleblowing concerns about alleged breaches of the Code of Conduct. These complainants either did not provide 'prima

facie' evidence of a breach of the code or did not warrant investigation in the public interest.

However, of the cases I investigated and closed this year, three cases were referred to the Adjudication Panel for Wales. The Adjudication Panel for Wales considers the evidence I prepare, together with any defence put forward by the member concerned. The Panel then determines whether a breach has occurred and, if so, what penalty, if any, should be imposed. Two of these cases were considered by the Panel during the year and in both cases serious breaches of the Code were found on the basis of my investigations and reports. Both cases involved councillors making derogatory remarks and unfounded allegations against staff and engaging in bullying, harassment, intimidation and malicious behaviour. As a result, a former member of [Flintshire County Council](#) was disqualified from holding office for 14 months and a former member of [Conwy County Borough Council](#) was disqualified from holding office for 18 months.

A summary of outcomes is below, with a detailed breakdown showing the outcomes of Code of Conduct complaints, by authority, provided in Annex B:



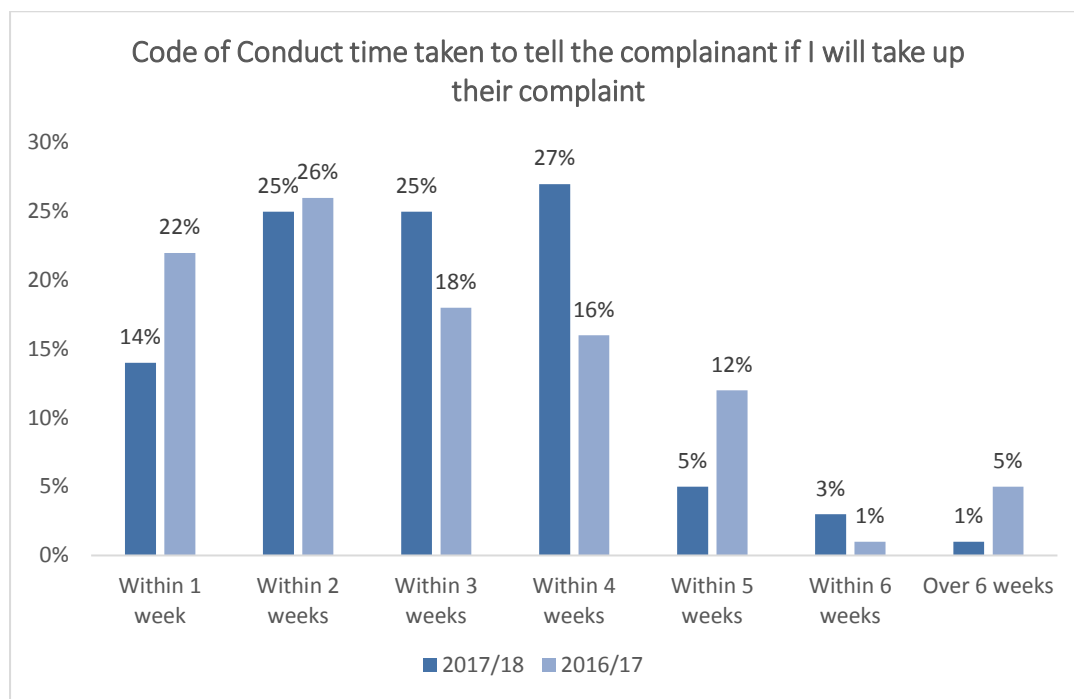
Decision times

Time taken to tell the complainant if I will take up their complaint

In respect of Code of Conduct complaints, 91% of complainants were informed within four weeks of the date I received sufficient information of whether I would take up their complaint. I am pleased to report that this is considerably higher than during 2016/17 where 82% were informed within four weeks.

Further details on these decision timescales are shown below.

Code of Conduct time taken to tell the complainant if I will take up their complaint



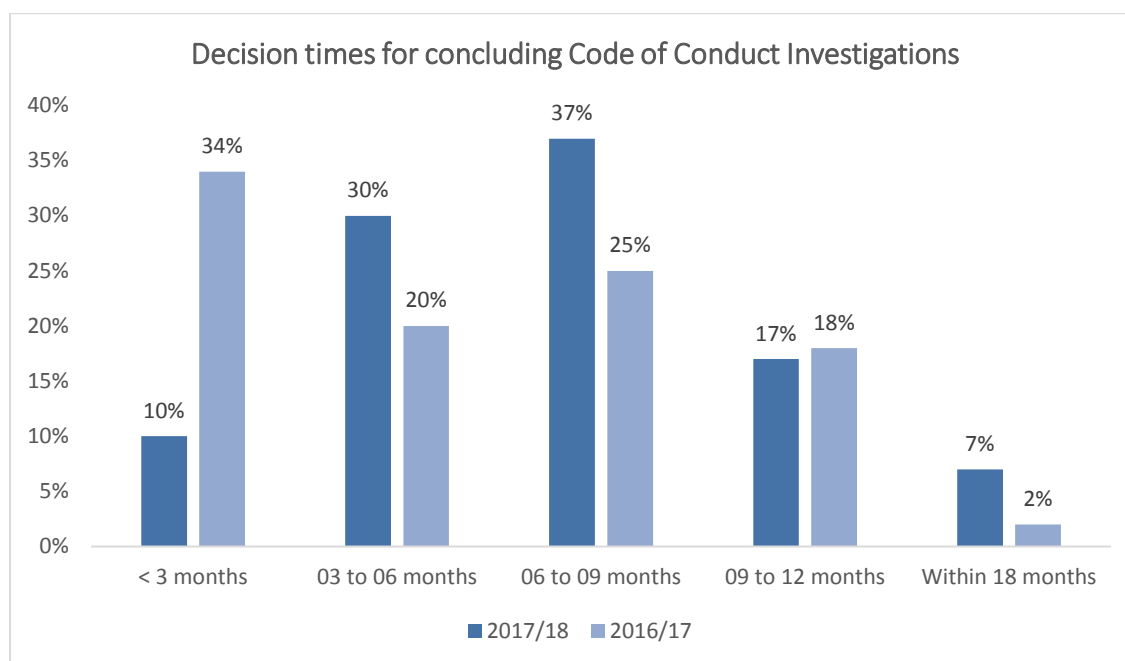
Graph 1.5

Decision times for concluding Code of Conduct investigations

The overall number of decisions on Code of Conduct complaints in 2017/18 was similar to that in the previous year. However, due to the fact that the cases which require investigation are often complex, coupled with external factors beyond our control and the pressures of the “health heavy” investigation caseload, fewer cases were concluded within three months – 10% compared with 34% in 2016/17.

I recognise the implications of longer decision times in these cases, for the complainant, for the councillors complained about and for the wider public interest. I will continue to work to reach timely conclusions in these cases in the year ahead.

Graph 1.6 below shows decision times for Code of Conduct complaints for 2017/18 compared with 2016/17.



Graph 1.6

Cases of Note

During 2017/18 I issued four public interest reports which generated considerable national interest. These can be found on my office's website [here](#).

Each of the public interest reports were health related - two concerned services at Betsi Cadwaladr University Health Board, one was about Cwm Taf University Health Board and one related to Hywel Dda University Health Board.

The cases included:

- A patient who died on a hospital trolley following shortfalls in the provision of end of life care and poor complaints handling. My investigator found that the patient's dignity had not been respected and she had not received sufficiently considerate end of life care. My office issued a number of recommendations, including that Betsi Cadwaladr UHB apologise and provide the complainant with financial redress of £1,500, refer the report to the Health Board's Equalities and Human Rights team, remind medical staff of their obligations for ethical and clinical management during end of life care, consider further staff training in end of life care and carry out a clinical audit of the wards involved in this case.
- A patient who suffered a cardiac arrest and died after staff failed to correctly diagnose and manage his heart failure. My office found that junior doctors had been inadequately supported, the patient's family had not been suitably advised and there were substantial delays in responding to the complaint. An apology and redress totalling £2,750 was secured for the complainant. A number of recommendations were also made, including that the Health Board produce a detailed escalation policy, remind medical staff of daily review recording procedures and their obligations to adequately support and supervise Junior Doctors, and review pre-operative assessment protocols.
- A Health Board that took more than three years to provide a final response to a complaint. I found evidence of maladministration, including misplaced records and communication failures, and a lack of transparency in investigating a complaint about a breach of duty of care. The Health Board agreed to make a total redress payment of £4,000, arrange free legal advice and independent clinical adviser for the complainant, and to remind all medical staff of their duty to be open and transparent with patients and families.

- Failure by medical staff to reach reasonable standards of care and treatment of a patient. Several opportunities to identify and prevent a patient's deterioration were missed leading to him suffering a fatal cardiac arrest. Furthermore, the complaint was poorly handled and an unreasonable length of time was taken to provide the complainant with a response. The Health Board agreed to a number of recommendations including an apology and a payment of £10,000 for the complainant, in recognition of the distress and uncertainty caused.

The last of these complaints was made by the patient's daughter, Ms C, who worked for Betsi Cadwaladr University Health Board handling complaints.

Commenting on this final report at the time, I said:

"I find it extremely concerning that the Health Board refuses to admit that, had they approached the patient's care differently, his death could have been prevented. Not only was the care substandard in this case, I find the Health Board comments disingenuous and indicate an unwillingness to accept the seriousness of the situation.

"The fact that a member of its own staff, accustomed to the concerns process, found the Health Board's approach to her complaint so frustrating that she was forced to seek assistance from an advocate, does not instil confidence for members of the public using the system."

Following our investigation, Ms C got in touch with my office.

She said:

"Thank you once again for all you have done to bring my family and I some sense of closure but, most of all, the truth."

Annual Sustainability Report

The protection of the environment is a priority, with focus on this at local and national levels. The Public Services Ombudsman for Wales and his staff are encouraged to make changes where possible to reduce the impact of the office on the environment and operate in a sustainable and responsible manner.

Our Building

We have one office in Pencoed, near Bridgend. We originally took up the lease for the ground floor in 2005 and have, since then, expanded to occupy part of the first and second floors to accommodate approximately 60 staff and visitors in a largely open plan office space.

Electricity is the only energy supply used and this provides lighting and heating/cooling as well as powering normal office equipment. The building is leased, which limits our ability to make changes to the energy efficiency of the building.

Building Statistics

The table below provides key information about our offices in Pencoed, heating arrangements and energy usage for the year.

Building	Constructed	No. of Floors	Total Usable Floor Area (ft ²)	Heating Type	Electricity usage (kWh)
1 Ffordd yr Hen Gae	2004	3	16,460	Air Handling Units	120,791

Table 1.3

Accessibility

The offices have reasonable transport links. The railway station at Pencoed (less than one mile away) together with bus services to/from the site, provide public transport options for staff and visitors. Our offices are also easily accessed by car from the M4 motorway.

Emissions

Staff are encouraged to use public transport where suitable, for business meetings and commuting. Showers and bicycle stands are provided at our offices.

Local suppliers are used where possible to help reduce carbon emissions.

Lighting & Energy

A programme to replace existing lighting with LED light bulbs commenced in 2017/18 with 50% upgraded to bulbs that use 90% less energy than standard bulbs and have a longer life span, resulting in less maintenance and less waste.

A recent staff workshop on sustainability identified a number of other measures to improve management of energy usage. These ranged from ensuring that lights are switched off when rooms are not in use to replacing kettles and freestanding water coolers with plumbed water heaters/coolers.

Waste management

We recycle all waste paper confidentially and recycle general waste such as plastic and tins, along with batteries and toner cartridges. General waste produced by PSOW has seen little change over the last year, though recyclable waste has increased. Delivery packaging, such as large cardboard boxes, is now being recycled, which should help to reduce general waste.

We are continuing to work with staff to minimise waste, particularly that sent to landfill. Following suggestions from staff, all individual waste bins will be removed, and shared recycling bins for mixed recycling will be placed in the main office. Any general waste will be placed in one of a small number of general waste bins.

Since the introduction of 'paper light' case files, there has been a dramatic reduction in the use of paper throughout the office. Savings have also been made with the introduction of the electronic letter head, allowing printing onto plain paper, which has helped reduce the amount of waste paper. Trials are currently taking place to produce electronic sub files, used to share documents and records with professional advisers, instead of producing and sending hard copy documents. If the trial is successful, the environmental impact of printing and delivering the files will decline, and in turn the paper usage within the office will be further reduced.

Office waste is currently collected by two different companies, one for general waste and one for confidential waste and mixed recycling. It is planned that in the future PSOW will be able to find one provider who will be able to cover all services needed, which will have a positive effect on the environment.

Reduction to the use of plastic used in the office

The UK government aspires to eliminate all avoidable plastic within 25 years. We do not use disposal cups for hot drinks, with staff and visitors using ceramic cups and mugs. With the removal of bottled water coolers, disposal plastic cups are no longer purchased. We will ensure that all staff and visitors have access to a reusable cup/glass.

Current Waste Figures

Table 1.4 below shows the amount of waste, of different types, we produce weekly and annually.

	Per week (average)	Per year (average)
Confidential Waste	600 litres	31,200 litres
Mixed Recycling	600 litres	31,200 litres
General Waste (including food waste)	1,100 litres	57,200 litres
Total waste per year	2,300 litres	119,600 litres

Table 1.4

We will continue to work to reduce waste in 2018/19.

Annual Equality Report

Under the Equality Act 2010 and the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 laid down by the National Assembly for Wales, the Ombudsman is required to produce an annual report in respect of equality matters. I do so here as part of my overall Annual Report and Accounts for 2017/18.

Accessibility

As part of our complaint process, we do our very best to identify as early as possible any individual requirements that may need to be met so that a service user can fully access our services. In particular, we ask people to tell us their preferred method of communication. We continue to develop strong links with third sector organisations which support our service-users, using their expertise to advise on how we can make our services more accessible.

Where we can, we make reasonable adjustments to help people make and present their complaint to us. This year we have updated our forms and letters to make our arrangements for reasonable adjustments clearer.

We will consider and respond to any request for a reasonable adjustment and have a number of facilities readily available. These include:

- providing correspondence in Easy Read
- the use of Language Line for interpretation where a complainant is not comfortable with making their complaint in English or Welsh
- obtaining expert assistance to help us to understand the particular requirements of complainants with certain conditions, such as Asperger's syndrome; and
- visiting complainants at their homes.

We also work to provide information on our website in a number of accessible formats, and produce key documents in alternative formats, such as CD/tape and Braille, and translate these into the eight most-used ethnic minority languages used in Wales.

Our website has continually been upgraded, and now features an enhanced BrowseAloud service. Additionally, the Google Translate service has been embedded so that the PSOW website content pages can be automatically translated into any one of over 100 languages on selection. A British Sign Language video and SignVideo service are also available on the website.

The Complaints Advice Team continues to signpost service users, who may need assistance in making their complaints, to advocacy and advice organisations. This information is readily available on our website. We have also developed links with advocacy organisations this year to assist those complainants who need reasonable adjustments.

Equality Data Gathering/Monitoring – Service Users

Throughout the past year we continued with our equality monitoring in respect of service users, which informs our annual outreach strategy. We invite service users to complete a questionnaire and analyse the responses we receive. The outcome of the monitoring during 2017/18 in respect of the protected characteristic groups (as defined in the Equality Act) is set out below.

In view of the nature of the work of this office, we expect the proportion of complainants with protected characteristics at least to mirror that in the overall population of Wales. However, since those with some protected characteristics may be more likely to access or rely on public services, the proportion of complainants from disadvantaged or vulnerable groups is likely to exceed the appropriate share of the population.

From the results below I am satisfied, after making comparisons with official data available (particularly the Census 2011), that the proportion of service users with protected characteristics meets or exceeds the population proportion in the way I would expect.

I am anxious to ensure that those who have concerns about public services are aware of my office and know how to contact me. It is good to see that, for the second year running, 5% of those who responded identified themselves as being from a minority ethnic background, which is slightly higher than the relevant proportion (4%) of the Welsh population.

I note that 60% of complaints are made by people aged between 35 and 64. Whilst some of these complaints will be made **on behalf of** children, young people or older people this figure does suggest that there is work to do to ensure that older and younger people, who rely most on health and social care and education support services, are aware of and able to access my services.

I will be undertaking further analysis in the coming year and will use that analysis to shape my future outreach activities.

Protected characteristic group	Percentage Outcome
Age	
Under 25	3%
25-34	14%
35-44	17%
45-54	23%
55-64	20%
65-74	13%
75 or over	3%
Prefer not to say / No response	7%

Disability	
Yes	25%
No	64%
Prefer not to say/No response	11%
Health problem or disability limiting day-to-day activities?	
Yes, limited a lot	23%
Yes, limited a little	15%
No	51%
Prefer not to say/No response	12%
Gender reassignment	
Yes	2%
No	86%
Prefer not to say/No response	12%
Religion or belief	
No religion	40%
Christian (all denominations)	48%
Other religions	6%
Prefer not to say/No response	6%
Married or same-sex civil partnership	
Yes	50%
No	38%
Prefer not to say/No response	12%
Race/Ethnicity	
White	89%
Other ethnic background	5%
Prefer not to say/No response	6%
Sex	
Male	48%
Female	45%
Prefer not to say/ No response	7%
Sexual orientation	
Heterosexual or straight	82%
Gay or Lesbian	2%
Bisexual	2%
Other	1%
Prefer not to say/No response	13%

Table 1.5

Outreach

We continued to focus on children and young people in our outreach work during 2017/18. We maintained our links with the Children's Commissioner for Wales and in June 2017, we hosted a stand at the Urdd Eisteddfod which allowed us to interact with children and young people, as well as raise awareness of our work to their parents and guardians.

We have continued to run our three Sounding Boards – Service User, Health and Local Government – to give us an opportunity to learn from our stakeholders and use their feedback to improve our services.

We have established a database of contacts, from our Service User Sounding Board, that staff can contact should they need advice on a particular issue or topic. This provides a valuable resource and expands our knowledge base.

We have also actively engaged with a range of third sector bodies including the RNIB Cymru, Diverse Cymru, Citizens Advice and various housing associations, and have hosted stands at both Learning Disability Wales' and the Welsh Council for Voluntary Action's annual conferences.

Staff Equality Data Gathering/Monitoring

Our staff are asked annually to complete and return a monitoring form seeking information in respect of each of the protected characteristics. That disclosure is, of course, on a voluntary basis. 44 staff responded to the survey.

Age	The composition of staff ages is as follows: Under 25: 5% 25 to 34: 18% 35 to 44: 32% 45 to 54: 29% 55 to 64: 16%
Gender	68 % of staff stated they were female and 32% male. When asked if the gender staff identify with was the same as described at birth, 100% of the staff who answered the question said yes whilst 3 staff did not answer the question.
Disability	93% of staff said they were not disabled, 7% of staff said that they were a disabled person (2 staff did not answer the question). However, when asked if their day-to-day activities were limited because of a health problem or disability which had lasted, or was expected to last, at least 12 months, 7% said

	that they were limited a lot, 2% said they were limited a little, 89% said their day to day activities were not limited (2% preferred not to say)
Nationality	In describing their nationality, 60% said they were Welsh; 31% said British, 7% said they were English, 2% said Irish.
Ethnic group	The ethnicity of staff is: 96% White (Welsh, English, Scottish, Northern Irish, British); 2% White (Irish); 2% Black (African, Caribbean, or Black British/Caribbean).
Language	When asked about the main language of their household, 84% of staff said this was English; 16% said Welsh.
Religion or Belief	Responses to the question asking staff about their religion were as follows: No religion: 55%; Christian: 39%; Other: 2% (4% preferred not to say)
Marriage/Civil Partnership	60% of staff stated they were married; 2% were in a civil partnership; 20% were single; 11% replied other (7% preferred not to say)
Sexual Orientation	Responding on this, 89% said that they were heterosexual or straight, 2% said gay or lesbian (9% preferred not to say)

Table 1.6

Staff Training

Staff training is provided to support staff in their specific job roles or for their ongoing development. All training requested by individual staff and supported by the line manager has been approved. There are therefore no equality-related differences between approved and non-approved training requests. A new Performance Review and Development Process has been introduced with a strong focus on training and development for all staff across the organisation. A new training and development policy and process has also been introduced.

Pay and Gender – data as at 31 March 2018

Under the specific Equality Act duties, we are required to set an equality objective for gender and pay; if we do not do so, we must explain why. I currently do not have any specific objective in this regard because females are very well represented at the higher pay scales within my office. The position is kept under continual review and I will continue to maintain and promote equality in the workplace. Equality objectives will be developed if necessary. The table below shows the current position.

Pay (FTE)	Male*	Female*
Up to £20,000	1	7
£20,001 to £30,000	1	8
£30,001 to £40,000	2	13
£40,001 to £50,000	8	17
£50,001 to £60,000	3	1
£60,001 +	2	2
Subtotal	17	48
Total	65	

*Headcount includes staff on maternity/adoption leave

Table 1.7

In relation to the working patterns of the above, all staff work on a full-time basis with permanent contracts, with the exception of the following:

12 members of staff work part time (10 female, 2 male).

Recruitment

During the past year five members of staff have left. There has been recruitment to replace departing staff, for a new post and for fixed term cover for maternity/adoption leave and a secondment. Ten new employees were recruited, four on permanent contracts and six on fixed term contracts.

Equality data gathered from the past year's recruitment campaigns are shown below:

Key

CWS/CO	Casework Support Officer/Casework Officer (joint recruitment campaign)
FO	Finance Officer
IO	Investigation Officer
P&RA	Policy & Research Analyst

		CWS/CO	FO	IO	P&RA
Age	Did not say	4%	-	2%	17%
	under 25	5%	25%	2%	6%
	25-34	24%	-	16%	33%
	35-44	19%	50%	35%	22%
	45-54	24%	25%	33%	22%
	55-64	24%	-	10%	-
	65-74	-	-	2%	-
	75 and over	-	-	-	-
		100%	100%	100%	100%
Gender	Did not say	14%	-	3%	16%
	Male	43%	100%	42%	17%
	Female	43%	-	55%	67%
		100%	100%	100%	100%
Nationality	Did not say	4%	-	5%	17%
	Welsh	62%	75%	47%	44%
	English	5%	-	3%	-
	Scottish	-	-	-	-
	Northern Irish	-	-	-	-
	British	19%	-	43%	33%
	Irish	-	-	1%	-
	Other	10%	25%	1%	6%
		100%	100%	100%	100%
Ethnic Group	Did not Say	14%	-	7%	16%
	White	76%	75%	89%	67%
	(Welsh/Scottish/English/NI/British)	-	-	1%	-
	White (Irish)	-	-	-	-
	White (Gypsy/Irish traveller)	-	-	1%	-
	White (Other)	-	-	-	6%
	Asian /Asian British	5%	25%	1%	-
	Black, African, Caribbean or Black British	-	-	1%	11%
	Mixed or multiple ethnic group	5%	-	-	-
	Other ethnic Group	-	-	-	-
		100%	100%	100%	100%
Language	Did not say	5%	-	3%	16%
	English	90%	75%	93%	67%
	Welsh	5%	-	3%	6%
	Bilingual (Welsh / English)	-	-	1%	6%
	Other	-	25%	-	5%

		CWS/CO	FO	IO	P&RA
		100%	100%	100%	100%
Disability	Did not say	4%	-	4%	16%
	Yes	10%	-	6%	6%
	No	86%	100%	90%	78%
		100%	100%	100%	100%
Limited Activities	Did not say	5%	-	5%	22%
	Yes, limited a little	5%	-	5%	6%
	Yes, limited a lot	-	-	-	-
	No	90%	100%	90%	72%
		100%	100%	100%	100%
Religion	Did not say	19%	-	8%	16%
	None	38%	25%	42%	50%
	Christian	43%	75%	48%	28%
	Buddhist	-	-	-	-
	Hindu	-	-	-	6%
	Jewish	-	-	1%	-
	Muslim	-	-	-	-
	Sikh	-	-	-	-
	other	-	-	1%	-
		100%	100%	100%	100%
Married or civil partnership	Did not say	15%	-	6%	16%
	Yes	33%	50%	49%	28%
	No	52%	50%	45%	56%
		100%	100%	100%	100%
Sexuality	Did not say	10%	25%	11%	27%
	Heterosexual	90%	75%	84%	67%
	Gay or Lesbian	-	-	4%	6%
	Bisexual	-	-	1%	-
	Other	-	-	-	-
		100%	100%	100%	100%

Table 1.8

Due to the low number of staff recruited, the equality data for the individuals appointed has been reported as part of the all staff information.

Disciplinary/Grievance

Due to the small numbers of staff working in the office, and the very small number of instances of disciplinary/grievance, it is not considered appropriate to report on equality

data for this category due to the risk of identification. I remain satisfied that there are no identifiable issues in this area that would cause concern.

Procurement

Our procurement policy refers to the relevant equality requirements that we expect our suppliers to have in place.

My services - satisfaction and complaints

Customer Satisfaction

We have continued with our satisfaction survey practice in relation to customer satisfaction for our first contact service. The table below gives details for 2017/18. In 2018/19 we intend to change our approach to improve response rates, and the level of detail of feedback we gather, to help us improve our service.

	% of respondents answering either 'strongly agree' or 'agree' 2017-18
It was easy to find out how to contact the Public Services Ombudsman for Wales	90%
The service I have received has been helpful and sensitive	91%
Staff were able to understand my query / complaint	91%
I was given a clear explanation of what would happen to my query / complaint	92%

Table 1.9

Complaints About PSOW service

We aim to provide a first-class Ombudsman service for Wales. As part of that commitment we aim to:

- provide an accessible, simple, effective and transparent process for looking into complaints about the service we give;
- respond quickly to complaints about the service we have provided; and,
- if we have got things wrong or given poor service, apologise and learn from our mistakes.

Our 'How to complain about us' policy can be used when complainants feel that we have:

- treated them unfairly or rudely; or
- failed to explain things clearly; or
- caused unreasonable delays; or
- failed to do what we have said we would; or

- failed to follow our processes correctly.

The table below reports on the number of complaints received during 2017/18 and their outcomes, together with a comparison of the position in 2016/17.

	2017/18	2016/17
Complaints brought forward from previous year*	2	0
Complaints about us received	33	62
TOTAL COMPLAINTS	35	62
OUTCOMES		
Upheld	3	11
Not Upheld	29	51
TOTAL CLOSED DURING YEAR	32	62
Ongoing and carried forward at 31 March 2017	3	2*

*2016/17 Annual Report showed 1 in error

Table 1.10

The number of complaints about our service reduced by 48%. 9% of these complaints were upheld (in whole or part). This is a reduction of 8% compared with 2016/17 when 17% were upheld (in whole or part).

The nature of the complaints that were upheld were:

Lack of response or update	2
Dissatisfaction with process or policy	1
TOTAL	3

Table 1.11

The following action was taken in respect of the upheld complaints:

- an apology was issued to the complainant in each upheld case;
- we reviewed the case complained about to establish whether a decision on compliance with recommendations could have been reached earlier;
- we determined, within two months, whether compliance with outstanding recommendations in the case complained about had been achieved.

Independent Complaint Resolution Services (ICRS)

Whilst the Ombudsman is independent of government and is not overseen by a regulator, to ensure that we are open to scrutiny and review in our handling of complaints about us,

the Ombudsman has appointed an Independent External Reviewer of Complaints about our service. The Independent External Reviewer will consider the service provided by the Ombudsman but will not review the outcome of complaints about a public body, public service or councillor.

Seven complainants asked ICRS to review their complaints about PSOW during the year. Four reviews were completed and one complaint was resolved by an apology from PSOW. Two complaints were considered by ICRS to be outside their remit / cases where they could not assist. These arise primarily where the complaint is about disagreement with PSOW's decision in respect of a complaint about a public body.

ICRS reported that this year the majority of complaint issues were not upheld as they were satisfied that PSOW had dealt with matters appropriately in line with its published procedures and service standards. ICRS upheld or partly upheld three complaint issues and made a number of recommendations to PSOW, either for a formal apology or for PSOW to consider process improvements. The recommendations included explaining more fully the Ombudsman's authority, and the extent of his discretion, to a particular complainant in order to manage expectations, improving the recording of reasonable adjustments and ensuring that communication was clear and did not create inaccurate expectations about what my office could or would do.

The recommendations have been addressed and shared with relevant staff.

Welsh language services

I fully support the rights of individuals who use my service to do so in Welsh. I have a dedicated pool of staff who are Welsh language speakers. They deal with enquiries from the public in Welsh and investigate complaints about public services which have been made to me in Welsh.

Our public documents are available in both English and Welsh and I have a fully bilingual website.

Key Financial Data

Net Resource Funding: £4,248k
 Net Resource Expenditure: £4,210k
 Cash to be Repaid: £32k

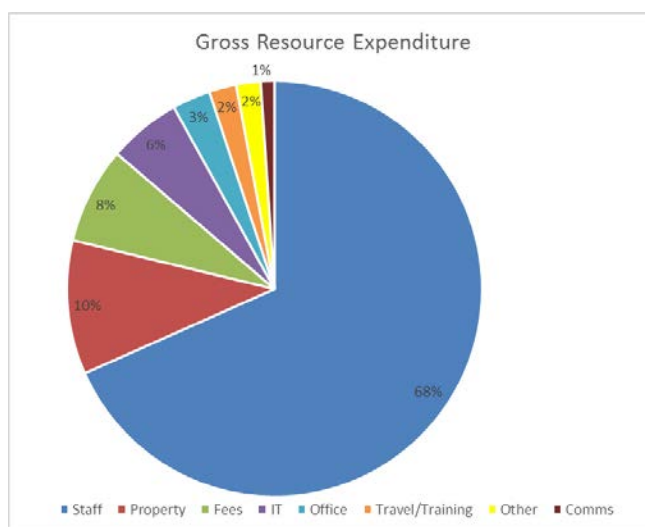
Total Assets: £386k
 Total Liabilities: £742k
 Net Liabilities: £356k

Gross Resource Expenditure (pages 82/3)

PSOW's funding comes from the Welsh Consolidated Fund (WCF). Each year the estimated costs of running the Office have to be submitted to the Finance Committee of the National Assembly for Wales for consideration. When agreed, funds are drawn down monthly with any surpluses returned to the WCF during the following Financial Year.

Gross resource expenditure was £4,241k compared to funding of £4,280k. The under-spend was mostly attributable to a reduction in capital charges.

A cash under spend of £32k will be returned to the WCF in 2017/18.



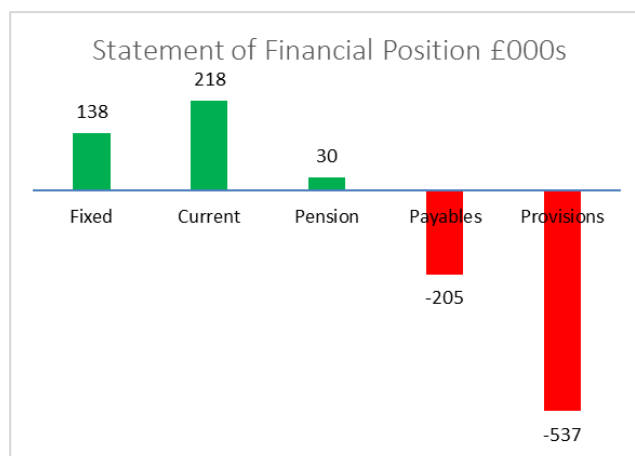
Assets and Liabilities £000s (page 75)

Fixed assets include plant and equipment £128k, software £7k, receivables > 1 year of £3k.

Current assets consist of receivables £186k and cash £32k.

Liabilities are accounted for by payables (£205k) and provisions for pensions and dilapidations (£537k).

There is a net liability of (£356k).



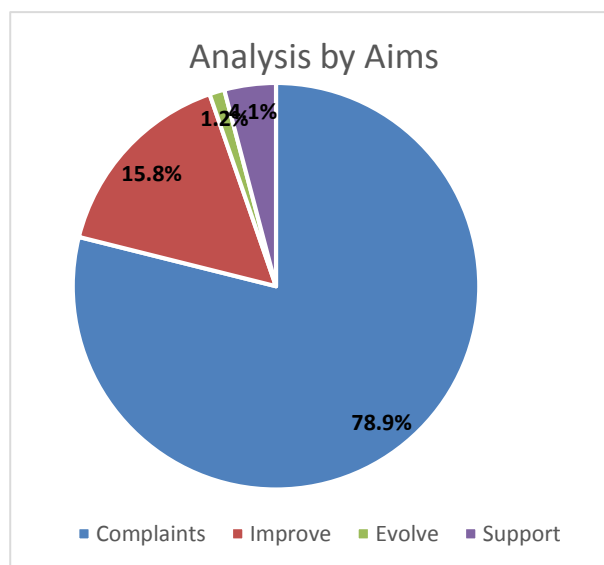
Operating Costs by Strategic Aims (page 84)

Aim 1: To provide a complaints service that is of the highest quality, proportionate and effective.

Aim 2: To use the knowledge and insight obtained from the complaints we consider to improve complaint handling by public services providers and to have an impact on improving public service delivery and informing public policy.

Aim 3: To continue to evolve and grow as an office, specifically planning for implementation of the Ombudsman's new powers should the National Assembly for Wales create a new Public Services Ombudsman (Wales) Act.

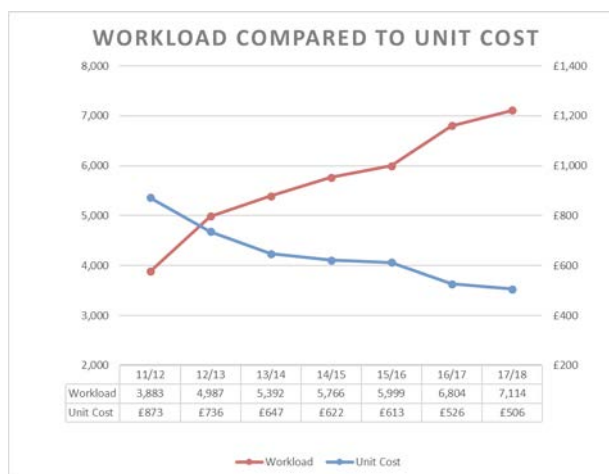
Aim 4: To be accountable for the service we provide and the public money we spend.



Trend (page 48)

Over the period 2011/12 to 2017/18 workload increased by 83% whilst the unit cost reduced by 42%.

Enquiries +160%
 Complaints:
 Code of Conduct -35%
 Public Body +24%



Nick Bennett
 Accounting Officer
 Public Services Ombudsman for Wales

27 June 2018



Accountability Report

Corporate Governance Report

Ombudsman's Report

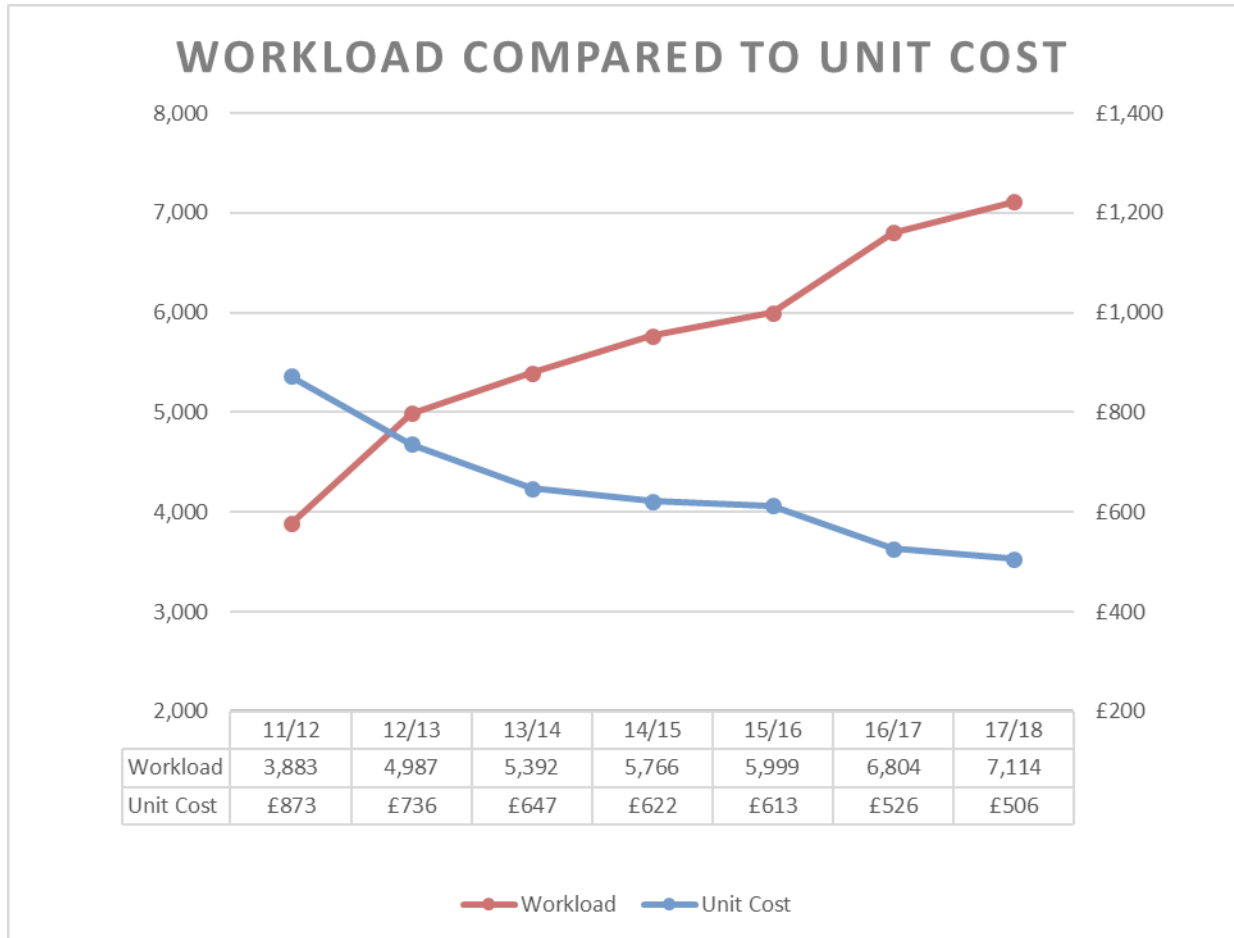
Background

Under the Government of Wales Act 2006 the office is financed through the Welsh Consolidated Fund (WCF). Any unspent cash balances must be repaid into the WCF no later than four weeks after a certified copy of the accounts has been laid before the National Assembly for Wales. This creates a further control in that there is a need to effectively manage the budget on both a cash and a resource basis. The salary of the office holder of the Public Services Ombudsman for Wales, and the related costs, are a direct charge on the WCF and are administered through the National Assembly for Wales.

As at 31 March 2018, the Office comprised 60 staff based in Pencoed, Bridgend including the Ombudsman, Chief Operating Officer, Director of Policy, Legal and Governance as well as investigation and support staff.

The National Assembly for Wales provided cash of £4.2 million for the funding of the Office although £32k of this is due to be returned to the WCF being the unused cash balance at the year end. The sum of £32k is within the accepted year-end balance criteria of 3% funding. The Office has achieved a level of spending in line with changes in the overall level of the Welsh block which is especially noteworthy considering the upward demand for the services of the Office.

Great strides have been made over recent years in improving efficiency in the way we consider complaints. This has been essential in view of the ever-increasing caseload. The table below shows that over the past seven years, the Office has seen an increase of over 82% in all contacts (that is, in enquiries, public body complaints and complaints about the conduct of members of local authorities) whilst unit costs have reduced by 42% when adjusted for CPI inflation. The past year has seen yet another increase in enquiries and complaints of 4%. Despite this, we have still managed to exceed the majority of our performance targets. We continued with our information technology upgrade programme with a view to getting new technology to take some of the strain of the administrative tasks associated with complaint handling.



Remuneration

Details of the pay and related costs of the Ombudsman and the Office are shown in the Remuneration Report.

Pension Liabilities

The pension obligations to present and past employees are discharged through:

- (a) the Principal Civil Service Pension Scheme (PCSPS);
- (b) the Local Government Pension Scheme administered through the Cardiff and Vale of Glamorgan Pension Scheme (the Fund); and
- (c) the pensions paid directly to former Commissioners or their dependants.

Further details are given in the Pensions Disclosures.

Corporate Governance

The office holder of the Public Services Ombudsman for Wales is a Corporation Sole. In addition, upon taking up my role as Ombudsman, I was appointed by the Treasury as the Accounting Officer for the public funds with which the National Assembly entrusts me to undertake my functions. The Advisory Panel, established during 2011/12, has continued to meet on a regular basis over the past year. A review of its effectiveness conducted during 2015/16 concluded that the Panel added the additional scrutiny and support sought by the Ombudsman. Further details are set out in the Annual Governance Statement.

Register of Interests

A register of interests is maintained for the Ombudsman, directors and members of the Advisory Panel and Audit and Risk Assurance Committee.

Accounts Direction

Under the Accounts Direction issued by HM Treasury dated 21 December 2006, I was required to prepare accounts for the financial year ended 31 March 2018 in compliance with the accounting principles and disclosure requirements of the edition of the Government Financial Reporting Manual (the FReM) issued by HM Treasury which was in force for 2017/18.

The accounts have been prepared to:

- (a) give a true and fair view of the state of affairs at 31 March 2018 and of the net resource outturn, resources applied to objectives, recognised gains and losses and cash flows for the financial year then ended; and
- (b) provide disclosure of any material expenditure or income that has not been applied for the purposes intended by the National Assembly for Wales or material transactions that have not conformed to the authorities that govern them.

Auditors

The Auditor General for Wales is the External Auditor of the accounts of the PSOW as laid down in paragraph 17 of Schedule 1 to the Public Services Ombudsman (Wales) Act 2005. The cost of the audit for 2017/18 was £18k, no change from 2016/17.

So far as I am aware I have taken all the steps necessary to make the auditors aware of any relevant audit information.

Nick Bennett
Accounting Officer
Public Services Ombudsman for Wales

27 June 2018

Statement of Accounting Officer's Responsibilities

Under the Public Services Ombudsman (Wales) Act 2005 as Public Services Ombudsman for Wales, I am required to prepare for each financial year resource accounts detailing the resources acquired, held or disposed of during the year and the use of resources by the Office during the year in the form of and on the basis set out in the Accounts Direction. The accounts are prepared on an accruals basis and must give a true and fair view of the state of affairs of the PSOW and its net resource outturn, resources applied to objectives, changes in tax payer's equity and cash flows for the financial year.

In preparing the accounts, as the Accounting Officer I am required to comply with the requirements of the *Government Financial Reporting Manual* and in particular to:

- observe the Accounts Direction issued by HM Treasury including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis;
- make judgements and estimates on a reasonable basis;
- state whether applicable accounting standards as set out in the Government Financial Reporting Manual have been followed, and disclose and explain any material departures in the financial statements; and
- prepare the financial statements on a going concern basis.

My relevant responsibilities as Accounting Officer include responsibility for the propriety and regularity of the public finances for the PSOW, keeping proper records and safeguarding the Office's assets as set out in the Accounting Officer's memorandum issued by HM Treasury that is published in "Managing Welsh Public Money", and are in accordance with the Public Services Ombudsman (Wales) Act 2005.

Annual Governance Statement 2017/18

Status of the Public Services Ombudsman for Wales

As laid down in Schedule 1 paragraph 2 of the Public Services Ombudsman (Wales) Act 2005, the Ombudsman is a Corporation Sole holding office under Her Majesty and discharges his function on behalf of the Crown. Schedule 1 paragraph 18 states that the Ombudsman is the Accounting Officer for the Office of the Ombudsman.

Scope of Responsibility

In undertaking the role of Accounting Officer, I ensure that the Office operates effectively and to a high standard of probity. In addition, I have responsibility for maintaining a sound system of internal control that supports the achievement of the PSOW's policies, aims and objectives whilst safeguarding the public funds and assets for which I am personally responsible, in accordance with the responsibilities assigned to me in "Managing Welsh Public Money".

I am independent of the National Assembly for Wales, but am accountable to its Public Accounts Committee for the use of resources made available to support my statutory functions. In determining the level of resources available to the Office, the PSOW's budget proposals are considered by the Finance Committee of the National Assembly for Wales in accordance with the process laid down in the Act. I produce a combined Annual Report and Accounts for consideration by the Equality, Local Government and Communities Committee and the Finance Committee.

I am required to include this statement with my annual report and accounts to explain how the governance of my Office works and to ensure it meets the requirements of the Corporate Governance Code. To enable me to satisfy these requirements, I have established appropriate structures, systems and procedures that are comprehensive and provide me with evidence that the governance arrangements are working as intended across the whole organisation and its activities. Such arrangements include my Governance Framework, a comprehensive internal control environment, effective internal and external audit scope and robust financial management, risk planning and monitoring procedures.

Strategic Planning and Performance Monitoring

In considering the Strategic Plan for the three years 2016/17 to 2018/19, I have established the following:

Vision: A public service culture that values complaints and learns from them to improve public service delivery, and a

Mission: by considering complaints, to put things right for service users and contribute to improved public service delivery and standards in public life.

Whilst individual teams within the Office are charged with implementing the actions identified, the Management Team and the Advisory Panel monitor progress made against targets and the outcomes achieved via quarterly reports. I was very pleased that all key activities for 2017/18 had been delivered by the end of the financial year.

System of Internal Control

The system of internal control is designed to manage risk to a reasonable level rather than eliminate all risk of failure to achieve policies, aims and objectives; it can therefore only provide reasonable and not absolute assurance of effectiveness. It is based on an ongoing process designed to identify and prioritise the risks to the achievement of my policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically. The system has been in place in the Office of the PSOW for the year ended 31 March 2018 and up to the date of approval of these accounts, and accords with HM Treasury guidance. No significant areas of internal control weaknesses have been identified from audit work and steps to improve controls further are implemented promptly and monitored by the Audit and Risk Assurance Committee.

Corporate Governance arrangements

Governance arrangements include an Advisory Panel of external advisers supplemented by an Audit and Risk Assurance Committee which is a sub-committee of the Panel. The respective responsibilities are:

Advisory Panel

(a) Role of the Panel

The Advisory Panel is a non-statutory forum whose main role is to provide support and advice to the Ombudsman in providing leadership and good governance of the office of the PSOW. The Advisory Panel also brings an external perspective to assist in the development of policy and practice.

The Advisory Panel provides specific advice and support to the Ombudsman on:

- vision, values and purposes
- strategic direction and planning
- accountability to citizens for the public funds it receives, and
- internal control and risk management arrangements

The Advisory Panel is an advisory only body to the Ombudsman, and does not make decisions in its own right.

The Panel also assists the Ombudsman in establishing:

- governance arrangements, including Terms of Reference of any sub-committees
- the PSOW's strategic direction, aims and objectives and targets
- key business policies
- key employment strategies and policies

and scrutinising and assuring:

- the Three Year Strategic Plan and the Annual Business Plan
- high level budget allocation
- the budget Estimates submission to the Finance Committee of the National Assembly for Wales
- resource accounts (delegated to the Audit and Risk Assurance Committee); and
- contracts over £25k (delegated to the Audit and Risk Assurance Committee).

It also monitors and reviews:

- risk and internal control (delegated to the Audit and Risk Assurance Committee)
- operational performance and delivery
- financial performance

- effectiveness of employment strategies and policies
- diversity and equal opportunities, particularly in relation to the Equality Act 2010
- external communications strategies and stakeholder relations, and
- health and safety and business continuity.

Four meetings were held in July, September and December 2017 and March 2018.

(b) Membership

Membership comprises:

- the Ombudsman (Chair due to constitutional accountability considerations)
- up to six external members (who offer specific skills and experience sought by the Ombudsman and one of whom may be from another ombudsman office).

The Director of Policy, Legal & Governance acts as Secretary to the Panel; other Management Team members as decided by the Ombudsman may attend the Panel's meetings but are not formally members of the PSOW Advisory Panel.

Panel Members are recruited via open recruitment exercises, with the latest of these being conducted in the first quarter of 2017/18, due to the terms of office of a number of independent members of both the Advisory Panel and Audit & Risk Assurance Committee concluding in 2017/18 or early 2018/19.

Attendance during 2017/18 was as follows:

Membership:

Nick Bennett – Ombudsman and Chair	4
Jonathan Morgan	4
Margaret Griffiths	3
Anne Jones (from September)	3
Tom Frawley (from December)	2
Jim Martin (from December)	2
Bill Richardson (July - September)	2
Sharon Warnes (July – September)	2
Beverley Peatling (December only)	1
Jan Williams (to July)	1
John Williams (to July)	1

Audit and Risk Assurance Committee

(a) Terms of Reference

The Advisory Panel is responsible for agreeing the Terms of Reference of the Audit and Risk Assurance Committee. The Audit and Risk Assurance Committee supports the Ombudsman by reviewing the comprehensiveness and reliability of assurances on governance, risk management, the control environment and the integrity of financial statements and the annual report.

(b) Membership

Due to a number of Independent Members' terms of office concluding in 2017/18, a recruitment exercise took place in June 2017. Three new Independent Members were recruited and attended their first meetings in December 2017. The new Members are Dr Tom Frawley CBE, former Assembly Ombudsman and Northern Ireland Commissioner for Complaints; Jim Martin, former Scottish Public Services Ombudsman; and Beverley Peatling, Project Manager/Business Analyst for the Metropolitan Police Service (Counter Terrorism Unit) (Beverley only attended the December meeting having resigned in early January due to a change in circumstances which led to a conflict of interest). William Richardson's term of office concluded in September 2017 and Jonathan Morgan was appointed Chair with effect from the December 2017 meeting. As mentioned previously, Mr Morgan's experience as an Assembly Member and as former chair of the National Assembly's Public Accounts Committee, has provided added value to the ARAC and to the role of Chair. Sharon Warnes stepped down from her role as Independent Member in September 2017.

(c) Training

Members of the Committee are invited to assess their training needs annually. An induction programme is provided for all members of the Advisory Panel, which includes Audit and Risk Assurance Committee induction as appropriate. An induction day took place in December 2017 and all new members attended. In October 2017, the Financial Accountant attended a Cyber Security workshop held for chairs of Audit and Risk Assurance Committees facilitated by Wales Audit Office on behalf of the Chair. This was useful for networking and sharing best practice and information.

(d) Meetings

The Committee sets for itself an annual work programme. There were four meetings of the Committee during the year. At each meeting, the Committee received a number of standing agenda items. One of these covered Risk Management - a new approach to the

risk register was proposed in 2016/17 and, following consideration by both the PSOW's Management Team and the Committee, the revised format was approved and adopted in 2017. The main principle of the current risk management report format is that there are five key risk horizons, and that an assessment is made by each team and then PSOW Management Team, on a regular basis, for each of these risk horizons:

- Core Function
- Data Privacy / information security
- Financial
- Operational & Support
- Governance

This replaced the previous approach of identifying risks and then allocating the risks to a risk category. The Committee is presented with a risk summary table and assessment of the five risk horizons as a method of ensuring that they are kept aware of key risks. The overall level of risk facing the Office has remained relatively low and generally static. Attendance was as follows:

Membership:

Jonathan Morgan (Chair December – March)	4
William Richardson (Chair July - September)	2
John Williams	4
Tom Frawley (from December)	2
Jim Martin (from December)	2
Sharon Warnes (July – September)	2
Beverley Peatling (December only)	1

Other standing reports submitted to the Committee related to declarations of any fraud or losses, including any data losses, identified.

During the year the Committee also received reports on any appropriate matters that fell within its Terms of Reference. They included: the 9 and 12-month accounts, internal audit plans, updates on the business continuity plan, and relevant financial and corporate governance matters issued by HM Treasury.

At each meeting, the Committee received for information purposes a copy of the latest Budget Monitoring report considered by the Management Team. This is intended to provide the Committee with an assurance that there is a regular scrutiny of the financial position within the Office.

The Committee provided advice to the Ombudsman to ensure that the 2017/18 Annual Governance Statement included appropriate information and complied with best practice.

(e) Internal and External Audit

The Committee received regular reports from both the internal and external auditors. The work of Deloitte as Internal Auditors during the year was planned based on their overall needs assessment and carried out through their third annual programme. Their reports highlighted the satisfactory internal control framework within the organisation and made recommendations for improvement where necessary.

The rolling audit programme covering the other aspects of the Office's work and controls also noted the satisfactory internal control framework within the Office and made recommendations for improvement where necessary. The overall assessments were as follows:

IT General Controls	MODERATE assurance
Open Source Data	SUBSTANTIAL assurance
Professional Advisors	SUBSTANTIAL assurance
Financial Systems:	
Budgetary Control	SUBSTANTIAL assurance
Purchasing and Payments	MODERATE assurance
Banking and Cash Management	SUBSTANTIAL assurance
Risk Management	SUBSTANTIAL assurance

In most audits, the level of assurance was considered "Substantial". However, there were two areas where the assurance level was "Moderate". One related to IT General Controls and the formal recording and documentation of the IT penetration tests that had been completed. This has been addressed and a full report on the testing was provided and shared with IT support providers. The other area of "Moderate" assurance was Purchasing and Payments, where one purchase order for translation services was found not to have been countersigned. The audit also noted that purchase orders are not required for rent, business rates, utility bills etc. and was not covered in documented procedures. This will be addressed at the next review of documented processes in Quarter 3 of 2018/19 (i.e. by December 2018).

The internal auditors' Annual Report for 2017/18 stated: 'Based on the work we have undertaken during the year we are able to conclude that the Public Services Ombudsman for Wales (PSOW) has a basically sound system of internal control, which should provide **substantial assurance** regarding the achievement of the PSOW's objectives'. These findings provide assurance that the arrangements in place are reducing the Office's exposure to risk.

The Committee noted the thoroughness of the audit work, practicality of recommendations and the open and positive response of management to the recommendations made.

The role of external audit is undertaken by the Wales Audit Office (WAO). The Committee considered the Annual Accounts that included the Governance Statement of the Office for 2016/17 together with the External Audit of Financial Statements Report and Management Letter. The audit conclusions for the 2016/17 financial year were reviewed at the September 2017 meeting of the Committee.

An unqualified opinion was given on the 2016/17 Accounts on 21 July 2017 with the two recommendations accepted in full by management. These have been implemented in the 2017/18 annual accounts review.

Both Internal and External Auditors have the right, if considered appropriate, to raise any matter through an open access policy to the Chair and through that right to bring any matter to the attention of the Committee. The Committee, by reviewing the programmes of both the External and the Internal Auditors, ensured that they were co-operating effectively with each other. The quality of the audit work and that of the Committee has been evaluated during the year through consideration of the audit reports and recommendations and dialogue at meetings between Committee Members and the Auditors.

To ensure that appropriate matters can be raised in confidence the Chair of the Committee holds an annual meeting with representatives of the External and Internal Auditors. Such a meeting was held on 28 March 2018.

(f) Monitoring processes

At each meeting during 2017/18 the Committee received a report on progress made on implementation of External and Internal Audit recommendations. The Committee members were satisfied that all the recommendations made had been implemented or will be implemented by the first quarter of 2018/19.

(g) Annual Review and Assessment

This annual review is undertaken to ensure that the work of the Audit and Risk Assurance Committee continues to comply with the Good Practice Principles set out in the HM Treasury Audit Committee Handbook. To assist the Committee in determining that it was complying with good practice, each member was invited to complete the National Audit Office's 'The Audit Committee self-assessment checklist.'

Comments received from Committee members were considered in preparing the Annual Report for 2017/18.

The report concluded that it had received comprehensive assurances and information that was reliable and sufficient to enable it to carry out its responsibilities. Those assurances demonstrated a satisfactory overall internal control environment, financial reporting, and the management of risk and of the quality of both the Internal and External Audit work undertaken.

The Committee was therefore able to provide assurances to effectively support me as the Public Services Ombudsman for Wales to comply with my Accounting Officer responsibilities in providing evidence to assist in the preparation of this Annual Governance Statement.

Reporting of Personal Data Related Incidents

All incidents involving personal data are reported to the Audit and Risk Assurance Committee, regardless of whether the PSOW is at fault. Where PSOW is at fault, guidance issued by the Information Commissioner's Office is considered to establish whether it is necessary to report the incident to that office.

The Risk and Control Framework

As required by "Managing Welsh Public Money" I am supported by a professionally qualified Financial Accountant who carries out the responsibilities of a finance director as set out in that document.

Risk management and the risk register are standing Agenda items for the Audit and Risk Assurance Committee.

I am continuing to enhance the robust internal control arrangements to ensure that the Office has the capacity to identify, assess and manage risk effectively. In undertaking this responsibility during the year ended 31 March 2018 I have been supported by a Chief Operating Officer to whom some of the Ombudsman's responsibilities have been delegated. In addition, the Management Team which I chair has responsibility for overseeing risk management. I am satisfied that the systems in place identify potential risks at an early stage and enable, through active management, the appropriate action to be taken to minimise any adverse impact on the office. As already stated the Audit and Risk Assurance Committee receives regular reports on the Risks relating to this Office.

Risks are considered across a number of key areas or risk horizons. These are:

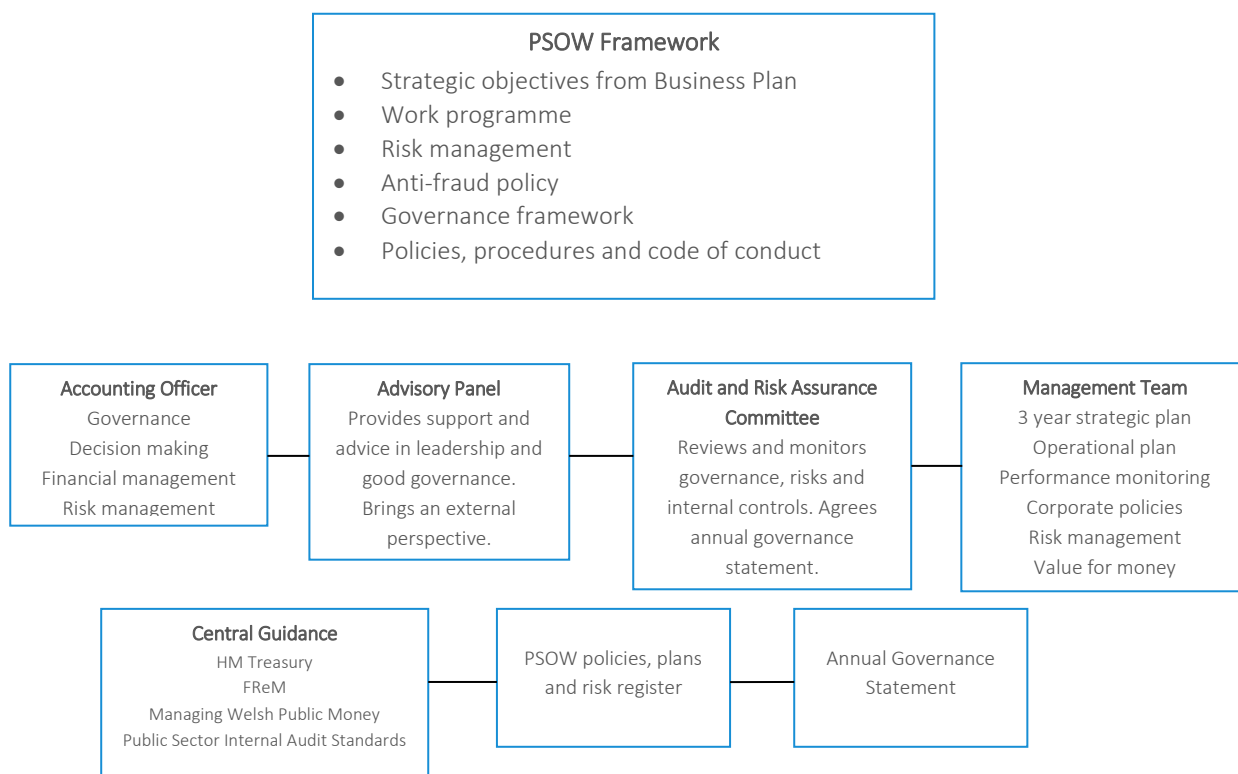
- risks that could affect my ability to fulfil my core functions;
- risks affecting data security;
- financial risks;
- governance risks; and
- risks affecting facilities and support arrangements (such as premises and IT services).

Key risks at the year-end were identified as follows:

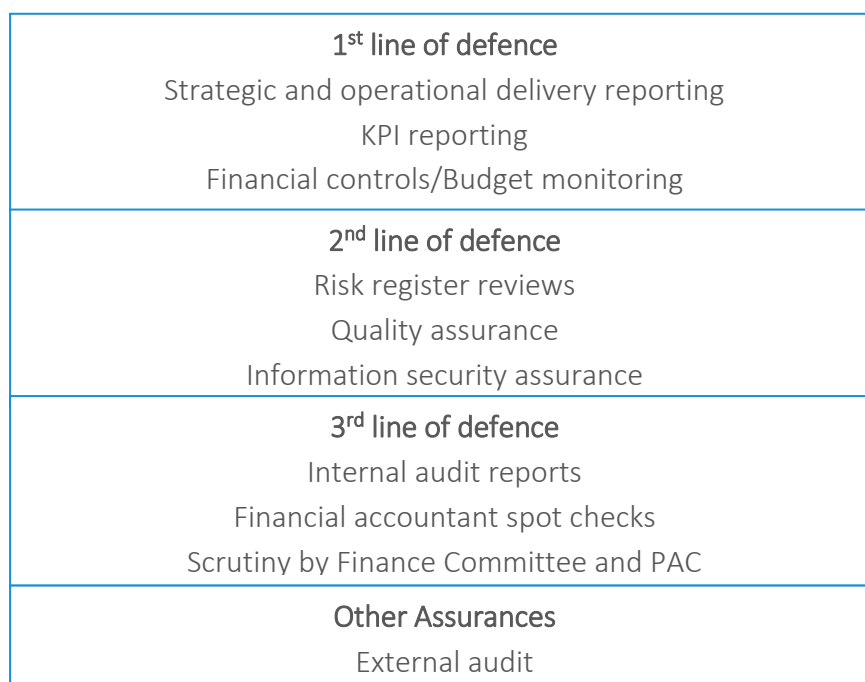
Risk horizon	Risk affects:	Risk management and mitigation:	Residual risk:
Core function	Ability to manage large and complex caseload effectively	Recruiting staff to maintain full staff establishment. Review and improve internal processes Close management of performance and caseload. Training and support for staff.	In view of growth in health complaints, increased complexity of cases and increased challenge from bodies complained about the residual risk is considered RED (serious)
Data Security	Security of personal data	Information security policy and training for staff. Password restriction of documents and encryption of data. Regular reminders and sharing of lessons from any data loss.	The number of letters, emails and documents handled by my office makes this a significant risk. Human error can occur even with robust control measures in place. The residual risk is considered RED (serious)
Data Security	System security – physical and cyber security	Robust, documented and audited IT controls, password controls, back up arrangements, external IT support, penetration testing, regular software updates.	IT security is a high priority with controls in place, but the risk of cyber security attacks remains real for everyone and for all organisations. The residual risk is considered RED (serious)

I and my Management Team will continue to work to manage and minimise the risks in these key areas in the year ahead, and the risks will be considered at each meeting of the Audit & Risk Assurance Committee.

Risk Assurance Framework Arrangements



Assurance Map Components



Budgeting Process

As Accounting Officer, I ensure that I have in place arrangements for tight control of the public money entrusted to me. The Management Team receives a monthly budget monitoring report setting out details of actual against budgeted expenditure. Any unexpected expenditure issues that may arise during the year are considered and actions required to ensure that the office remains within its budgeted expenditure are agreed. No major issues arose in respect of the PSOW's budget for 2017/18.

As far as the process of producing the PSOW's financial estimate for 2018/19 is concerned, a paper setting out initial budget criteria was considered by the Advisory Panel in July 2017. Following on from this a draft budget estimate paper was considered at the meeting in September 2017. That paper set out in full the financial resources that the PSOW had identified as being necessary to enable the PSOW to carry out his duties. The final Estimates paper was submitted to the Finance Committee of the National Assembly for Wales. The Finance Committee considered the paper in October 2017 and I was pleased to be able to attend the meeting to answer Assembly Members' specific questions on the submission.

The National Assembly for Wales subsequently approved the financial estimate in full for 2018/19.

Conclusion

I can report that there were no significant weaknesses in the Office's system of internal controls in 2017/18 which would affect the achievement of the Office's policies, aims and objectives and that robust Corporate Governance is in operation with no breaches of the Corporate Governance Code.

Nick Bennett
Accounting Officer
Public Services Ombudsman for Wales

27 June 2018

Remuneration Report

Public Services Ombudsman for Wales

The Government of Wales Act 2006 provides for my remuneration and associated national insurance and pension costs to be met from the Welsh Consolidated Fund, rather than being paid directly. These costs are included, for transparency, in the remuneration report.

Remuneration

The following sections provide details of the remuneration and pension interest of the most senior management of the Office: Nick Bennett - Ombudsman, Chris Vinestock - Chief Operating Officer and Director of Investigations and Katrin Shaw - Director of Policy, Legal and Governance.

Single Total Figure of Remuneration										
Officials	Salary (£'000)		Bonus payments (£'000)		Benefits in Kind (to nearest £100)		Pension benefits (to nearest £1,000)		Total (£'000)	
	2017/18	2016/17	2017/18	2016/17	2017/18	2016/17	2017/18	2016/17	2017/18	2016/17
Nick Bennett	145-150	140-145	-	-	-	-	56,000	57,000	200-205	200-205
Chris Vinestock	90-95	90-95	-	-	-	-	27,000	79,000	120-125	170-175
Katrin Shaw	75-80	70-75	-	-	-	-	30,000	74,000	105-110	145-150

Salary

Salary includes gross salary, overtime and any other allowances to the extent that they are subject to UK taxation.

Benefits in kind

The monetary value of benefits in kind covers any expenditure paid by the PSOW and treated by HM Revenue and Customs as a taxable emolument. There was no such expenditure.

Bonuses

No bonus was paid during the year to me or to any staff within my office as no bonus scheme is in operation.

Pay multiples

The banded remuneration of the highest-paid director in the financial year 2017/18 was £145-150,000 (2016/17, £140-£145,000). This was 3.6 times (2016/17, 3.5) the median remuneration of the workforce, which was £41,025 (2016/17, £40,623). In 2017/18, no employee received remuneration in excess of the highest-paid director (2016/17, none).

Remuneration ranged from £17,000 to £150,000 (2016/17, £14,000-£145,000). Total remuneration includes salary, non-consolidated performance-related pay and benefits-in-kind. It does not include severance payments, employer pension contributions and the cash equivalent transfer value of pensions.

Pay awards

Staff pay is linked to the pay awards made to employees within Local Government in England and Wales. In line with that procedure a 1% pay increase was awarded to staff that covered the year April 2017 to March 2018.

Pensions

Pension entitlements for the persons shown above are detailed below:

Name	Accrued pension at pension age as at 31/03/18 and related lump sum	Real increase in pension and related lump sum at pension age	CETV at 31/03/18	CETV at 31/03/17	Real Increase in CETV	Employer contribution to partnership pension accounts
	£000	£000	£000	£000	£000	Nearest £100
Nick Bennett	35-40	2.5-5	395	347	25	-
Chris Vinestock	55-60	0-2.5	706	651	12	-
Katrin Shaw	25-30	0-2.5	403	364	13	-

Pension Liabilities

The pension obligations to present and past employees are discharged through:

- (a) the Principal Civil Service Pension Scheme (PCSPS)
- (b) the Local Government Pension Scheme administered through the Cardiff and Vale of Glamorgan Pension Scheme (the Fund) and
- (c) the pensions paid directly to former Commissioners or their dependants.

Fuller details are given in the Pensions Disclosures.

Sickness

During the year, an average of 5.6 days per employee were lost through sickness compared with 4.0 days in 2016/17. This is the equivalent of 2.1% (1.5% in 2016/17) of total possible workdays.

The increase was attributable to three staff on long term sick that accounted for 61% or 3.4 days lost through sickness.

Reporting of Civil Service and other compensation schemes

No exit packages were paid in 2017/18 (2016/17 Nil).

Advisory Panel and Audit and Risk Assurance Committee

The following non-pensionable payments, based on a daily rate, were made to members of the Advisory Panel and Audit and Risk Assurance Committee:

	2017/18	2016/17
	£	£
Jonathan Morgan	1,565	1,244
William Richardson	1,263	2,737
John Williams	904	1,711
Jan Williams	-	-
Margaret Griffiths	564	1,269
Sharon Warnes	622	1,711
Jim Martin	622	-
Tom Frawley	622	-
Anne Jones	846	-
Beverley Peatling	622	-

Due to the late timing of the March 2018 meetings only 3 payments were made to committee members in 2017/18.

For staff reporting issues see the Annual Equality Report.

Nick Bennett
Accounting Officer
Public Services Ombudsman for Wales

27 June 2017

National Assembly for Wales

Accountability and Audit Report

In addition to the primary statements prepared under **International Financial Reporting Standards (IFRS)**, the Government Financial Reporting Manual (FReM) requires the Ombudsman to prepare a statement and supporting notes to show resource outturn against the Supply Estimate presented to the Assembly, in respect of each request for resource.

Summary of Net Resource Outturn

For the year ended 31 March 2018

	Revised Estimate			Outturn				2016/17
	Gross Expenditure	Income	Net Total	Gross Expenditure	Income	Net Total	Net total outturn compared to estimate	Net Total
	£000	£000	£000	£000	£000	£000	£000	£000
Revenue	4,255	(32)	4,223	4,221	(31)	4,190	33	4,025
Capital	25	-	25	20	-	20	5	27
Net Resource	4,280	(32)	4,248	4,241	(31)	4,210	38	4,052
Net Cash Requirement	4,242	(32)	4,210	4,209	(31)	4,178	32	4,240

The Ombudsman is paid directly from the Welsh Consolidated Fund and not by the Office and is not included in the PSOW accounts.

For transparency, the Ombudsman's remuneration continues to be disclosed in the Remuneration Report.

Reconciliation of Net Resource to Net Cash Requirement

For the year ended 31 March 2018

	Note	2017/18 Revised estimate	2017/18 Net total Outturn	Net total outturn compared to revised estimate	2016/17 Outturn
		£000	£000	£000	£000
Net Revenue	2-4	4,223	4,190	33	4,025
Net Capital	6	25	20	5	27
Net Resource		4,248	4,210	38	4,052
Excess income to WCF	4	-	-	-	(5)
Movement in provisions	10	22	7	15	(21)
Capital charges	6	(80)	(43)	(37)	(82)
Movements in working capital	7-9	20	24	(4)	16
Pension charges (LGPS)	Pensions Disclosures	-	(20)	20	280
Net cash requirement		4,210	4,178	32	4,240

No pension deficit payments are payable from 2017/18 onwards due to the Local Government Pension Scheme (LGPS) being in surplus. A final deficit payment of £279k was made in 2016/17.

Nick Bennett
Accounting Officer
Public Services Ombudsman for Wales

27 June 2018

The Certificate and Independent Auditor's Report of the Auditor General for Wales to the National Assembly for Wales

Report on the audit of the financial statements

Opinion

I certify that I have audited the financial statements of the Public Services Ombudsman for Wales for the year ended 31 March 2018 under paragraph 17 (2) of Schedule 1 of the Public Services Ombudsman (Wales) Act 2005. These comprise the Summary or Net Resource Outturn, Statement of Comprehensive Net Expenditure, Statement of Financial Position, Consolidated Statement of Cash Flows, Statement of Changes in Taxpayers Equity and related notes, including a summary of significant accounting policies. These financial statements have been prepared under the accounting policies set out within them. The financial reporting framework that has been applied in their preparation is applicable law and HM Treasury's Financial Reporting Manual based on International Financial Reporting Standards (IFRSs) as adopted by the European Union. I have also audited the information in the Remuneration Report that is described in that report as having been audited.

In my opinion the financial statements:

- give a true and fair view of the state of Public Services Ombudsman for Wales affairs as at 31 March 2018 and of its net cash requirement, net resource outturn and net operating cost, for the year then ended; and
- have been properly prepared in accordance with HM Treasury directions issued under the Public Services Ombudsman (Wales) Act (2005).

Basis for opinion

I conducted my audit in accordance with applicable law and International Standards on Auditing in the UK (ISAs (UK)). My responsibilities under those standards are further described in the auditor's responsibilities for the audit of the financial statements section of my report. I am independent of the body in accordance with the ethical requirements that are relevant to my audit of the financial statements in the UK including the Financial Reporting Council's Ethical Standard, and I have fulfilled my other ethical responsibilities in accordance with these requirements. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Conclusions relating to going concern

I have nothing to report in respect of the following matters in relation to which the ISAs (UK) require me to report to you where:

- the use of the going concern basis of accounting in the preparation of the financial statements is not appropriate; or
- the Accounting Officer has not disclosed in the financial statements any identified material uncertainties that may cast significant doubt about the body's ability to continue to adopt the

going concern basis of accounting for a period of at least twelve months from the date when the financial statements are authorised for issue.

Other information

The Accounting Officer is responsible for the other information in the annual report and accounts. The other information comprises the information included in the annual report other than the financial statements and my auditor's report thereon. My opinion on the financial statements does not cover the other information and, except to the extent otherwise explicitly stated in my report, I do not express any form of assurance conclusion thereon.

In connection with my audit of the financial statements, my responsibility is to read the other information to identify material inconsistencies with the audited financial statements and to identify any information that is apparently materially incorrect based on, or materially inconsistent with, the knowledge acquired by me in the course of performing the audit. If I become aware of any apparent material misstatements or inconsistencies, I consider the implications for my report.

Opinion on regularity

In my opinion, in all material respects, the expenditure and income in the financial statements have been applied to the purposes intended by the National Assembly for Wales and the financial transactions recorded in the financial statements conform to the authorities, which govern them.

Report on other requirements

Opinion on other matters

In my opinion, the part of the Remuneration Report to be audited has been properly prepared in accordance with HM Treasury directions made under the Public Services Ombudsman (Wales) Act (2005).

In my opinion, based on the work undertaken in the course of my audit:

- the information given in the Annual Governance Statement for the financial year for which the financial statements are prepared is consistent with the financial statements and the Governance Statement has been prepared in accordance with HM Treasury guidance;
- the information given in the Annual Report for the financial year for which the financial statements are prepared is consistent with the financial statements and has been prepared in accordance with the Public Services Ombudsman (Wales) Act (2005).

Matters on which I report by exception

In the light of the knowledge and understanding of the body and its environment obtained in the course of the audit. I have nothing to report in respect of the following matters, which I report to you, if, in my opinion:

- proper accounting records have not been kept;
- the financial statements and the part of the Remuneration Report to be audited are not in agreement with the accounting records and returns;

- information specified by HM Treasury regarding the remuneration and other transactions is not disclosed; or
- I have not received all of the information and explanations I require for my audit.

Report

I have no observations to make on these financial statements.

Responsibilities

Responsibilities of the Accounting Officer for the financial statements

As explained more fully in the Statement of Accounting Officer's Responsibilities, the Accounting Officer is responsible for preparing the financial statements in accordance with the Public Services Ombudsman (Wales) Act 2005 and HM Treasury directions made there under, for being satisfied that they give a true and fair view and for such internal control as the Accounting Officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Accounting Officer is responsible for assessing the body's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting unless deemed inappropriate.

Auditor's responsibilities for the audit of the financial statements

My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

A further description of the auditor's responsibilities for the audit of the financial statements is located on the Financial Reporting Council's website www.frc.org.uk/auditorsresponsibilities. This description forms part of my auditor's report.

Responsibilities for regularity

The Accounting Officer is responsible for ensuring the regularity of financial transactions.

I am required to obtain sufficient evidence to give reasonable assurance that the expenditure and income have been applied to the purposes intended by the National Assembly for Wales and the financial transactions conform to the authorities, which govern them.

Huw Vaughan Thomas
Auditor General for Wales
17 July 2018

24 Cathedral Road
Cardiff
CF11 9LJ



Financial Statements

Statement of Comprehensive Net Expenditure

for the year ended 31 March 2018

	Note	2017/18	2016/17
		£000	£000
Administration costs			
Staff costs	2	2,898	2,827
Other non-staff administration costs	3	1,323	1,198
Gross Administration Costs		4,221	4,025
Operating Income	4	(31)	(5)
Net Administration Costs		4,190	4,020
Net Revenue Outturn		4,190	4,020

All activities commenced in the period are continuing.

Notes 1 to 19 and the Pensions Disclosures form part of these statements.

Statement of Financial Position

as at 31 March 2018

	Note	2017/18 £000	2016/17 £000
Non-current assets			
Property, Plant and Equipment	6a	128	140
Intangible assets	6b	7	18
Receivables due after more than one year	7	3	-
Pension fund surplus	Pensions Disclosures	30	40
		168	198
Current Assets			
Trade and other receivables	7	186	163
Cash and cash equivalents	8	32	34
		218	197
Total assets		386	395
Current liabilities			
Trade and other payables	9	(177)	(172)
Provisions less than one year	10	(43)	(83)
		(220)	(255)
Total assets less current liabilities		166	140
Non-current liabilities			
Trade and other payables due after one year	9	(28)	(33)
Provisions greater than one year	10	(494)	(461)
		(522)	(494)
Total assets less liabilities		(356)	(354)
Taxpayers equity:			
General Fund		(356)	(354)

Notes 1 to 19 and the Pensions Disclosures form part of these statements. The financial statements were approved by the Accounting Officer and authorised for issue on 27 June 2018 by:

Nick Bennett
Accounting Officer

27 June 2018

Statement of Cash Flows

for the year ended 31 March 2018

	Note	2017/18 £000	2016/17 £000
Net cash outflow from operating activities	11	(4,158)	(4,218)
Net cash flow from investing activities	12	(20)	(27)
Financing from National Assembly for Wales	13	4,210	4,279
Prior year cash balance repaid		(34)	(36)
Net increase (decrease) in cash equivalents after adjustments for payments to Welsh Consolidated Fund		(2)	(2)
Cash and cash equivalents at the beginning of period		34	36
Cash and cash equivalents at the end of period		32	34

Notes 1 to 19 and the Pensions Disclosures form part of these statements.

The 2016/17 figures have been restated to reflect a change in presentation.

Statement of Changes in Taxpayers' Equity

for the year ended 31 March 2018

	General Fund 2017/18 £000	General Fund 2016/17 £000
Balance as at 1 April	(354)	(564)
Net operating costs	(4,190)	(4,020)
Funding by National Assembly for Wales	4,210	4,279
Due back to Welsh Consolidated Fund		
- Cash	(32)	(34)
- Income in excess of approved budget	-	(5)
Actuarial (deficit) surplus	10	(10)
Total recognised income and expense for year	(2)	210
Balance as at 31 March	(356)	(354)

Notes 1 to 19 and the Pensions Disclosures form part of these statements.

Notes to the Financial Statements

1. Statement of Accounting Policies

These financial statements have been prepared in accordance with the Government Financial Reporting Manual (the FReM) issued by HM Treasury which is in force for 2017/18. The accounting policies contained in the FReM apply International Financial Reporting Standards (IFRS) as adopted or interpreted for the public sector. Where the FReM permits a choice of accounting policy, the accounting policy which has been judged to be most appropriate to the particular circumstances of the PSOW for the purpose of giving a true and fair view has been selected. The particular accounting policies adopted by the PSOW are described below. They have been applied consistently in dealing with items considered material in relation to the accounts.

1.1 Accounting Convention

These accounts have been prepared under the historical cost convention modified to account for any revaluation of fixed assets, where material to their value to the business, by reference to their current costs.

1.2 Property, Plant and Equipment

Expenditure on property, plant and equipment is capitalised where the purchases are expected to have a useful life extending over more than one year and the cost exceeds £1k. Assets costing less than £1k may be capitalised providing they are capital in nature and are part of a larger scheme that is in total more than £1k. Assets are shown at cost less an allowance for depreciation. On initial recognition, fixed assets are measured at cost, including such costs as installation, which are directly attributable to bringing them into working condition for their intended use. In reviewing the costs of the fixed assets previously acquired and the prices paid for the new acquisitions during the year there is no material difference between the historic net book value of the assets and their replacement cost less depreciation.

1.3 Depreciation

Assets are depreciated at rates calculated to write them down to zero or if applicable, estimated residual value on a straight-line basis over their estimated useful life following an initial charge of a full year's depreciation in the year of purchase. Assets in the course of construction are depreciated from the year in which the asset is brought into use. Except where otherwise noted asset lives are assumed to be the following:

Plant	10 years or the lease term if shorter
Furniture and other fittings	10 years or in the case of fittings the lease term
Computers and other equipment	3 to 10 years

1.4 Intangible assets

Purchased computer software licences and developed software are capitalised where expenditure of £1k or more is incurred and the useful life is more than one year. Intangible assets costing less than £1k may be capitalised providing they are capital in nature and are part of a larger scheme that is in total more than £1k. Intangible assets are reviewed annually for impairment and are stated at amortised historic cost. Software licences are amortised over the shorter of the term of the licence and the useful economic life of the computer equipment on which they are installed. This would usually be from 3 to 5 years. Developed software is amortised over the estimated useful life. In the year of acquisition, a full year's amortisation charge is made with the balance amortised on a straight-line basis over the balance of the estimated life.

1.5 Value Added Tax

The PSOW is not registered for VAT. Expenditure is therefore disclosed gross of VAT.

1.6 Pensions

The pension obligations to present and past employees are covered by the provisions of the Principal Civil Service Pension Scheme (PCSPS), the Local Government Pension Scheme administered through the Cardiff and Vale of Glamorgan Pension Scheme (the Fund) and by direct payment to previous Commissioners for Local Administration in Wales and any surviving beneficiaries. Full details are disclosed in the Pensions Disclosures at the end of the Financial Statements. The costs of providing these pensions are charged through the Statement of Comprehensive Net Expenditure with actuarial gains and losses relating to the Cardiff and Vale of Glamorgan Pension Scheme being recognised in the year in which they occur.

1.7 Early departure costs

Where the PSOW is required to meet the additional cost of benefits beyond the normal benefits payable by the appropriate pension scheme in respect of employees who retire early, these costs are charged to the Statement of Comprehensive Net Expenditure in full when the liability arises.

1.8 Operating Leases

Expenditure on leased property is charged in the period to which it relates. Operating lease charges for equipment are spread equally over the life of the lease.

1.9 Staff Costs

In line with IAS 19, short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave, as well as non-monetary benefits for current employees, are recognised when an employee has rendered services in exchange for those benefits.

1.10 Provisions

These are sums which are of uncertain timing or amount at the balance sheet date and represent the best estimate of the expenditure required to settle the obligations. Where the effect of the time value of money is significant, the estimated risk-adjusted cash flows are discounted using the recommended HM Treasury discount rate.

1.11 Income

All income is recognised in the Statement of Comprehensive Net Expenditure in accordance with IAS 18.

1.12 Impact of Standards Not Yet Effective

Standard	Effective date	Further details
IFRS 9 Financial Instruments	2018/19	IFRS 9 Financial Instruments will replace IAS 39 and includes a new principles-based approach for the classification and measurement of financial assets. It also introduces a new impairment methodology for financial assets based on expected losses rather than incurred losses. This will result in earlier and more timely recognition of expected credit losses. The accounting requirements for financial liabilities are almost all carried forward unchanged from IAS 39.
IFRS 15 Revenue from Contracts with Customers	2018/19	IFRS 15 Revenue from Contracts with Customers introduces a principles-based five-step model for recognising revenue arising from contracts with customers. It is based on a core principle requiring revenue recognition to depict the transfer of promised goods or services to the customer in an amount that reflects the consideration the body expects to be entitled to, in exchange for those goods or services. It will also require more extensive disclosures than are currently required.
IFRS 16 Leases	2019/20	IFRS 16 will replace the current leases standard IAS 17. The key change is that it largely removes the distinction between operating and finance leases for lessees by introducing a single lessee accounting model that requires a lessee to recognise assets and liabilities for all leases with a term of more than 12 months, unless the underlying asset is of low value. It will lead to all leases being recognised on the balance sheet as an asset based on a right of use principle with a corresponding liability for future rentals. This is a significant change in lessee accounting.

2. Staff Costs and Numbers

The aggregate employment costs were as follows:

	2017/18 £000	2016/17 £000
Permanent staff:		
Salaries	2,194	2,130
Social Security Costs	210	221
Pension costs	439	448
Pension fund charges	55	28
Total	2,898	2,827

There were no temporary staff employed by the PSOW during 2017-18 and 2016-17.

The average number of whole-time equivalent persons employed (including senior management and fixed term appointments) during the year was as follows:

	2017/18 No.	2016/17 No.
Directors	2	2
Investigations	45	42
Corporate Services and ITC	7	7
Communications and PA	3	4
Total	57	55

3. Non-Staff Administration Costs

	2017/18	2016/17
	£000	£000
Rentals under operating leases	265	261
External Audit fee	18	18
Professional Advisers	319	230
Other property costs	205	174
Computer services	239	177
Office costs	98	115
Travel and subsistence	36	39
Training and Recruitment	55	45
Communications	45	57
Sub-total	1,280	1,116
Depreciation	32	33
Amortisation charge	11	49
Loss on disposal	-	-
Sub-total	43	82
Total Other Administration Costs	1,323	1,198

4. Operating Income

	2017/18	2016/17
	£000	£000
Seconded staff	(30)	(4)
Interest receivable	-	-
Other – Future Generations Commissioner	(1)	(1)
Total	(31)	(5)

5. Operating Costs by Strategic Aims

The costs of providing a first-class Ombudsman service to Wales are set out below. We have identified four new strategic aims for delivering our mission and the allocation to each of the aims has been based on the following:

- (a) An estimate of the staff time spent on the objective
- (b) Direct allocation of expenditure where applicable
- (c) Apportionment of other costs pro rata to the estimate of staff time

	2017/18		2016/17	
	£000	%	£000	%
Strategic Aim 1:				
To provide a complaints service that is of the highest quality, proportionate and effective.	3,307	78.9	3,097	77.0
Strategic Aim 2:				
To use the knowledge and insight obtained from the complaints we consider to improve complaint handling by public services providers and to have an impact in improving public service delivery and informing public policy.	661	15.8	677	16.8
Strategic Aim 3:				
To continue to evolve and grow as an office, specifically planning for implementation of the Ombudsman's new powers should the National Assembly for Wales create a new Public Services Ombudsman (Wales) Act.	52	1.2	59	1.5
Strategic Aim 4:				
To be accountable for the service we provide and the public money we spend.	170	4.1	187	4.7
Net operating costs	4,190	100.0	4,020	100.0

6a. Property, Plant and Equipment

	Plant	Computers and other equipment	Furniture and other fittings	Total
2017/18	£000	£000	£000	£000
Cost or valuation at 1 April 2017	156	182	415	753
Additions	-	5	15	20
Disposals	-	(37)	-	(37)
At 31 March 2018	156	150	430	736
Depreciation				
At 1 April 2017	(156)	(152)	(305)	(613)
Charged in the year	-	(16)	(16)	(32)
Disposals	-	37	-	37
At 31 March 2018	(156)	(131)	(321)	(608)
Carrying amount as at 31 March 2018	-	19	109	128
Carrying amount as at 31 March 2017	-	30	110	140

	Plant	Computers and other equipment	Furniture and other fittings	Total
2016/17	£000	£000	£000	£000
Cost or valuation at 1 April 2016	156	222	406	784
Additions	-	8	19	27
Disposals	-	(48)	(10)	(58)
At 31 March 2017	156	182	415	753
Depreciation				
At 1 April 2016	(156)	(183)	(299)	(638)
Charged in the year	-	(17)	(16)	(33)
Disposals	-	48	10	58
At 31 March 2017	(156)	(152)	(305)	(613)
Carrying amount as at 31 March 2017	-	30	110	140
Carrying amount as at 31 March 2016	-	39	107	146

6b. Intangible Assets

	Information Technology	Software Licences	Total
2017/18	£000	£000	£000
Cost or valuation at 1 April 2017	328	71	399
Additions	-	-	-
Disposals	-	(19)	(19)
At 31 March 2018	328	52	380
Amortisation as at 1 April 2017	(310)	(71)	(381)
Amortisation charged in the year	(11)	-	(11)
Disposals	-	19	19
At 31 March 2018	(321)	(52)	(373)
Carrying amount as at 31 March 2018	7	-	7
Carrying amount as at 31 March 2017	18	-	18
	Information Technology	Software Licences	Total
2016/17	£000	£000	£000
Cost or valuation at 1 April 2016	502	71	573
Additions	-	-	-
Disposals	(174)	-	(174)
At 31 March 2017	328	71	399
Amortisation as at 1 April 2016	(435)	(71)	(506)
Amortisation charged in the year	(49)	-	(49)
Disposals	174	-	174
At 31 March 2017	(310)	(71)	(381)
Carrying Value as at 31 March 2017	18	-	18
Carrying Value as at 31 March 2016	67	-	67

In the opinion of the Public Services Ombudsman for Wales there is no material difference between the net book value of assets at current values and at their historic cost. A full verification of IT assets was completed during the year with numerous items no longer in use removed from the asset register.

7. Trade and other Receivables

	2017/18 £000	2016/17 £000
Amounts falling due within one year		
Prepayments	186	163
Trade debtors	-	-
Amounts falling due after more than one year		
Prepayments	3	-
Total	189	163

8. Cash and Cash Equivalents

Any bank balance held at the year-end must be returned to the Welsh Consolidated Fund. A figure of £32k (£34k in 2016/17) has been included within the accounts, being the net balance at the year end on all the bank accounts operated by the PSOW, irrespective of whether the individual account is in debit or credit. This balance will have to be repaid to the Welsh Consolidated Fund in 2018/19 under the Government of Wales Act 2006.

9. Trade Payables and other Current Liabilities

	2017/18 £000	2016/17 £000
Amounts falling due in one year		
Untaken annual leave	70	72
Deferred rent reduction	5	5
Welsh Consolidated Fund - unspent balances	32	34
Welsh Consolidated Fund - excess income	-	5
Trade payables	24	22
Accruals	46	34
	177	172
Amounts falling due in more than one year		
Deferred rent reduction	28	33
Total	205	205

10. Provisions for Liabilities and Charges

	Pensions for Former Commissioners	2017/18 Dilapidation Costs	Legal Costs	2016/17 Total	Total
	£000	£000	£000	£000	£000
Balance at 1 April	266	236	42	544	523
Additional provision required	34	41	-	75	59
Discount rate movement	1	-	-	1	11
Provisions utilised in the year	(41)	-	(42)	(83)	(49)
Balance at 31 March	260	277	-	537	544

Analysis of expected timings of payment of provisions:

	2017/18	2016/17
	£000	£000
Payable within one year	43	83
Payable within 2 to 5 years	172	166
Payable in more than 5 years	322	295
Balance at 31 March	537	544

Pension provisions are calculated based on the National Life Tables for England and Wales issued by the Office of National Statistics. Later year pension increases are in line with GDP deflator information issued by HM Treasury. The discount factor has been amended to 0.10% for the financial year (0.24% in 2016/17) in line with the guidance issued by the Treasury. Two surviving spouses of former Commissioners remain as a pension liability.

Dilapidations have been increased in line with BCIS building indices for general building costs provided by PSOW's building consultants.

Legal fees were provided for to defend a legal case, the case was settled in year and the provision utilised.

11. Reconciliation of Operating Cost to Operating Cash Flows

	Notes	2017/18 £000	2016/17 £000
Net operating cost		(4,190)	(4,020)
Adjust for non-cash items	3	63	92
Decrease /(Increase) in trade and other receivables	7	(26)	(12)
Increase/(Decrease) in trade and other payables	9	-	(6)
Payment to meet pension fund deficit	Pensions Disclosures	-	(290)
Movement in provisions	10	(7)	21
Movement in cash repaid to Welsh Consolidated Fund	8	2	(3)
Net cash outflow from operating activities		(4,158)	(4,218)

No pension deficit payments are payable from 2017/18 onwards due to the Local Government Pension Scheme (LGPS) being in surplus.

12. Non-Current Asset Expenditure and Financial Investment

	2017/18 £000	2016/17 £000
Purchases of property, plant and equipment	(20)	(27)
Proceeds of disposals of property, plant and equipment	-	-
Purchases of intangible assets	-	-
Net cash outflow from investing activities	(20)	(27)

13. Reconciliation of Net Cash Requirement to Increase/(Decrease) in Cash

	2017/18 £000	2016/17 £000
Net Cash Requirement:		
Operating activities	(4,158)	(4,218)
Capital Expenditure	(20)	(27)
	(4,178)	(4,245)
Financing from National Assembly for Wales	4,210	4,279
Repayment to Welsh Consolidated Fund	(34)	(36)
Increase /(Decrease) in cash and cash equivalents	(2)	(2)

14. Commitments under Operating Leases

	2017/18	2016/17
	£000	£000
Total future minimum operating lease payments on Building:		
Payable within one year	183	183
Within two and five years	732	732
More than five years	473	656
	1,388	1,571
Other:		
Payable within one year	20	20
Within two and five years	12	32
More than five years	-	-
	32	52
Total – all operating leases	1,420	1,623

15. Contingent Liabilities

None.

16. Capital Commitments

There were no capital commitments at 31 March 2018 (2016/17 Nil).

17. Related Party Transactions

The PSOW is headed by the Public Services Ombudsman for Wales and was established under the Public Services Ombudsman (Wales) Act 2005. The Ombudsman is independent of Government and the funding arrangements of the Office are set up to ensure that the independence of the Office is secured. The PSOW has had a number of material transactions with the National Assembly for Wales, the Office of the Parliamentary Ombudsman, HM Revenue and Customs (Tax and National Insurance payments) and the Cabinet Office (payments in respect of the Principal Civil Service Pension Scheme).

During the year, no directors, key members of staff or their related parties have undertaken any material transactions.

18. Events after the Reporting Period

None.

19. Special Payments

Three payments totalling £94k were made to staff who left PSOW's employment during the year.

Pensions Disclosures

Two pension schemes are operated on behalf of current staff – The Principal Civil Service Pension Scheme (PCSPS) and the Cardiff and Vale of Glamorgan Pension Fund (the Fund). There also remains an ongoing liability to meet the unfunded pensions of two dependant relatives of former Local Government Commissioners.

Civil Service Pensions

Pension benefits are provided through the Civil Service pension arrangements. From 1 April 2015 a new pension scheme for civil servants was introduced – the Civil Servants and Others Pension Scheme or **alpha**, which provides benefits on a career average basis with a normal pension age equal to the member's State Pension Age (or 65 if higher). From that date all newly appointed civil servants and the majority of those already in service joined **alpha**. Prior to that date, civil servants participated in the Principal Civil Service Pension Scheme (PCSPS). The PCSPS has four sections: 3 providing benefits on a final salary basis (**classic**, **premium** or **classic plus**) with a normal pension age of 60; and one providing benefits on a whole career basis (**nuvos**) with a normal pension age of 65.

These statutory arrangements are unfunded with the cost of benefits met by monies voted by Parliament each year. Pensions payable under **classic**, **premium**, **classic plus**, **nuvos** and **alpha** are increased annually in line with Pensions Increase legislation. Existing members of the PCSPS who were within 10 years of their normal pension age on 1 April 2012 remained in the PCSPS after 1 April 2015. Those who were between 10 years and 13 years and 5 months from their normal pension age on 1 April 2012 will switch into **alpha** sometime between 1 June 2015 and 1 February 2022. All members who switch to **alpha** have their PCSPS benefits 'banked', with those with earlier benefits in one of the final salary sections of the PCSPS having those benefits based on their final salary when they leave **alpha**. (The pension figures quoted for officials show pension earned in PCSPS or **alpha** – as appropriate. Where the official has benefits in both the PCSPS and **alpha** the figure quoted is the combined value of their benefits in the two schemes.) Members joining from October 2002 may opt for either the appropriate defined benefit arrangement or a 'money purchase' stakeholder pension with an employer contribution (**partnership** pension account).

Employee contributions are salary-related and range between 4.6% and 8.05% for members of **classic**, **premium**, **classic plus**, **nuvos** and **alpha**. Benefits in **classic** accrue at the rate of 1/80th of final pensionable earnings for each year of service. In addition, a lump sum equivalent to three years initial pension is payable on retirement. For **premium**, benefits accrue at the rate of 1/60th of final pensionable earnings for each year of service. Unlike

classic, there is no automatic lump sum. **classic plus** is essentially a hybrid with benefits for service before 1 October 2002 calculated broadly as per **classic** and benefits for service from October 2002 worked out as in **premium**. In **nuvos** a member builds up a pension based on his pensionable earnings during their period of scheme membership. At the end of the scheme year (31 March) the member's earned pension account is credited with 2.3% of their pensionable earnings in that scheme year and the accrued pension is uprated in line with Pensions Increase legislation. Benefits in **alpha** build up in a similar way to **nuvos**, except that the accrual rate is 2.32%. In all cases members may opt to give up (commute) pension for a lump sum up to the limits set by the Finance Act 2004.

The **partnership** pension account is a stakeholder pension arrangement. The employer makes a basic contribution of between 8% and 14.75% (depending on the age of the member) into a stakeholder pension product chosen by the employee from a panel of providers. The employee does not have to contribute, but where they do make contributions, the employer will match these up to a limit of 3% of pensionable salary (in addition to the employer's basic contribution). Employers also contribute a further 0.5% of pensionable salary to cover the cost of centrally-provided risk benefit cover (death in service and ill health retirement).

The accrued pension quoted is the pension the member is entitled to receive when they reach pension age, or immediately on ceasing to be an active member of the scheme if they are already at or over pension age. Pension age is 60 for members of **classic**, **premium** and **classic plus**, 65 for members of **nuvos**, and the higher of 65 or State Pension Age for members of **alpha**. (The pension figures quoted for officials show pension earned in PCSPS or **alpha** – as appropriate. Where the official has benefits in both the PCSPS and **alpha** the figure quoted is the combined value of their benefits in the two schemes, but note that part of that pension may be payable from different ages.)

Further details about the Civil Service pension arrangements can be found at the website www.civilservicepensionscheme.org.uk

Cash Equivalent Transfer Values

A Cash Equivalent Transfer Value (CETV) is the actuarially assessed capitalised value of the pension scheme benefits accrued by a member at a particular point in time. The benefits valued are the member's accrued benefits and any contingent spouse's pension payable from the scheme. A CETV is a payment made by a pension scheme or arrangement to secure pension benefits in another pension scheme or arrangement when the member leaves a scheme and chooses to transfer the benefits accrued in their former scheme. The pension figures shown relate to the benefits that the individual has accrued as a

consequence of their total membership of the pension scheme, not just their service in a senior capacity to which disclosure applies.

The figures include the value of any pension benefit in another scheme or arrangement which the member has transferred to the Civil Service pension arrangements. They also include any additional pension benefit accrued to the member as a result of their buying additional pension benefits at their own cost. CETVs are worked out in accordance with The Occupational Pension Schemes (Transfer Values) (Amendment) Regulations 2008 and do not take account of any actual or potential reduction to benefits resulting from Lifetime Allowance Tax which may be due when pension benefits are taken.

Real Increase in CETV

This reflects the increase in CETV that is funded by the employer. It does not include the increase in accrued pension due to inflation, contributions paid by the employee (including the value of any benefits transferred from another pension scheme or arrangement) and uses common market valuation factors for the start and end of the period.

Compensation for loss of office

No staff left under Voluntary Exit or Voluntary Redundancy terms during the financial year.

Cardiff and Vale Pension Fund - Local Government Pension Scheme

The disclosures below relate to the funded liabilities of the Cardiff and Vale of Glamorgan Pension Fund (the Fund) which is part of the Local Government Pension Scheme (the LGPS). The funded nature of the LGPS requires the PSOW and its employees who are members of the scheme to pay contributions into the Fund, calculated at a level intended to balance the pension's liabilities with investment assets.

The PSOW recognises gains and losses in full, immediately through the Statement of Comprehensive Net Expenditure. In accordance with International Financial Reporting Standards, disclosure of certain information concerning assets, liabilities, income and expenditure relating to pension schemes is required.

No further employer contributions are required to be paid to the Fund by the PSOW.

Disclosure under IAS19 (LGPS funded benefits)

Introduction

The disclosures below relate to the funded liabilities within the Fund which are part of the LGPS.

Results under IAS 19 (LGPS funded benefits)

Date of the last full actuarial valuation	31 March 2016
Expected employer contributions next year (£M)	-
Duration of liabilities	12.8 years

Key assumptions (% per annum)

	31 March 2018	31 March 2017	31 March 2016
	%	%	%
Discount rate	2.60	2.50	3.30
RPI Inflation	3.20	3.10	2.80
CPI Inflation	2.10	2.00	1.70
Pension increases	2.10	2.00	1.70
Pension accounts revaluation rate	2.10	2.00	1.70
Salary increases	3.10	3.00	2.70

Mortality assumptions

The mortality assumptions are based on the recent actual mortality experience of members within the Fund and allow for expected future mortality improvements. Sample life expectancies at age 65 resulting from these mortality assumptions are shown below:

Assumed life expectancy at age 65	31 March 2018	31 March 2017
Males		
Member aged 65 at accounting date	23.1	23.0
Member aged 45 at accounting date	24.2	24.0
Females		
Member aged 65 at accounting date	25.8	25.7
Member aged 45 at accounting date	27.2	27.1

Asset allocation

		Value at 31 March 2018		Value at 31 March 2017
	Quoted %	Unquoted %	Total %	Total %
Equities	0.0	0.0	0.0	0.0
Property	0.0	0.0	0.0	0.0
Government bonds	100.0	0.0	100.0	100.0
Corporate bonds	0.0	0.0	0.0	0.0
Cash	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0
Total	100.0	0.0	100.0	100.0

Reconciliation of funded status to Statement of Financial Position

	Value at 31 March 2018 £M	Value at 31 March 2017 £M
Fair value of assets	6.84	7.00
Present value of funded defined benefit obligation	5.32	5.35
Funded status	1.52	1.65
Unrecognised asset	(1.49)	(1.61)
Asset/(Liability) recognised on the balance sheet	0.03	0.04

The split of the liabilities at the last valuation between the various categories of members is as follows:

Active Members	6%
Deferred Pensioners	12%
Pensioners	82%

Amounts recognised in Statement of Comprehensive Net Expenditure

	Period ending 31 March 2018 £M	Period ending 31 March 2017 £M
Operating cost		
Current service cost	0.02	0.01
Past service cost (incl. curtailments)	0.00	0.00
Settlement cost	0.00	0.00
Financing Cost		
Interest on net defined benefit liability (asset)	0.00	0.00
Pension expense recognised in profit and loss	0.02	0.01
Remeasurements in Other Comprehensive Income		
Return on plan assets (in excess)/below that recognised in net interest	0.12	(0.59)
Actuarial (gains)/losses due to change in financial assumptions	(0.01)	0.88
Actuarial (gains)/losses due to changes in demographic assumptions	0.00	(0.30)
Actuarial (gains)/losses due to liability experience	0.04	(0.19)
Adjustments due to the limit in paragraph 64	(0.16)	0.21
Total amount recognised in other comprehensive income (OCI)	(0.01)	0.01
Total amount recognised in profit and loss OCI	0.01	0.02
Allowance for administration expenses included in current service cost (£M)	0.00	0.00

Changes to the present value of the defined benefit obligation during the accounting period

	Period ending 31 March 2018 £M	Period ending 31 March 2017 £M
Opening defined benefit obligation	5.35	5.00
Current service cost	0.02	0.01
Interest expense on defined benefit obligation	0.13	0.16
Contributions by participants	0.00	0.00
Actuarial (gains)/losses on liabilities – financial assumptions	(0.01)	0.88
Actuarial (gains)/losses on liabilities – demographic assumptions	0.00	(0.30)
Actuarial (gains)/losses on liabilities – experience	0.04	(0.19)
Net benefits paid out	(0.21)	(0.21)
Past service cost (incl. curtailments)	0.00	0.00
Net increase in liabilities from disposals/acquisitions	0.00	0.00
Settlements	0.00	0.00
Closing defined benefit obligation	5.32	5.35

Changes to the fair value of assets during the accounting period

	Period ending 31 March 2018 £M	Period ending 31 March 2017 £M
Opening fair value of assets	7.00	6.12
Interest income on assets	0.17	0.21
Re measurement gains/(losses) on assets	(0.12)	0.59
Contributions by the employer	0.00	0.29
Contributions by participants	0.00	0.00
Net benefits paid out	(0.21)	(0.21)
Net increase in assets from the disposals/acquisitions	0.00	0.00
Settlements	0.00	0.00
Closing fair value of assets	6.84	7.00

Actual return on assets

	Period ending 31 March 2018 £M	Period ending 31 March 2017 £M
Interest income on assets	0.17	0.21
Remeasurement gain/(losses) on assets	(0.12)	0.59
Actual return on assets	0.05	0.80

Funded Benefits

The following data was provided by the Fund Administering Authority and/or the Employer and has been used to produce the IAS 19 results in this report. Details of the split of assets between the various asset classes were also provided by the Fund Administering Authority and are shown in Section 1. We have also shown some of the intermediate calculations used in evaluating the figures in this report.

Active Members as at 31 March 2016

	Number	Total Pay £(M)
Total	1	0.05

Pensioner and deferred pensioner members as at 31 March 2016

Type	Number	Total Pension £(M)
Deferred members	5	0.02
Pensioners and dependants	11	0.23

Funded cash-flow data provided

	Months Provided	Amount Provided (£M)	Amount Used (£M)
Employer – Normal contributions	12	0.00	
Employer – Additional capital contributions	12	0.00	
Employer – Early retirement strain on fund payments	12	0.00	
Total contributions by the Employer			0.00
Employee – Normal contributions	12	0.00	
Employee – Added years contributions	12	0.00	
Total contributions by participants			0.00
Transfers in	12	0.00	
Other income	12	0.00	
Transfers out	12	0.00	
Retirement lump sums	12	0.00	
Other outgoings	12	0.00	
Death in service lump sums *	12	0.00	
Benefits paid (i.e. pension paid)	12	0.21	
Net benefits paid out **			0.21

* We have calculated the expected death in service lump sums over the year to be (£M)
0.00

** The 'Net benefits paid out' figure includes an allowance for expenses of (£M)
0.00

Annualised pensionable payroll over the accounting period

Type	(£M) *
Period ending 31 March 2018	0.05
Period ending 31 March 2017	0.05

* The annualised pensionable payroll has been derived from the contributions paid over the relevant accounting period

Fund return

The overall Fund return over the accounting period has been calculated as 0.7%. This includes any adjustment to reflect the difference between Fund returns and estimated index returns used over the last accounting period, where appropriate.

The asset return over the accounting period for the employer has been taken as the index return on the published FTSE Index Linked UK Gilts over 5 years total return index, to reflect the notional low risk investment strategy which has been put in place with effect from 1st December 2016 in respect of the Employer.

Pensions for former Ombudsmen

With the agreement of the Secretary of State for Wales in 1991 and subsequent confirmation by Statutory Instrument 1993 No. 1367, Local Government Commissioners became eligible to join the Local Government Pension Scheme. However, the pensions of the three previous Local Government Commissioners remained the responsibility of the Public Services Ombudsman for Wales and are met through the Statement of Comprehensive Net Expenditure. At 31 March 2018 two surviving spouses of former Commissioners continued to receive a pension.

Pensions are increased annually in line with other pension schemes within the Public Sector. The basis of calculations of the Annual Pensions Increase has been changed from using the annual movement based on the Retail Price Index (RPI) to the Consumer Price Index (CPI). The amount of the uplift applied is normally set out in the Statutory Instrument Pensions Increase (Review) Order. This uplift for 2017/18 was 1%.

The total payments during 2017/18 were £41k (£49k in 2016/17). The liabilities arising out of the obligation to finance these pensions together with any dependant pensions has been calculated to be £260k (£266k in 2016/17). The calculation to determine the overall liability has been carried out internally using life expectancy tables for males and females in Wales obtained from the website of the Government Actuary's Department. A discount rate, from PES (2017), of 0.10% (0.24% in 2016/17) has been applied in accordance with the Treasury guidance that all pension liabilities should be discounted



Annex A: Public Body Complaints closed—Statistical Breakdown by outcomes by public body

County/County Borough Councils

County/County Borough Councils	OJ	P	OC	R	D	NPINU	NPIU	PIU	Total Cases closed
Blaenau Gwent	2	3	3	1			2		11
Bridgend County	8	10	16	5					39
Caerphilly	6	7	22	2		1	1		39
Cardiff	22	21	41	36	1	1	1		123
Carmarthenshire	5	11	4	1	1	2			24
Ceredigion	11	11	8	2		1	2		35
Swansea	15	16	19	10		1	1		62
Conwy	5	13	10	3			1		32
Denbighshire	3	5	6	1					15
Flintshire	4	20	12	7			4		47
Gwynedd	7	4	13	1		1			26
Isle of Anglesey	4	9	11	1			1		26
Merthyr Tydfil		5	5	1			2		13
Monmouthshire	4	3	6	1					14
Neath Port Talbot	4	15	8	4					31
Newport City	6	11	9	6			2		34
Pembrokeshire	4	11	13	3		1			32
Powys County	5	12	13	6		2			38
Rhondda Cynon Taf	6	12	12	6					36
Torfaen County	1	5	9	1					16
Vale of Glamorgan	9	7	12	3		1			32
Wrexham	6	6	20	6	1		2		41
TOTAL	137	217	272	107	3	11	19	0	766

Key

OJ Out of Jurisdiction

P Premature

OC Other cases closed after initial consideration

R Early Resolutions/Voluntary Settlements

D Discontinued

NPINU Other Report – Not Upheld

NPIU Other Report Upheld - in whole or in part

PIU Public Interest Report Upheld – in whole or in part

Other Local Authority

School Appeal Panels	OJ	P	OC	R	D	NPINU	NPIU	PIU	Grand Total
Admissions Appeal Panel - Roath Park Primary School			1						1
Admissions Appeals Panel - St Joseph's Cathedral Primary School			1						1
Admissions Appeal Panel - Cardiff High School			1						1
Admissions Appeal Panel - Bishop of Llandaff	1								1
Admissions Appeal Panel - Mary Immaculate Catholic High School			1						1
Admissions Appeal Panel - Penllergaer Primary School			1						1
Admissions Appeal Panel - Rhydypenau Primary School			1						1
Admissions Appeal Panel - St Joseph's High School			1						1
Admissions Appeal Panel - Ysgol Treganna			1						1
Admissions Appeal Panel - Y Pant School			1						1
Admissions Appeal Panel - Bishopston Comprehensive School			2						2
Admissions Appeals Panel - Ysgol Rhostyllen			1						1
TOTAL	1	0	12	0	0	0	0	0	13

Key

OJ Out of Jurisdiction

P Premature

OC Other cases closed after initial consideration

R Early Resolutions/Voluntary Settlements

D Discontinued

NPINU Other Report – Not Upheld

NPIU Other Report Upheld - in whole or in part

PIU Public Interest Report Upheld – in whole or in part

National Park Authorities

National Park Authority	OJ	P	OC	R	D	NPINU	NPIU	PIU	Grand Total
Brecon Beacons National Park Authority	2	1	2						5
Snowdonia National Park Authority	2		3						5
TOTAL	4	1	5	0	0	0	0	0	10

Police and Crime Commissioners and Police and Crime Panels

Police and Crime Commissioners/Police and Crime Panels	OJ	P	OC	R	D	NPINU	NPIU	PIU	Grand Total
Dyfed-Powys Police and Crime Commissioner		1		1					2
South Wales Police and Crime Commissioner		1							1
South Wales Police and Crime Panel	1		1						2
TOTAL	1	2	1	1	0	0	0	0	5

Key

OJ Out of Jurisdiction

P Premature

OC Other cases closed after initial consideration

R Early Resolutions/Voluntary Settlements

D Discontinued

NPINU Other Report – Not Upheld

NPIU Other Report Upheld - in whole or in part

PIU Public Interest Report Upheld – in whole or in part

Community/Town Councils

Community Councils	OJ	P	OC	R	D	NPINU	NPIU	PIU	Grand Total
Abertillery & Llanhilleth Community Council			1						1
Ammanford Town Council	1								1
Barry Town Council		1							1
Bodelwyddan Town Council			1						1
Cilcain Community Council		1	1						2
Cosheston Community Council			1						1
Dolwyddelan Community Council			1						1
Guilsfield Community Council	1	1	1						3
Johnston Community Council			1						1
Llanddowror and Llanmiloe Community Council	1								1
Llanfrynach Community Council	1	1	3						5
Llansannan Community Council	1	1							2
Llanwinio Community Council				1					1
Magor with Undy Community Council	2								2
Mawr Community Council		1							1
Nercwys Community Council		1							1
Penarth Town Council		2							2
Pentyrch Community Council			1						1
Raglan Community Council							1		1
Trefeglwys Community Council	1								1
TOTAL	8	9	11	1	0	0	1	0	30

Key			
OJ	Out of Jurisdiction	D	Discontinued
P	Premature	NPINU	Other Report – Not Upheld
OC	Other cases closed after initial consideration	NPIU	Other Report Upheld - in whole or in part
R	Early Resolutions/Voluntary Settlements	PIU	Public Interest Report Upheld – in whole or in part

Registered Social Landlords

Housing Association	OJ	P	OC	R	D	NPNU	NPIU	PIU	Grand Total
Ateb Group Limited		1		1					2
Bro Myrddin Housing Association		1							1
Bron Afon Community Housing Ltd	3	1	5				1		10
Cadwyn Housing Association Ltd		3							3
Cardiff Community Housing Association Ltd		5	3	1					9
Cartrefi Conwy		1							1
Cartrefi Cymunedol Gwynedd	1	1	6	2					10
Charter Housing Association			2	1			1		4
Clwyd Alyn Housing Association Ltd	2	1	2	1					6
Coastal Housing Group Ltd	1		1						2
Cymdeithas Tai Cantref (now Wales & West Housing)		1							1
Cynon Taf Community Housing	1								1
Family Housing Association (Wales) Ltd				1					1
Grwp Cynefin		3	2	1					6
Gwalia Cyf		4							4
Hafod Housing Association			1						1
Linc-Cymru Housing Association	1	4	2						7
Melin Homes Ltd	3	2	1						6
Merthyr Tydfil Housing Association Ltd			1						1
Merthyr Valleys Homes	2	1	3						6
Mid Wales Housing Association Ltd				1					1
Monmouthshire Housing Association			4	1					5
Newport Care and Repair	1								1
Newport City Homes	1	1		1					3
Newydd Housing Association			2						2
North Wales Housing	1	1	3	1					6
Pobl		1							1
Taff Housing Association		1	1						2
Tai Calon		2							2

Housing Association	OJ	P	OC	R	D	NPINU	NPIU	PIU	Grand Total
Tai Ceredigion Cyf		1		1					2
Tai Tarian		3	3						6
Trivallis	1	4		3		1			9
United Welsh Housing Association		3	1						4
Valleys To Coast		1	4						5
Wales & West Housing Association		3	5						8
Wrexham Care and Repair		1							1
TOTAL	18	51	52	16	0	1	2	0	140

Key**OJ** Out of Jurisdiction**P** Premature**OC** Other cases closed after initial consideration**R** Early Resolutions/Voluntary Settlements**D** Discontinued**NPINU** Other Report – Not Upheld**NPIU** Other Report Upheld - in whole or in part**PIU** Public Interest Report Upheld – in whole or in part

Local Health Boards and NHS Trusts

Local Health Board/NHS Trust	OJ	P	OC	R	D	NPINU	NPIU	PIU	Grand Total
Abertawe Bro Morgannwg	20	14	33	12		7	15		101
Aneurin Bevan	19	10	26	14	2	6	17		94
Betsi Cadwaladr	27	18	44	34		16	34	2	175
Cardiff and Vale	13	12	17	19		7	13		81
Cwm Taf	11	5	16	10		9	13	1	65
Hywel Dda	24	10	22	23	2	6	16	1	104
Powys Teaching	1	7	19	4					31
Public Health Wales		1							1
Velindre			1			1			2
Welsh Ambulance Service	3	1	8	2		3	4		21
TOTAL	118	78	186	119	4	55	112	4	675

Community Health Councils

Community Health Councils	OJ	P	OC	R	D	NPINU	NPIU	PIU	Grand Total
Abertawe Bro Morgannwg		1							1
TOTAL	0	1	0	0	0	0	0	0	1

Key			
OJ	Out of Jurisdiction	D	Discontinued
P	Premature	NPINU	Other Report – Not Upheld
OC	Other cases closed after initial consideration	NPIU	Other Report Upheld - in whole or in part
R	Early Resolutions/Voluntary Settlements	PIU	Public Interest Report Upheld – in whole or in part

Other Health Bodies

Other Health	OJ	P	OC	R	D	NPINU	NPIU	PIU	Grand Total
Dentist	4	5	6	1	1	2	3		22
GP	9	26	41	9		11	5		101
Optician	1	1							2
Pharmacist	1	1	1	1					4
TOTAL	15	33	48	10	1	13	8	0	129

Other

Special Health Authorities	OJ	P	OC	R	D	NPINU	NPIU	PIU	Grand Total
NHS Business Services Authority		2		1					3
NHS Wales Shared Services Partnership			1						1
Welsh Health Specialised Services Committee		1	2						3
TOTAL	0	3	3	1	0	0	0	0	7

Key

OJ	Out of Jurisdiction	D	Discontinued
P	Premature	NPINU	Other Report – Not Upheld
OC	Other cases closed after initial consideration	NPIU	Other Report Upheld - in whole or in part
R	Early Resolutions/Voluntary Settlements	PIU	Public Interest Report Upheld – in whole or in part

Welsh Government and Welsh Government Sponsored Bodies

Welsh Government and its sponsored bodies	OJ	P	OC	R	D	NPIN	U	NPIU	PIU	Grand Total
Welsh Government										
East Wales Valuation Tribunal			1							1
Welsh Government	4		6							10
CADW	1	1								2
CAFCASS Cymru		1	1	1						3
Care Inspectorate Wales	2		5							7
Healthcare Inspectorate Wales			1							1
Planning Inspectorate	2	1	3							6
Welsh Government Total	9	3	17	1	0	0	0	0	0	30

Welsh Government Sponsored Body										
ESTYN			1							1
Natural Resources Wales	5	8	5	1		1				20
Social Care Wales	1		1							2
Student Loans Company	1	10								11
Welsh Government - Rural Payments Wales			1							1
Welsh Government Sponsored Public Body Total	7	18	8	1		1				35

TOTAL	16	21	25	2	0	1	0	0		65
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Key

OJ Out of Jurisdiction

P Premature

OC Other cases closed after initial consideration

R Early Resolutions/Voluntary Settlements

D Discontinued

NPINU Other Report – Not Upheld

NPIU Other Report Upheld - in whole or in part

PIU Public Interest Report Upheld – in whole or in part

Independent Care Providers

Self Funding Independent Care	OJ	P	OC	R	D	NPINU	NPIU	PIU	Grand Total
Allied Healthcare						1			1
HC One Ltd						1			1
Hengoed Court Care Home							1		1
Parkside Residential Homes	1								1
Plas y Bryn Nursing Home			1						1
Right At Home	1								1
TOTAL	2	0	1	0	0	2	1	0	6

NHS Independent Care	OJ	P	OC	R	D	NPINU	NPIU	PIU	Grand Total
Active Assistance			1						1
Icare Dom Care Ltd			1						1
Integra Community Living Options Ltd		1							1
Partnerships In Care						1			1
St John's Cymru - Wales			2				1		3
Grand Total	0	1	4	0	0	1	1	0	7

Key

OJ Out of Jurisdiction

P Premature

OC Other cases closed after initial consideration

R Early Resolutions/Voluntary Settlements

D Discontinued

NPINU Other Report – Not Upheld

NPIU Other Report Upheld - in whole or in part

PIU Public Interest Report Upheld – in whole or in part

Annex B: Code of Conduct Complaints closed– Statistical Breakdown by outcomes by local authority

County/County Borough Councils

County/County Borough Councils	C	D	NE	NA	SC	AP	W	Grand Total
Blaenau Gwent	3	1						4
Bridgend	3			1				4
Caerphilly	4							4
Cardiff	2		1					3
Carmarthenshire	6							6
Ceredigion	1							1
Swansea	6							6
Conwy	4			1		1		6
Denbighshire	2							2
Flintshire	3					1		4
Gwynedd	6		1					7
Isle of Anglesey	3							3
Merthyr Tydfil	6		1					7
Monmouthshire	3					1		4
Neath Port Talbot	1							1
Newport	3							3
Pembrokeshire	9							9
Powys	13		5	1				19
Rhondda Cynon Taf	1							1
Torfaen	4			2				6
Vale of Glamorgan	1		1					2
Wrexham	1							1
Grand Total	85	1	9	5	0	3	0	103

Key

C Closed after initial consideration
D Discontinued
NE No evidence of Breach
NA No action necessary

SC Refer to Standards Committee
AP Refer to Adjudication Panel
W Withdrawn

Community/Town Councils

Community/Town Council	C	D	NE	NA	SC	AP	W	Grand Total
Abertillery & Llanhilleth Community Council				1				1
Barmouth Town Council	1							1
Barry Town Council	3							3
Beaumaris Town Council	1							1
Bedlinog Community Council	2							2
Bishton Community Council	1							1
Brackla Community Council	3							3
Brawdy Community Council	3							3
Bridgend Town Council	1							1
Caerphilly Town Council	1							1
Chepstow Town Council	5							5
Clyro Community Council	10							10
Conwy Town Council	1							1
Cosheston Community Council	2							2
Cwmbran Community Council	1							1
Dinas Powys Community Council	1							1
Garw Valley Community Council	2	1						3
Glynneath Town Council	6	1					1	8
Gorseinon Town Council	2							2
Guilsfield Community Council	4							4
Hirwaun & Penderyn Community Council	1						3	4
Johnston Community Council	9							9
Knighton Town Council	3							3
Langstone Community Council	2							2
Llanbedrog Community Council	3			2				5
Llanddowror and Llanmiloe Community Council	2							2
Llanelli Rural Council			1					1
Llanfechain Community Council	1							1
Llanfrynach Community Council	2							2
Llangefni Town Council	1							1
Llangristiolus Community Council	1							1
Llangybi Community Council (Monmouthshire)	2							2
Llanover Community Council	1							1
Llansannan Community Council	1		1					2

Community/Town Council	C	D	NE	NA	SC	AP	W	Grand Total
Llay Community Council	4			1				5
Magor with Undy Community Council	1							1
Milford Haven Town Council	1							1
Mold Town Council	2							2
Mumbles Community Council	3	1						4
Nantyglo & Blaina Town Council	1							1
Neath Town Council	1							1
New Quay Community Council	1							1
Northop Hall Community Council	4							4
Ogmore Valley Community Council	1							1
Pembrey & Burry Port Town Council	14							14
Pembroke Dock Town Council	1							1
Pencoed Town Council	1							1
Penmaenmawr Town Council	1							1
Pentyrch Community Council	1							1
Porthmadog Town Council	1							1
Prestatyn Town Council	2							2
Saltney Town Council				1				1
Sully and Lavernock Community Council	1							1
Taffs Well Community Council	2							2
Trawsgoed Community Council	1							1
Tywyn Town Council	1		2					3
Welshpool Town Council	1							1
Ynysawdre Community Council	3							3
Grand Total	128	3	4	5	0	0	4	144

Key**C** Closed after initial consideration**D** Discontinued**NE** No evidence of Breach**NA** No action necessary**SC** Refer to Standards Committee**AP** Refer to Adjudication Panel**W** Withdrawn

Annex C: Public Body Complaints received– by public body

Relevant Body Type	Relevant Body	Total
Community Council	Abertillery & Llanhilleth Community Council	1
	Ammanford Town Council	2
	Barry Town Council	1
	Betws Community Council	1
	Bodelwyddan Town Council	1
	Brackla Community Council	1
	Cilcain Community Council	1
	Cosheston Community Council	1
	Dolwyddelan Community Council	1
	Guilsfield Community Council	3
	Johnston Community Council	1
	Llanddowror and Llanmiloe Community Council	1
	Llanfrynach Community Council	5
	Llansannan Community Council	2
	Llanwinio Community Council	1
	Magor with Undy Community Council	2
	Mawr Community Council	1
	Nercwys Community Council	1
	Penarth Town Council	1
	Pentyrch Community Council	1
	Trefeglwys Community Council	1
Community Council Total		30
Community Health Council	Abertawe Bro Morgannwg Community Health Council	1
Community Health Council Total		1
Dentist	Dentist	1
Dentist Total		23
GP	GP	119
GP Total		119

Relevant Body Type	Relevant Body	Total
Housing Association	Ateb Group Limited	3
	Bro Myrddin Housing Association	1
	Bron Afon Community Housing Ltd	11
	Cadwyn Housing Association Ltd	3
	Cardiff Community Housing Association Ltd	8
	Cartrefi Conwy	2
	Cartrefi Cymunedol Gwynedd	8
	Charter Housing Association	3
	Clwyd Alyn Housing Association Ltd	7
	Coastal Housing Group Ltd	1
	Cymdeithas Tai Cantref (now Wales & West Housing)	1
	Cynon Taf Community Housing	1
	Grwp Cynefin	6
	Gwalia Cyf	4
	Hafod Housing Association	2
	Linc-Cymru Housing Association	7
	Melin Homes Ltd	6
	Merthyr Tydfil Housing Association Ltd	1
	Merthyr Valleys Homes	6
	Mid Wales Housing Association Ltd	1
	Monmouthshire Housing Association	4
	Newport Care and Repair	1
	Newport City Homes	4
	Newydd Housing Association	2
	North Wales Housing	6
	Pobl	1
	Taff Housing Association	2
	Tai Calon	2
	Tai Ceredigion Cyf	3
	Tai Tarian	8
	Trivallis	7
	United Welsh Housing Association	4
	Valleys To Coast	5
	Wales & West Housing Association	7
	Wrexham Care and Repair	1
Housing Association Total		139

Relevant Body Type	Relevant Body	Total
Local Authority	Admissions Appeal Panel - Roath Park Primary School	1
	Admissions Appeal Panel - St Joseph's Cathedral Primary School	1
	Admissions Appeal Panel - Cardiff High School	1
	Admissions Appeal Panel - Bishop of Llandaff	1
	Admissions Appeal Panel - Mary Immaculate Catholic High School	1
	Admissions Appeal Panel - Penllergaer Primary School	1
	Admissions Appeal Panel - Rhydypenau Primary School	1
	Admissions Appeal Panel - St Joseph's High School	1
	Admissions Appeal Panel - Ysgol Treganna	1
	Admissions Appeal Panel - Y Pant School	1
	Admissions Appeal Panel - Bishopston Comprehensive School	2
	Admissions Appeal Panel - Ysgol Rhostyllen	1
	Blaenau Gwent County Borough Council	10
	Bridgend County Borough Council	40
	Caerphilly County Borough Council	40
	Cardiff Council	109
	Carmarthenshire County Council	25
	Ceredigion County Council	35
	City and County of Swansea	62
	Conwy County Borough Council	36
	Denbighshire County Council	20
	Flintshire County Council	50
	Gwynedd Council	29
	Isle of Anglesey County Council	29
	Merthyr Tydfil County Borough Council	13
	Monmouthshire County Council	16
	Neath Port Talbot County Borough Council	35
	Newport City Council	37
	Pembrokeshire County Council	34
	Powys County Council	39
	Rhondda Cynon Taf County Borough Council	36
	Torfaen County Borough Council	15
	Vale of Glamorgan Council	30
	Wrexham County Borough Council	41
Local Authority Total		794

Relevant Body Type	Relevant Body	Total
Local Health Board/NHS Trust	Abertawe Bro Morgannwg University Health Board	121
	Aneurin Bevan University Health Board	121
	Betsi Cadwaladr University Health Board	186
	Cardiff and Vale University Health Board	95
	Cwm Taf University Health Board	74
	Hywel Dda University Health Board	109
	NHS Business Services Authority	4
	NHS Wales Shared Services Partnership	1
	Powys Teaching Health Board	42
	Public Health Wales	2
	Velindre NHS Trust	2
	Welsh Ambulance Services NHS Trust	21
	Welsh Health Specialised Services Committee	3
Local Health Board/NHS Trust Total		781
National Park	Brecon Beacons National Park Authority	4
	Snowdonia National Park Authority	6
National Park Total		10
NHS Independent Provider	Active Assistance	1
	Icare Dom Care Ltd	1
	Integra Community Living Options Ltd	1
	St John's Cymru - Wales	3
NHS Independent Provider Total		6
Optician	Optician	2
Optician Total		2
Pharmacist	Pharmacist	4
Pharmacist Total		4

Relevant Body Type	Relevant Body	Total
Police & Crime Commissioners and Police & Crime Panels	Dyfed-Powys Police and Crime Commissioner	2
	South Wales Police and Crime Commissioner	1
	South Wales Police and Crime Panel	2
Police Authority Total		5
Self Funding Care Provider	Parkside Residential Homes	1
	Plas y Bryn Nursing Home	1
	Right At Home	1
Self Funding Care Provider Total		3
Welsh Government	East Wales Valuation Tribunal	1
	Welsh Government	11
	Welsh Government - CADW	1
	Welsh Government - CAFCASS Cymru	3
	Welsh Government - Care Inspectorate Wales	7
	Welsh Government - Healthcare Inspectorate Wales	1
	Welsh Government - Planning Inspectorate	6
Welsh Government Total		30
Welsh Government Sponsored Public Body	ESTYN	1
	Natural Resources Wales	21
	Social Care Wales	2
	Student Loans Company	11
	Welsh Government - Rural Payments Wales	1
Welsh Government Sponsored Public Body Total		36
Grand Total		1983

Annex D: Intervention Data - Statistical Breakdown by local authority, health board and trust

The below tables provide numbers and percentages of cases received by the PSOW in which an intervention has occurred. This includes all upheld complaints, early resolutions and voluntary settlements.

Relevant Body	Number of cases with PSOW intervention	Total number of closed cases	% of cases with PSOW intervention
Abertawe Bro Morgannwg University Health Board	27	101	27
Aneurin Bevan University Health Board	31	94	33
Betsi Cadwaladr University Health Board	70	175	40
Cardiff and Vale University Health Board	32	81	40
Cwm Taf University Health Board	24	65	37
Hywel Dda University Health Board	40	104	38
Powys Teaching Health Board	4	31	13
Public Health Wales	0	1	0
Velindre NHS Trust	0	2	0
Welsh Ambulance Services NHS Trust	6	21	29

Relevant Body	Number of cases with PSOW intervention	Total number of closed cases	% of cases with PSOW intervention
Blaenau Gwent County Borough Council	3	11	27
Bridgend County Borough Council	5	39	13
Caerphilly County Borough Council	3	39	8
Cardiff Council	37	123	30
Carmarthenshire County Council	1	24	4
Ceredigion County Council	4	35	11
City and County of Swansea	11	62	18
Conwy County Borough Council	4	32	13
Denbighshire County Council	1	15	7
Flintshire County Council	11	47	23
Gwynedd Council	1	26	4
Isle of Anglesey County Council	2	26	8
Merthyr Tydfil County Borough Council	3	13	23
Monmouthshire County Council	1	14	7
Neath Port Talbot County Borough Council	4	31	13
Newport City Council	8	34	24
Pembrokeshire County Council	3	32	9
Powys County Council	6	38	16
Rhondda Cynon Taf County Borough Council	6	36	17
Torfaen County Borough Council	1	16	6
Vale of Glamorgan Council	3	32	9
Wrexham County Borough Council	8	41	20

Public Services Ombudsman for Wales

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Pencoed
CF35 5LJ

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Follow us on Twitter:	@OmbudsmanWales

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STANDARDS COMMITTEE 19/10/18

ADJUDICATION PANEL FOR WALES DECISION		
Recommendations / key decisions required: To note the decision of the Panel and identify any points of learning		
Reasons: This will enable the Committee the familiarise itself with how the Panel deals with Code breaches		
Scrutiny Committee recommendations / comments: Not applicable		
Exec Board Decision Required		NO
Council Decision Required		NO
EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)		
Directorate Chief Executives Name of Head of Service: Linda Rees-Jones Report Author: Robert Edgecombe	Designations: Head of Administration & Law Acting Legal Services Manager	Tel Nos. 01267 224018 E Mail Addresses: RJEdgeco@carmarthenshire.gov.uk.

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
19/10/18**

ADJUDICATION PANEL FOR WALES DECISION

The Adjudication Panel for Wales is an independent body which deals with the more serious breaches of the Code of Conduct referred to it by the Ombudsman and also appeals against decisions of standards committees.

On the 10th August 2018 the Panel issued its decision in the case of former County Councillor (now community councillor) Graham Down from Monmouthshire.

This was a case referred to the Panel by the Ombudsman who alleged that Councillor Down had breached the Code by failing to show respect and consideration for others by making a series of homophobic statements in emails to the Chief Executive of the County Council.

The Panel considered the content of Five emails sent by Councillor Down between the 12th February 2016 and 13th October 2016 and found that in the case of 3 of the emails although his comments were 'disrespectful' they did not amount to a breach of the Code due to the enhanced protection that exists for political expression under the European Convention on Human Rights (ECHR) and therefore the Human Rights Act.

However in the other 2 cases the Panel found that the comments were so offensive that despite the protections afforded to Councillor Downs under Articles 9 (Freedom of thought, conscience and religion) and 10 (freedom of expression) of the ECHR it was still necessary to take action for the protection of the rights and interests of others.

The Panel took into account a variety of factors when considering what sanction to impose, identifying in Councillor Down's conduct a number of mitigating and aggravating factors (the latter including his failure to attend code training).

Taking into account these factors and decisions made in other similar cases the Panel decided to impose a 2 month period of suspension upon Councillor Downs

DETAILED REPORT ATTACHED ?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities NONE	Legal NONE	Finance NONE	ICT NONE	Risk Management Issues NONE	Staffing Implications NONE	Physical Assets NONE
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CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not applicable

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-164	Legal Services, County Hall

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DECISION REPORT

TRIBUNAL REFERENCE NUMBER: APW/003/2017-018/CT

REFERENCE ABOUT ALLEGED BREACH OF THE CODE OF CONDUCT

RESPONDENT: Former County Councillor (currently Community Councillor) Graham Down.

RELEVANT AUTHORITIES: Monmouthshire County Council (currently Mathern Community Council).

1. INTRODUCTION

1.1 A Case Tribunal convened by the President of the Adjudication Panel for Wales has considered a reference in respect of the above Respondent.

1.2 A hearing was held by the Case Tribunal at 10.00am on 19th July 2018 at Cwmbran Magistrates Court, Tudor Road, Cwmbran, NP44 3YA. The hearing was open to the public.

1.3 Cllr Down attended and represented himself.

2. PRELIMINARY DOCUMENTS

2.1 Reference from the Public Services Ombudsman for Wales

2.1.1 In a letter dated 20th December 2017, the Adjudication Panel for Wales received a referral from the Public Services Ombudsman for Wales (“the Ombudsman”) in relation to allegations made against Cllr Down. The allegations were that Cllr Down had breached the code of conduct of Monmouthshire County Council (MCC) by failing to show respect and consideration for others by sending e-mails to the Chief Executive of MCC, Mr Paul Mathews, containing homophobic statements in alleged breach of Paragraph 4(b) of the code.

2.1.2 The Ombudsman’s investigation related to two sets of e-mails forwarded by the Respondent to the Chief Executive of MCC, the first set sent in February 2016 and the second in October 2016.

2.2 The Councillor's Written Response to the Ombudsman's Report and Reference

2.2.1 Cllr Down forwarded a letter to the Ombudsman's Investigation Officer on 27th November 2017 in response to the Ombudsman's draft report. It was highly critical of that report and the delay in concluding it.

2.2.2 Cllr Down stated that there had been three conferences or events organised by MCC which had caused him concern in a period of little over six months and he said that he was "concerned at the direction of travel in these matters, and found arrangement of the events to be offensive and demonstrating a lack of respect to those [sic] faith or who object to these issues for any other reason."

2.2.3 He also made the points that the e-mails which formed the subject of the complaint were e-mails passing between two individuals which were not intended for a wider audience and that any distribution to others was none of his doing, being entirely the choice of the Chief Executive. He stated that he made no secret of his views about homosexuality and stated that he did not feel any embarrassment about the fact that: "I believe homosexuality to be unnatural, perverted, immoral and wrong." He stated that this was not only his view as it was also the traditional, mainstream teaching; "of virtually every major world religion."

2.2.4 In his letter, Cllr Down addressed various paragraphs of the Ombudsman's report in detail and the Case Tribunal had regard to these further views. He repeated that in his view; "both homosexual and paedophile acts are unnatural, perverted and immoral. In that sense both are, therefore, I contend, comparable in substance." He further stated; "I therefore stand by my comment without qualification."

2.2.5 Finally, Cllr Down stated that he would not use the language he used for addressing a wider audience or, specifically, someone of "homosexual persuasion" and that the language used must be seen in the context of the recipient of the message. He felt that it was not at all inappropriate that he should express himself in terms which reflected his strength of feeling.

2.2.6 On 26th January 2018, Cllr Down forwarded his reply to the Notice of Reference and again referred to his letter dated 27th November 2017. He contended that the Ombudsman had made a number of uncorroborated and speculative assumptions and that the investigation was; "based on a desire to reach a pre-determined conclusion." He also referred to freedom of expression, freedom of religious expression and also the public interest.

2.3 The Ombudsman's Written Representations

No further representations were made by the Ombudsman.

3. APPLICATIONS MADE PRIOR TO HEARING/LISTING DIRECTION

No applications were made further to the issue of standard Listing Directions on 10th May 2018.

4. APPLICATIONS MADE AND DIRECTIONS GIVEN DURING THE HEARING

4.1 No formal applications were made during the hearing, although the Chairman acceded to Cllr Down's request to put relevant questions, through the Chairman, to the Ombudsman's representative regarding various aspects of the Ombudsman's report.

4.2 The Chairman explained that as there were no disputed material facts in this case, the first two stages of the proceedings would be conflated, namely resolution of facts and determination of whether there has been a failure to comply with the code of conduct. There were no objections from either party to this proposed course of action.

5. THE HEARING

5.1. The Case Tribunal went on to hear oral evidence and submissions as follows:-

Public Services Ombudsman for Wales – presentation of the investigation report

5.1.1 In presenting the investigation report, the Ombudsman provided an overview of events, explaining that Cllr Down had not stood for re-election as a County Councillor in 2017, however had become a Community Councillor for Mathern Community Council. The complaint related to two sets of e-mail exchanges, one in February 2016 and the other in October 2016, comprising of a number of comments which were each considered by the Ombudsman's Investigator.

5.1.2 The Ombudsman's representative made it clear that the right to challenge Council spending was not being questioned. The Ombudsman was mindful of the European Convention on Human Rights, Article 10 being the right to freedom of expression; however, it was asserted that in this case, the level of inflammatory, offensive and abusive language crossed the line. In response to points of clarification, the Ombudsman's representative provided an explanation for the length of time taken to investigate this matter. The reasons for not pursuing investigation in relation to Paragraphs 4(a) and 6(1)(a) were also clarified.

5.2 Witness: Mr Paul Mathews, Chief Executive of Monmouthshire County Council gave evidence further to his statement dated 16th January 2017.

5.2.1 Mr Mathews stated that he had worked in public service for thirty years and had been Deputy Chief Executive or Chief Executive for fifteen years and had seen a lot in that time, however when he received the February e-mails from Cllr Down, he thought that they were totally at odds with what MCC was all about, albeit that he was not personally offended.

5.2.2 With regard to Cllr Down's comparison between homosexuality and paedophilia, he felt that this was an outrageous and abhorrent statement. He had pondered the matter; however he did not make a referral at that time and the matter was not handled internally at the time.

5.2.3 Due to the ethos of the Council, giving rights and opportunities to fulfil potential regardless of how people chose to live their lives and his duty of care as the Head of Paid Service, he considered it reasonable to set an appropriate tone and rhythm to the Council's work and he struggled to validate that with some of the comments made by Cllr Down.

5.2.4 It was Mr Mathews' view that Councillors can strongly challenge the Council's actions, however that there are rules within which they must operate. As a councillor, it is a privilege and an honour to represent all constituents and it is part of the role to promote the well-being of all. He did not make the referral lightly and had never previously made a referral, however following the second set of e-mails, he felt that Cllr Down's comments showed a pattern of behaviour, were unacceptable and needed to be addressed.

5.2.5 Mr Mathews said in evidence that he could receive several hundred e-mails in a day and these usually needed to be routed to another part of the organisation and he would have expected Cllr Down to have understood that. Cllr Down did not revert to him to object to the matter being referred. Mr Mathews accepted the need for humour on occasions, however in this instance a line had been crossed. He did not accept that the correspondence was private as it was addressed to the Chief Executive as representative of the organisation. In this case, the question raised by Cllr Down was forwarded, as was normal and routine, to the appropriate Cabinet Member with responsibility for equalities, who also happened to be openly gay.

5.2.6 Following questions from Cllr Down, Mr Mathews confirmed that Usk was Mr Mathews' 'normal' place of work as he spent the greatest proportion of his time, about 35%, in that locality. He also acknowledged that certain tragic events in Orlando, associated with homosexual community had been marked by the flying of the 'rainbow' flag at County Hall, whereas other atrocities had not been marked by the flying of the relevant national flags.

5.2.7 Mr Mathews confirmed that he had never previously had occasion to consider that Cllr Down had placed employees in a vulnerable position or dealt with them disrespectfully. He said in evidence that a person with certain religious beliefs would, as would any other candidate standing for election, need to reconcile themselves with undertaking to abide by the Councillors' code of conduct and if they could not do so, they should not stand for election.

5.2.8 Mr Mathews did not accept that referral was a ploy to get rid of Cllr Down and he stated that Cllr Down was not in a particular position of power and had a marginal role and the complaint was instigated purely by Cllr Down's use of language.

5.3 The Respondent, Cllr Down gave evidence as follows. The Case Tribunal had also read the relevant e-mails, the transcript of Cllr Down's interview of 24th August 2017 and Cllr Down's response to the Ombudsman's report dated 27th November 2017.

5.3.1 Cllr Down accepted that the exchange of e-mails was about Council business. He contended that the e-mails were private e-mails to the Chief Executive however and that it was the Chief Executive who had further circulated the e-mail. He also stressed that the Chief Executive was not personally offended by the comments. Cllr Down felt that Mr Mathews could have 'cut and pasted' e-mails so as not to send any part of them which the Chief Executive thought could cause offence.

5.3.2 He referred to a recent report of the Office for National Statistics. In terms of the sexual orientation of the population, 93.4% of the population described themselves as heterosexual. He said that if it is fair to describe a location where one spends only 35% of one's time as a 'normal' place of work, then it must be fairer to describe 93.4% of the population as 'normal.' He said that it was Mr Mathews who had read something into the term and nevertheless forwarded it on to the Cabinet Member.

5.3.3 Cllr Down was offended that the Council was promoting homosexuality and he argued that the Council had no duty to do so. Cllr Down asserted that he was not against individuals who are gay but that he disagreed with their lifestyle. By way of example, he explained that he had employed an openly gay person, who had been a valued member of his team, this was not to say that he approved of her lifestyle. Cllr Down found it wrong and deeply offensive as a tax-payer, that the Council should be seen to be promoting homosexuality. There had been three events within just over six months and he felt that 'his nose was being rubbed in it' and he said that he was not alone in believing this.

5.3.4 He said that his views had not changed and that it would be against his conscience to recant. Despite agreeing that people can do what they like in the privacy of their own homes, he did not expect it to be demonstrated in public and celebrated. He appreciated that paedophilia is unlawful, whereas homosexuality is lawful. Also children are not able to give consent whereas adults can do so. He believed that both were perverted and unnatural however.

5.3.5 Cllr Down explained that he was very angry at the time, however if he had been writing to a stranger or making a speech in Council, he might have used different terminology, although he would have said substantially the same thing. Following questions, he said that as an employer, he was aware of the provisions of the Equality Act 2010 and was aware of protected characteristics under the Act and the duty to treat people fairly and without discrimination. He continued to believe that he had done nothing wrong and, when pressed, was

not sure whether he would have made the 'paedophilia' comparison with the benefit of hindsight and would probably have chosen different words.

5.3.6 Cllr Downs agreed that he had not attended the training sessions referred to in the Ombudsman's report, however he noted that attendance generally at those training sessions had been low and that he had read and understood the code in any event.

Submissions

5.4 Submissions by the representative of the Public Services Ombudsman for Wales.

5.4.1. The Ombudsman's representative referred to relevant case-law with regard to Article 10 of the European Convention on Human Rights namely *Sanders v Kingston (No 1)* [2005] EWHC 1145 (Admin) and *R (Calver) v Adjudication Panel for Wales* [2012] EWHC 1172 (Admin) and in particular the three-stage approach as promulgated in the *Sanders* case. Reference was also made to an earlier decision of the Adjudication Panel for Wales in 2009 in relation to Cllr William A Pritchard of Barmouth Town Council where it was decided that there had been a breach of the Code when the Respondent made a comment, amongst others, that homosexuality was a 'notorious disability'. The Ombudsman's representative acknowledged that there were differences between the two cases. In the 'Barmouth' case, the comment was directed at an employee and had been disseminated widely by the Councillor and personal offence had been caused to an individual, unlike in the present case. The Ombudsman submitted however that the wording of Paragraph 4(b) was wide and it was not necessary to show that personal offence had been caused.

5.4.2 The Ombudsman was not questioning the right to personal or religious beliefs. It was the manner in which the views were expressed to the Chief Executive that was an issue as he had a duty of care towards a large workforce. The Ombudsman acknowledged that each case must be considered on its own merits, that a finding of breach would be an interference with Cllr Down's Article 10 rights, however in this case, it was submitted that the interference would be justified

5.4.3 The Ombudsman's representative submitted that within his e-mails, Cllr Down was conducting Council business as he had written in his capacity as a Councillor about public funding and public administration and the Ombudsman was of the view that the Code provisions were fully engaged.

5.4.4 There was no issue with Cllr Down's initial questions to the Chief Executive, which were entirely appropriate. It was submitted however that the e-mails became more egregious and, even bearing in mind the enhanced protection held as an elected member, the Ombudsman considered that the relevant e-mails were inflammatory and abusive. Reference to a "ridiculous rag" to describe the rainbow flag would cause offence to the homosexual community and others. Comparison between homosexuality and paedophilia was plainly offensive.

5.4.5 In the October e-mails it was clear from the context of the e-mails that Cllr Down was suggesting that anyone who was not 'normal' in the sense of being heterosexual, was abnormal. The Ombudsman's representative submitted that in conducting Council business, it could not be expected that the Chief Executive would redact Councillor e-mails and remove offensive material.

5.4.6 The Ombudsman's representative referred to the Ombudsman's Guidance as mentioned in Cllr Down's evidence in relation to senior officers requiring a thicker skin, however this was not the issue and was to do with the Chief Executive doing the right thing and standing up for his duties and the equalities legislation. If a person did not feel that they could sign up to the code of conduct then they shouldn't become a Member.

5.4.7 The Ombudsman considered that this was an unusual, but serious case. The Chief Executive had made the complaint via the Monitoring Officer and it was felt in the circumstances that it was neither practical nor easy for a Standards Committee to hear this case and that it would also be useful for Standards Committees generally to receive guidance from the Case Tribunal in view of the complex Convention issues in this case.

5.5 Submissions made by Cllr Down

5.5.1 Cllr Down submitted that the Ombudsman had adduced no evidence to show that he had prevented officers from carrying out their functions in any way. He felt that the Ombudsman had tried to put words into his mouth and that they had carried out no work to find out the probability or otherwise of anyone being offended.

5.5.2 With regard to the February e-mails, the Ombudsman had accepted that there was nothing offensive in the e-mail sent on the 12th February 2016 at 11.22am and he had received no reply or objection to his e-mail sent at 15.01pm on the same date. It was only in relation to an e-mail in October that Mr Mathews used the word 'inappropriate'. In his further e-mail on 3rd October 2016 at 13.15pm, Cllr Down said that this was simply explaining the position and that it was more measured than his e-mail of 12th February 2016. If an e-mail was so offensive, then he queried why the Chief Executive would send it to someone who was openly gay.

5.5.3 Cllr Down referred to the Local Government Act 1988 Act and the repeal of the prohibition on promoting homosexuality and he said that MCC's Equality Policy referred to ensuring that there was no discrimination but did not refer to promotion of homosexuality and no resolution of the Cabinet had changed that. He felt that the conferences which had been organised were going further than treating people fairly, they were promoting homosexuality.

5.5.4 With regard to the ability to redact Members' e-mails, Cllr Down said that Chief Executives regularly received politically sensitive e-mails and needed to cut and paste information from time to time.

5.5.5 Cllr Down stated that the code of conduct refers to all Members, whether they are for or against homosexuality and he said that it was abundantly clear

that the Council, through its Cabinet Member with responsibility for equalities issues, was not treating those with religious views with any sort of consideration whatsoever and was blind to the fact that people may hold different views to them.

5.5.6 With regard to the reference to a 'ridiculous rag', he said that it was not unknown for Union Jack towels to be taken on holiday and for sun-tan lotion to be dropped onto them. To suggest that there is something magical about a flag which does not represent the Council and that you cannot 'take the mick out of it' is absurd. He did not consider that this reference was a breach of the code.

5.5.7 Cllr Down also referred to the Barmouth Town Council case which he said was very, very different. In that case, the Councillor's comments were contained in a letter to a third party, external to the Council and the onward transmission was an action of the Councillor, not an action of the Council. The only similarity was that it happened to deal with homosexuality.

5.5.8 Finally Cllr Down referred to the right to freedom of expression and the ability to impart ideas. He said that the only way in which the right could be removed was where just and where morality and the well-being of society required it and this was not the case here.

5.6 The Case Tribunal's assessment of the Witnesses

5.6.1 The Tribunal found Mr Paul Mathews to be a considered and straightforward witness. He readily accepted that he had not had any cause for concern for Cllr Down's behaviour towards officers over many years previously. He readily accepted that Cllr Down had not referred his e-mails to any third party. He was less clear however as to why Cllr Downs had not been challenged or warned by Mr Mathews following the February exchange of e-mails.

5.6.2 Likewise the Tribunal found Cllr Downs to be a considered and straightforward witness. He did not waiver from his strongly held views whilst giving evidence. His evidence in relation to his use of the word 'normal' to denote 'the majority of people' however, was at odds with the context of the use of the word in his e-mail to the Chief Executive dated 1st October 2017.

6. FINDINGS OF FACT

6.1 The facts were agreed and the Case Tribunal therefore found the following **undisputed** material facts;

6.1.1 At the relevant time, Councillor Down was a Member of MCC

6.1.2 Cllr Down is currently a Member of Mathern Community Council

6.1.3 Cllr Down signed an undertaking to observe the code of conduct of MCC on 8th May 2012.

6.1.4 Cllr Down forwarded e-mails to the Chief Executive of MCC on the 12th February 2016 and on the 1st to 13th October 2016, the contents of which are not in dispute.

7. FINDINGS OF WHETHER MATERIAL FACTS AND EVIDENCE DISCLOSE A FAILURE TO COMPLY WITH THE CODE OF CONDUCT

7.1 Case Tribunal's Decision

7.1.1 On the basis of the findings of fact and the evidence, the Case Tribunal found by a unanimous decision that Cllr Down had failed to comply with the code of conduct for Monmouthshire County Council as follows.

7.1.2 As well as looking at the e-mails as a whole, the Case Tribunal considered each of Cllr Down's e-mail comments which were alleged to contain homophobic statements in the light of the following.

7.1.3 Paragraph 4(b) of the code of conduct states;

"You must show respect and consideration for others".

The code is underpinned by certain principles. Paragraph 2(2) of the code of conduct states that; "You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales" (the Welsh Principles). The relevant principle states;

"Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others."

Paragraph 4(b) of the code must also be carefully considered in the light of the Articles of the European Convention on Human Rights however.

7.1.4 Article 8(1) of the Convention as embodied in the Human Rights Act 1998 states as follows:-

"Everyone has the right to respect for his private and family life,..."

7.1.4 Article 9 of the Convention states as follows:-

"1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others."

7.1.5 Article 10 of the Convention states as follows:-

“1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers...

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of...public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others...”

7.1.6 In this context, the Case Tribunal referred to the cases of Calver, Sanders (No1) as well as Heesom v Public Services Ombudsman for Wales [2014] EWHC 1504 (Admin) which was within the knowledge of the Case Tribunal and followed the three-stage approach in Sanders (No 1) as follows:-

“1. Was the Case Tribunal entitled as a matter of fact to conclude that [Cllr Down’s] conduct was in breach of Paragraph [4(b)] of the code of conduct?

2. If so, was the finding in itself or the imposition of a sanction prima facie a breach of Article 10?

3. If so, was the restriction involved one which was justified by reason of the requirements of Article 10(2)?”

7.1.7 The Case Tribunal also noted the references to the Equality Act 2010 duties from the evidence and submissions. Under the Act, protected characteristics include sexual orientation. Section 149(5) states as follows:-

“Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-

(a) Tackle prejudice, and

(b) Promote understanding.”

7.1.8 The Tribunal was mindful that Cllr Down’s comments had not been directed at any particular individual, however it considered that Paragraph 4(b) of the Code required respect and consideration to be shown by Councillors to others, whether this be an individual, a group or the electorate as a whole. It considered that Cllr Down’s e-mails had been directed to the Chief Executive who represented the Authority and the community as a whole and who, as Head of Paid Service, had a duty towards all staff.

7.1.9 The Tribunal was satisfied that the e-mails were sent to the organisation by Cllr Down in his official capacity as a representative of his community, as confirmed in his interview with the Ombudsman’s Investigating Officer. Moreover, the e-mails had not been sent as private and confidential documents,

Cllr Down was aware that they were, in some instances, being circulated more widely, yet he did not object at the time and it is also a fact that he had been willing to repeat these comments more widely and ultimately publicly in his letter to the Ombudsman dated 27th November 2017. Paragraph 4(b) was therefore engaged.

7.1.10 The Case Tribunal gave careful consideration to the right of freedom of thought, conscience and religion under Article 9 of the Convention. Within his e-mails, Cllr Down referred to being a Christian. In his letter dated 27th November 2017, Cllr Down had quoted from the Old Testament and referred to other religious teachings to justify his comments. The Tribunal accepted that on a wide reading, Article 9(1) was engaged, as some of Cllr Down's comments directly expressed one narrow element of his belief and could therefore be interpreted to be a manifestation of his religion or belief, such manifestation not being limited simply to acts of worship or devotion.

7.1.11 The Case Tribunal was satisfied in relation to Article 10(1) of the Convention that all relevant e-mail comments attracted full and enhanced protection afforded to politicians expressing their political views as they were all made in the context of public administration, including the use of Council property namely the flag-pole on Council premises, the organisation of Council conferences/events and the cost of such conferences/ events and Cllr Down's comments in connection with them were considered to be political expression in its widest sense.

7.2 Case Tribunal's Decision.

The Case Tribunal therefore considered each relevant e-mail comment in the light of all of the above.

7.2.1 E-mail dated 12th February 2016 11:28 headed; "Monmouthshire Youth LBGTXYZ Conference". Comments as follows:-

"There seems to be some ridiculous multi-coloured rag flying from the flagpoles outside County Hall".

The Case Tribunal considered that Cllr Down's comment was disrespectful, however it accepted that, in the light of the enhanced protection for political expression, this flippant and impatient comment, despite being likely to be offensive to some, was not so egregious as to justify the restriction of Cllr Down's right to freedom of expression justifying a finding of a breach of the code. The Panel considered that this would have been the case even without enhanced protection.

7.2.2 E-mail dated 12th February 2016 15.01 Comments as follows:-

"I am, and have been, always quite open that I agree with the teachings of just about every major world religion in that homosexuality is an immoral perversion to be condemned, not promoted".

The Case Tribunal was clear that these comments did not show respect and consideration for a section of society with protected characteristics under the Equality Act 2010.

The Tribunal carefully considered Cllr Down's rights under Articles 9(1) and 10(1) of the European Convention on Human Rights. Although the comments attracted enhanced protection as they comprised of political expression, the Tribunal considered that the comments were so unnecessary, offensive and egregious that they amounted to a blatant disregard for equality principles and legislation, the public interest in good administration and the duty of trust and confidence between all councillors and their Council's workforce. It was a deliberate challenge to the inclusive ethos of the Council and although not directed at a particular individual, the comments were an affront to the private life of a whole section of the community with protected characteristics, including staff and Members of MCC who also had the right to respect for their private and family lives by virtue of Article 8.

It concluded that, even having given a narrow construction to Articles 9(2) and 10(2) of the Convention, a finding of a breach of Paragraph 4(b) of the Code as underpinned by the Welsh Principles, was nevertheless "necessary in a democratic society...for the protection of the rights and interests of others." The comments were gratuitous and homophobic and in clear breach of Paragraph 4(b) of MCC's code of conduct.

7.2.3 Comments as follows:-

"Indeed as a matter of straightforward logic I do not understand why a homosexual act is apparently acceptable but not a paedophile act. Both are unnatural and I struggle to see a difference of substance".

The Case Tribunal considered that this comment demonstrated an extreme homophobic view which was wholly incompatible with the code and its underpinning Welsh Principles.

Although the comments attracted protection under Article 9(1) and full, enhanced protection under Article 10(1) of the European Convention on Human Rights, they demonstrated complete failure to show respect and consideration for others, including staff and Members of Monmouthshire County Council as well as the wider community with protected characteristics. It was the Tribunal's view that the comment which made a comparison between lawful relations and child abuse was outrageous, inflammatory, gratuitous and abhorrent. It consisted of a flagrant disregard for equality principles and the Equality Act 2010, the public interest in good administration and the duty of trust and confidence between all councillors and their Council's workforce. It deliberately challenged the inclusive ethos of the Council.

The Tribunal concluded that, even having given a narrow reading of Articles 9(2) and 10(2) of the Convention, a finding of a breach of Paragraph 4(b) of the Code as underpinned by the Welsh Principles, was nevertheless "necessary in a democratic society...for the protection of the rights and interests of others", and to uphold standards in public life.

7.2.4 E-mail dated 1st October 2016 20:24 headed 'LBGTQIYGVGI Conference. Comment as follows:-

"I see that MCC apparently had yet another LBGTQIYGVGI conference yesterday, although there's still no sign of a similar conference for normal people".

The Case Tribunal considered that Cllr Down's comment was pejorative and disrespectful, however it accepted that in the light of the enhanced protection for political expression that this provocative comment, despite being likely to be offensive to some, did not justify the restriction of Cllr Down's rights to freedom of expression so as to justify a finding of a breach of the code. Indeed the Panel considered that this would have been the case even without enhanced protection.

7.2.5 E-mail dated 1st October 2016 20:24 Comments as follows:-

"I believe homosexuality, transgenderism, etc are immoral perversions. I do not accept the activities as being "normal" in any way".

The Case Tribunal were clear that this comment did not show respect and consideration for a section of society with protected characteristics under the Equality Act 2010.

The Tribunal carefully considered Cllr Down's Convention rights and concluded that the comments attracted protection under Article 9(1) and full, enhanced protection under Article 10(1).

Despite having been challenged by Mr Matthews at the relevant time in this instance, Cllr Down repeated his view that 'the activities' were not normal, however on this occasion he linked the pejorative use of the word 'normal' to his view of the activities being 'immoral perversions' as opposed to being activities conducted by a minority of the population as Cllr Down argued in his submissions. In the circumstances, the Case Tribunal decided that, although the comments attracted full enhanced protection, they were wholly unnecessary, abusive and egregious and demonstrated complete failure to show respect and consideration for others, including staff and Members of Monmouthshire County Council as well as the wider community with protected characteristics. It was a deliberate and gratuitous challenge to the inclusive ethos of the Council, taking no account of equality principles, let alone the public sector equality duty.

It concluded that, even having given a narrow reading of Articles 9(1) and 10(2), a finding of a breach of Paragraph 4(b) of the code as underpinned by the Welsh Principles, was nevertheless "necessary in a democratic society...for the protection of the rights and interests of others."

7.2.6 E-mail dated 13th October 2016 8:28:55 headed 'Our recent exchanges' Comment as follows:-

“Perhaps you would also be kind enough to let me know the difference in principle between flying the striped flag outside County Hall, even though that may offend some, and erecting a banner saying something like “homosexuality is perverted,” which may offend others”.

The Case Tribunal considered that Cllr Down’s comment was disrespectful, however it accepted that in the light of the enhanced protection for political expression that this provocative yet rhetorical question, despite being likely to be offensive to some, did not justify the restriction of Cllr Down’s rights to freedom of expression justifying a finding of a breach of the code. Indeed the Panel considered that this would have been the case even without enhanced protection.

8. SUBMISSIONS ON ACTION TO BE TAKEN

8.1 Evidence of previous conduct

No evidence was produced of any previous breaches of the code of conduct by Cllr Down.

8.2 The Ombudsman’s submissions

8.2.1 The Ombudsman contended that although Cllr Down was no longer a member of MCC, by virtue of Sections 79 (4) (a) and 79 (13) (b) of the Local Government Act 2000, the legislation allowed the Case Tribunal to suspend the Councillor from a different Authority to that in which the conduct occurred, in this case, Mathern Community Council. Cllr Down had become a Member of Mathern Community Council in May 2017.

8.2.2 The Ombudsman’s representative acknowledged that there may be mitigating factors, in that the code provisions to do with bringing the office or the Council into disrepute had not been invoked, that Cllr Down had co-operated with the investigation and that some of the comments had been made in the ‘heat of the moment’.

8.2.3 With regard to aggravating factors, the comments escalated following challenge by Mr Mathews. Although Cllr Down said that he had read and understood the code of conduct, his non-attendance of training on the code over the years showed a poor attitude to code matters and that there was a failure to look at a councillor’s role from a distance.

8.3 Cllr Down’s Submissions

8.3.1 Cllr Down contended that he could not and would not recant and quoted Martin Luther on this point. He felt that the whole episode was bizarre and a breach of natural justice and he felt that there was a tacit understanding between chief executives and the Ombudsman’s office that investigations would be long and drawn-out. He felt that the delay was a sanction in itself.

8.3.2 He also stated that no-one had been offended by the e-mails and the Chief Executive had not been offended personally. The only person who had been offended was himself. He felt that blind assumptions had been made by MCC. As to the Chief Executive's duty to protect staff, it had been acknowledged that there was not a single example or incident of poor treatment of anyone by Cllr Down. He felt that the nub of this was that he was being expected to give up his faith and he would not do so.

8.3 Case Tribunal's Decision

8.3.1 The Case Tribunal considered the nature of the three e-mails which were found to breach the code of conduct and in particular the comment which compared homosexuality to paedophilia. Cllr Down had reluctantly indicated that, in retrospect, he would 'probably' have used different words. They were not words used in the 'heat of the moment' however as having had ample time to reflect, he used similar wording and went on to justify the comments in his letter to the Ombudsman dated 27th November 2017.

8.3.2 In accordance with the Adjudication Panel for Wales' current Sanctions Guidance, the Case Tribunal also had regard to the following mitigating factors: that the breaches arose from a genuinely and strongly held view and that Cllr Down had a previous record of good service. It also had regard to the following aggravating factors: non-attendance of training with the October e-mail showing a repeat pattern of behaviour and a lack of remorse or insight. The Case Tribunal recognised that in other circumstances, this may have been a matter which would have been appropriate for Standards Committee hearing and therefore also took into account the upper limit of sanction for Standards Committees.

8.3.3 The Case Tribunal gave very careful consideration to all submissions on sanction and once again considered sanction in the light of Articles 9 and 10 and the principles of proportionality and although it found that the imposition of a sanction was a *prima facie* interference with the right to manifest one's religion or belief under Article 9 and freedom of expression under Article 10, it was proportionate and justified under Articles 9(2) and 10(2), as the breaches of the code had been gratuitous and egregious and was necessary to reinforce the fact that the code of conduct and Welsh Principles are key to the proper operation of and public confidence in local democracy. The Case Tribunal considered the least intrusive measure possible, without unacceptably compromising the achievement of the objective.

8.3.4 It has also considered Sections 79 (4) (a) and 79 (13) (b) of the Local Government Act 2000 in relation to sanction and it accepted the Ombudsman's submissions that suspension as well as disqualification were within the powers of the Case Tribunal.

8.3.5 The Case Tribunal had regard to sanctions in other cases. The 'Barmouth' case had led to disqualification for one year, however the Case Tribunal recognised that Cllr Down had not directed his behaviour towards a particular individual and wrote solely to the Chief Executive. In *Sanders v Kingston (No 2)* [2005] EWHC 2132 (Admin), Sullivan J considered that a

suspension of six months would have been appropriate in place of the disqualification for 18 months originally imposed by the relevant Tribunal. The Sanders (No 2) case involved a one-off incident of poor behaviour towards an officer.

8.3.6 Due to the mitigating factors described in Paragraph 8.3.2 above, the Case Tribunal considered that a short period of suspension would be proportionate and two months was considered to be the minimum sanction necessary, bearing in mind that many Town and Community Councils do not hold any formal Council meetings during August, whilst aiming to discourage the Respondent and any other Councillor from conducting himself/herself in a similar manner in future.


8.3.7 The Case Tribunal concluded by unanimous decision that Cllr Down should be suspended from acting as a member of Mathern Community Council for a period of two months or, if shorter, the remainder of his term of office.

8.3.8 MCC and Mathern Community Councils and their Standards Committee are notified accordingly.

8.2.9 The Respondent has the right to seek the permission of the High Court to appeal the above decision. A person considering an appeal is advised to take independent legal advice about how to appeal.

9. CASE TRIBUNAL RECOMMENDATIONS

9.1 Although this does not form part of the Case Tribunal's formal findings, the Case Tribunal would recommend that Cllr Down uses the two months' suspension to seek code of conduct and equalities training through MCC and Mathern Community Council and their Monitoring Officer.

Signed: 

Date: 10 August 2018

Claire N Jones
Chairman of the Case Tribunal

Susan Hurds
Panel Member

Glenda Jones
Panel Member

STANDARDS COMMITTEE 19/10/18

ADJUDICATION PANEL FOR WALES – SANCTIONS GUIDANCE		
Recommendations / key decisions required: To note the guidance		
Reasons: The guidance will assist the committee when dealing with breaches of the members code of conduct		
Scrutiny Committee recommendations / comments: Not applicable		
Exec Board Decision Required	NO	
Council Decision Required	NO	
EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)		
Directorate Chief Executives Name of Head of Service: Linda Rees-Jones Report Author: Robert Edgecombe	Designations: Head of Administration & Law Acting Legal Services Manager	Tel Nos. 01267 224018 E Mail Addresses: RJEdgeco@carmarthenshire.gov.uk.

EXECUTIVE SUMMARY STANDARDS COMMITTEE 19/10/18

ADJUDICATION PANEL FOR WALES – SANCTIONS GUIDANCE

The Adjudication Panel for Wales is the body created by the Local Government Act 2000 with responsibility for hearing appeals against the decisions of Standards Committees relating to breaches of the members code of conduct. The Panel also deals with more serious cases which are referred directly to it by the Ombudsman.

The President of the Panel has issued guidance to Standards Committees regarding the imposition of sanctions following a finding that a councillor has breached the Code. The guidance identifies;

1. The underlying principles to be applied when imposing a sanction in such cases
2. The relevance of human rights laws, particularly Article 10 of the European Convention on Human Rights (freedom of expression)
3. The correct process for determining an appropriate sanction namely;
 - (a) Assessing the seriousness of the breach
 - (b) Identifying the most appropriate type of sanction
 - (c) Considering relevant mitigating and aggravating sanctions
 - (d) Considering if any further adjustment is necessary to ensure the sanction is appropriate
 - (e) Confirming the sanction and the reasons for choosing it.
4. The range of sanctions available to Standards Committees
5. Examples of mitigating and aggravating factors that may be taken into account

The guidance also gives advice on the power of the Panel to make recommendations to a local authority and its Standards Committee regarding their functions and the authority's code of conduct.

DETAILED REPORT ATTACHED ?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees-Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities NONE	Legal NONE	Finance NONE	ICT NONE	Risk Management Issues NONE	Staffing Implications NONE	Physical Assets NONE
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CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees-Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not applicable

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-164	Legal Services, County Hall

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Sanctions Guidance

Issued by the President of the Adjudication Panel for Wales under Section 75(10) of the Local Government Act 2000.

Foreword by the President

I am pleased to introduce our new *Sanctions Guidance* which sets out the approach to be taken by case, appeal and interim case tribunals of the Adjudication Panel for Wales in order to reach fair, proportionate and consistent decisions on the sanctions that should be applied in relation to an individual's breach of the local Code of Conduct.

The Guidance has been developed by members of the Adjudication Panel for Wales in consultation with the Public Services Ombudsman for Wales, Monitoring Officers and other interested parties. I would like to thank everyone for their contributions. In publishing this Guidance, I hope it will help all those with whom we share an interest in the Code - most importantly members of county and community councils, fire and rescue authorities, and national park authorities in Wales. I hope it reflects the importance we attach to the role of local members, the value of local democracy and the Adjudication Panel's commitment to promoting the highest standards in public life in Wales.

Claire Sharp
President, Adjudication Panel for Wales

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- the status, purpose and intended use of the Guidance, and its relevance to the public, individual members, Monitoring Officers and Standards Committees of councils, fire and rescue authorities, and national park authorities in Wales, the Public Services Ombudsman for Wales and the Adjudication Panel for Wales.

Standards in Public Life

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- the Code of Conduct, expectations for local members and the process to be followed when a breach of the Code is alleged.

The Adjudication Panel for Wales

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- the role of the Adjudication Panel for Wales, the purpose of the sanctions regime and sanction powers available to case, appeal and interim tribunals of the Adjudication Panel for Wales.

The Tribunals' Approach: underlying principles

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- an overview of the general principles that underpin the broad approach of case, appeal and interim case tribunals, specifically fairness, public interest, proportionality, consistency, equality and impartiality, and Article 10 of the European Convention on Human Rights.

Case and Appeal Tribunals: determining sanction

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- the specific sanctions available to case and appeal tribunals and the five stage process to be used to assess the seriousness of a breach, relevant mitigating and aggravating circumstances and any wider factors, and guidance on how to determine the specific sanction and duration; it also addresses the tribunal's power to make recommendations.

Interim Case Tribunals: determining sanction

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- the distinct aims of interim case tribunals to facilitate an ongoing investigation and the specific powers available in response to a report, and any recommendation, from the Ombudsman.

Annex: other relevant documents and guidance

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Introduction

1. This Guidance is issued by the President of the Adjudication Panel for Wales (APW) using powers available to her under the Local Government Act 2000¹. Its primary purpose is to assist the APW's case, appeal and interim case tribunals when considering the appropriate sanction to impose on a member, or former member, who is found to have breached their authority's Code of Conduct.
2. This Guidance describes:
 - i. the role of the ethical framework and Code of Conduct in promoting high public standards amongst members of councils, fire and rescue authorities, and national park authorities in Wales;
 - ii. the role of the Adjudication Panel for Wales (APW) and the purpose of the sanctions regime;
 - iii. the approach to be taken by its tribunals in determining sanction following a finding that the Code has been breached.
3. The purpose of sanctions and this Guidance are built on the values that underpin the Code of Conduct, in particular the fundamental importance of promoting the highest standards in local public life. The Guidance aims to assist tribunals in determining sanctions that are, in all cases, fair, proportionate and consistent.
4. The Guidance is not prescriptive and recognises that the sanction decided by an individual tribunal will depend on the particular facts and circumstances of the case. Any examples should be considered to be by way of illustration and not exhaustive. Tribunals have ultimate discretion when imposing sanctions and can consider in addition to this Guidance other factors that they consider necessary and appropriate. Nor does the Guidance affect the responsibility of the legal member of a tribunal to advise on questions of law, including the specific applicability of relevant sections of this Guidance.
5. In setting out the factors to be considered by a tribunal in its determination of an appropriate sanction, the Guidance offers a transparent approach for the benefit of all parties involved tribunal proceedings. It aims to ensure that everyone is aware, from the outset, of the way in which the tribunal is likely to arrive at its decision on sanction.
6. The Guidance seeks to fulfil a wider role and support all those with an interest in maintaining, promoting and adjudicating on the Code of Conduct. It aims to complement the statutory Guidance published by the Public Services Ombudsman for Wales², confirming the expectations on local members in

¹ Section 75(10) of the Local Government Act 2000 ("the 2000 Act") provides a power for the President of the Adjudication Panel for Wales to issue guidance on how its tribunals are to reach decisions

² The Code of Conduct for members of county and county borough councils, fire and rescue authorities, and national park authorities: Guidance (August 2016) and The Code of Conduct for members of community councils:

terms of their conduct and emphasising the central importance of public confidence in local democracy. It should be of value to individual members, Monitoring Officers and Standards Committees of county and county borough councils, fire and rescue authorities, and national park authorities in Wales, and the Public Services Ombudsman for Wales.

7. This Guidance comes into effect on 1 September 2018. It is a living document that will be updated and revised as the need arises, following consultation.

Standards in Public Life

The Code of Conduct

8. The Local Government Act 2000 introduced an ethical framework to promote high standards of conduct in public life in Wales. The framework's central mechanism is the Code of Conduct. All local authorities, community councils, fire and rescue authorities and national park authorities in Wales must have in place a Code of Conduct. All elected members and co-opted members (with voting rights) must, on taking office, sign an undertaking to abide by their authority's Code for the duration of their term of office.
9. The Welsh Government has issued a model Code of Conduct³ in order to ensure consistency across Wales and to give certainty to members and the public as to the minimum standards expected. The model Code is consistent with ten core principles of conduct⁴ prescribed by the National Assembly for Wales in 2001, which are themselves derived from the Nolan Committee's Principles for Public Life⁵:
 - i. Selflessness
 - ii. Honesty
 - iii. Integrity and Propriety
 - iv. Duty to Uphold the Law
 - v. Stewardship
 - vi. Objectivity in Decision-making
 - vii. Equality and Respect
 - viii. Openness
 - ix. Accountability
 - x. Leadership

Guidance (August 2016), issued by the Public Services Ombudsman for Wales under Section 68 of the Local Government Act 2000

³ The Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2008, as amended by the Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016

www.legislation.gov.uk/wsi/2016/84/pdfs/wsi_20160084_mi.pdf and

www.legislation.gov.uk/wsi/2016/85/pdfs/wsi_20160085_mi.pdf

⁴ The Conduct of Members (Principles) (Wales) Order 2001 SI 2001 No.2276 (W.166)

http://www.legislation.gov.uk/wsi/2001/2276/pdfs/wsi_20012276_mi.pdf

⁵ Nolan Report "Standards of Conduct in Local Government in England, Scotland and Wales"

Local codes must incorporate any mandatory provisions of the model Code and may incorporate any optional provisions of the model Code. At this time, all provisions of the model Code are mandatory.

Expectations on local members

10. Members of county councils, county borough councils, community councils, fire and rescue authorities and national park authorities in Wales must abide by their authority's Code:
 - whenever they are acting or present at a meeting of their authority, claiming to act or giving the impression of acting in an official capacity in the role of member to which they were elected or appointed or as a representative of their authority;
 - at any time, if they are conducting themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute, or if using or attempting to use their position to gain an advantage or avoid a disadvantage for anyone or if they misuse the authority's resources.
11. Members are expected to engage in any training and access ongoing advice, as the need arises, from their local Monitoring Officer and Standards Committee. Members are also expected to be familiar with and have regard to the Public Services Ombudsman's statutory guidance on the Code⁶. It addresses each of the Code's requirements in order to help members understand their obligations in practical terms. It offers advice on the fundamental ethical principles that many members need to consider on a regular basis – for example, declarations of interest, confidentiality and whether their actions constitute bullying or harassment– in addition to those less frequently encountered.
12. Ultimately, members must use their judgment in applying the Code and the Principles to their own situation. They cannot delegate responsibility for their conduct under the Code.

Allegations of breach

13. There are non-statutory local protocols in place for low-level member-on-member complaints which do not result in case or appeal tribunals. Allegations that a member's conduct is in breach of the Code can be made to the Ombudsman, who will decide whether to investigate a complaint. If, following an investigation, the Ombudsman finds that there is evidence of a breach of the Code, he can refer his report to the relevant local Standards Committee or to the President of the Adjudication Panel for Wales. The Ombudsman may also refer reports from an ongoing investigation to the President for consideration by an interim case tribunal.

⁶ The Code of Conduct for members of county and county borough councils, fire and rescue authorities, and national park authorities: Guidance (August 2016) and The Code of Conduct for members of community councils: Guidance (August 2016), issued by the Public Services Ombudsman for Wales under Section 68 of the Local Government Act 2000

The Adjudication Panel for Wales

14. The introduction of the ethical framework included the establishment of the Adjudication Panel for Wales⁷ as an independent, judicial body with powers to form tribunals to deal with alleged breaches of the Code. The Panel's operation is subject to regulation by the Welsh Government.

Case tribunals

15. Case tribunals are appointed by the President of the Adjudication Panel for Wales in order to consider a report from the Ombudsman following an investigation into an allegation of a member's misconduct. Case tribunals are responsible for deciding whether a local member has breached the Code of Conduct of their authority and, if so, for determining an appropriate sanction (if any).

Appeal tribunals

16. Appeals tribunals are appointed by the President to consider appeals from members against a decision of a local Standards Committee. Appeal tribunals are responsible for reviewing the decision that a local member has breached the Code of Conduct and any sanction imposed. They may uphold and endorse any sanction imposed or refer the matter back to the Standards Committee with a recommendation as to a different sanction or overturn the determination of the Committee that there has been a breach of the Code. An appeal tribunal cannot recommend a sanction which was not available to the Standards Committee.

Interim case tribunals

17. Interim case tribunals are appointed by the President to consider a report, and any recommendation to suspend a member, from the Ombudsman during an ongoing investigation into alleged misconduct. The tribunal is responsible for determining the need to suspend, or partially suspend, the member or co-opted member from the authority or a role within the authority. The maximum duration of the suspension or partial suspension is 6 months. Unlike case and appeal tribunals, suspension by an interim case tribunal is a neutral act, given the ongoing nature of the Ombudsman's investigation.

The sanctions regime

18. The Committee on Standards in Public Life⁸ had a key role in developing the ethical framework and identified the need for mechanisms to enforce and punish public office holders who breached the standards expected of them, if the ethical framework was to command public credibility. The purpose of the sanctions available to Adjudication Panel for Wales case and appeal tribunals are to:

⁷ Part III, Local Government Act 2000

⁸ Reference to the report on enforcement

- provide a disciplinary response to an individual member's breach of the Code;
- place the misconduct and appropriate sanction on public record;
- deter future misconduct on the part of the individual and others;
- promote a culture of compliance across the relevant authorities;
- foster public confidence in local democracy.

19. The sanctions available to a case tribunal that has found a breach of the Code are⁹:

- a. to take no action in respect of the breach;
- b. to suspend or partially suspend the member from the authority concerned for up to 12 months;
- c. to disqualify the member from being, or becoming, a member of the authority concerned or any other relevant authority to which the Code of Conduct applies for a maximum of 5 years.

The sanctions available to an appeal tribunal that has found a breach of the Code are:

- d. censure;
- e. to suspend or partially suspend the member from the authority concerned for up to 6 months.

20. The different types and scope of duration of sanction are designed to provide tribunals with the flexibility to apply sanctions of considerable difference in impact and enable a proportionate response to the particular circumstances of an individual case. This Guidance does not propose a firm tariff from which to calculate the length of suspension or disqualification that should be applied to specific breaches of the Code. Instead, it offers broad principles for consideration by all tribunals whilst respecting the details that make each and every case different.

⁹ Section 79, Local Government Act 2000

The Tribunal approach – underlying principles

21. Tribunals must always have in mind that every case is different and requires deciding on its own particular facts and circumstances. Following a finding that the Code of Conduct has been breached, tribunals must exercise their own judgment as to the relevant sanction in line with the nature and impact of the breach, and any other relevant factors. They must also ensure that the sanctions take account of the following underlying principles in order to ensure that their decisions support the overall ambitions of the ethical framework, fulfilling the purpose of the sanctions, and are in line with the tribunal's wider judicial obligations.

Fairness

22. The tribunal should take account and seek to find an appropriate balance between the various interests of the Respondent/Appellant, the Complainant, other interested parties to a case, the Ombudsman, the authority, the electorate and the wider public.

Public interest

23. Whilst seeking to ensure that the sanction imposed is appropriate, fair and proportionate to the circumstances of the case, the tribunal should consider the reputation of and public confidence in local democracy as more important than the interests of any one individual.

Proportionate

24. Tribunals will take account of the good practice identified in the Ombudsman's Guidance and Code of Conduct Casebook¹⁰ in order to assist their sense of proportionality when determining the sanction appropriate to the scale and/or nature of the breach.

Consistent

25. Tribunals will aim to achieve consistency in their sanctions in order to maintain the credibility of the ethical framework. They will take account of the good practice identified by the Ombudsman (para.24) in addition to this Guidance and its own previous decisions. Where a tribunal panel has reason to depart from the Guidance, it should clearly explain why it has done so.

Equality and impartiality

26. Fair treatment is a fundamental principle for the Adjudication Panel for Wales and is embedded within individual members' judicial oath. Tribunals must ensure that their processes and practices safeguard their capacity for objective, independent and impartial decision-making, free from prejudice and partiality, in order to uphold their judicial responsibilities.

¹⁰ <http://www.ombudsman-wales.org.uk/en/publications/The-Code-of-Conduct-Casebook.aspx>

Human Rights (Articles 6 and 10)

27. Tribunals must ensure that their processes and practices respect human rights. This Guidance aims to support those principles. In particular, tribunals must ensure that they consider the relevance of Articles 6 and 10 of the European Convention on Human Rights in their deliberations. These articles enshrine the right to a fair hearing and freedom of expression.

28. Article 10 is a key provision when considering possible breaches of the Code. It provides that:

“10(1) Everyone has the right to freedom of expression. The right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority regardless of frontiers...”

10(2) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

29. Enhanced protection of freedom of expression applies to political debate, including at local government level. Article 10(2) has the effect of permitting language and debate on questions of public interest that might, in non-political contexts, be regarded as inappropriate or unacceptable. This protection does not extend to gratuitous or offensive personal comment, nor to ‘*hate speech*’ directed at denigrating colour, race, disability, nationality (including citizenship), ethnic or national origin, religion, or sexual orientation.

30. In their consideration of Article 10, tribunals should apply the three-stage approach established by Mr Justice Wilkie¹¹ in the case of *Sanders v Kingston (No1)* and which applies to both decision about breach and sanction, as follows:

- i. Can the Panel as a matter of fact conclude that the Respondent’s conduct amounted to a relevant breach of the Code of Conduct?
- ii. If so, was the finding of a breach and imposition of a sanction *prima facie* a breach of Article 10?
- iii. If so, is the restriction involved one which is justified by reason of the requirement of Article 10(2)?

¹¹ Wilkie J in the case of *Sanders v Kingston No (1)* [2005] EWHC 1145

Case and Appeal Tribunals – determining sanction

31. A tribunal will decide whether or not a sanction is appropriate after considering the facts of a case and finding that an individual has breached the Code of Conduct. In determining any appropriate sanction, the tribunal's approach should be sufficiently broad so as to accommodate its consideration of the various interests of those involved in the case, any specific circumstances of the individual respondent/appellant, the intended purpose of the sanctions available (in particular, the wider public interest) and the tribunal's wider judicial responsibilities.
32. Case tribunals will decide on the appropriate sanction to impose, if any, and the duration of any such sanction; appeal tribunals will consider the appropriateness of the sanction imposed by the Standards Committee.

The five-stage process

33. Case and appeal tribunals will follow a five step process in determining sanction:
- 33.1 assess the seriousness of the breach and any consequences for individuals and/or the council (para.34 - 38)
 - 33.2 identify the broad type of sanction that the Tribunal considers most likely to be appropriate having regard to the breach; (para.39)
 - 33.3 consider any relevant mitigating or aggravating circumstances and how these might affect the level of sanction under consideration; (para.40 to 42)
 - 33.4 consider any further adjustment necessary to ensure the sanction achieves an appropriate effect in terms of fulfilling the purposes of the sanctions; (para.43)
 - 33.5 confirm the decision on sanction and include, within the written decision, an explanation of the tribunal's reasons for determining the chosen sanction in order to enable the parties and the public to understand its conclusions. (para.53)

Assessing the seriousness of the breach

34. The relative seriousness of the breach will have a direct bearing on the tribunal's decision as to the need for a sanction and, if so, whether a suspension or partial suspension (of up to 12 months) or disqualification (up to 5 years) is likely to be most appropriate. It is important to bear in mind though that appeal tribunals can only recommend a suspension (partial or full) for up to 6 months and cannot recommend disqualification due to the constraints upon its powers.
35. The tribunal will assess seriousness with particular reference to:
- the nature and extent of the breach, and number of breaches;

- the member's culpability, their intentions in breaching the Code, and any previous breaches of the Code;
- the actual and potential consequences of the breach – for any individual(s), the wider public and/or the council as a whole;
- the extent to which the member's actions have, or are likely to have the potential to, bring his/her office or the relevant authority into disrepute.

36. Examples of the way in which tribunals might weight seriousness include:

- a breach involving deliberate deception for personal gain or discrimination is likely to be regarded as more serious than that involving the careless use of a council email address on a personal social media profile;
- a breach involving the systematic harassment or bullying of a junior officer is likely to be regarded as more serious than instances of disrespectful language in the course of a council debate;
- a breach of confidentiality that results in the disclosure of the address of a looked after child is likely to be regarded as more serious than the disclosure of a planning officer's confidential advice;
- a breach resulting in significant negative reputational damage to the office or authority is likely to be regarded as more serious than an inappropriately worded email to a member of the public.

37. Breaches involving the blatant disregard of specific, authoritative advice given as to a course of conduct and/or the Code (particularly by the relevant authority's monitoring officer), the deliberate abuse of confidential, privileged or sensitive information for personal gain or that of a close personal associate, and sexual misconduct, criminal, discriminatory, predatory, bullying and/or harassing behaviour are all likely to be regarded as very serious breaches.

38. A member who is subject to a term of imprisonment for three months or more without the option of paying a fine in the previous five years before their election or since their election is automatically subject to disqualification¹².

Choosing the potential sanction

39. Having assessed the relative seriousness of the member's breach of the Code, the tribunal will consider which of the courses of action available to it is most appropriate¹³. In line with the principles of fairness and proportionality, the tribunal should start its considerations of possible sanctions with that of least impact.

No action

39.1 The tribunal may decide that, despite the member having failed to follow the Code of Conduct, there is no need to take any further action in terms of sanction. Circumstances in which a tribunal may decide that no action is required may include:

¹² Section 80(1)(d), Local Government Act 1972

¹³ Section 79, Local Government Act 2000

- an inadvertent failure to follow the Code;
- an isolated incident with extremely limited potential for consequential harm;
- an acceptance that a further failure to comply with the Code on the part of the member is unlikely, nor are there any wider reasons for a deterrent sanction;
- specific personal circumstances, including resignation or ill health, which render a sanction unnecessary and/or disproportionate.

39.2 A tribunal that finds a breach of the Code but decides that no action is necessary in terms of sanction, should consider whether there is a need to warn the member as to their conduct and/or seek assurances as to future behaviour. This provides an effective means of placing the member's behaviour on record, reflected in the tribunal's written decision, so that the warning and/or reassurance may be taken into account in the event of the same member being found to have breached the Code in the future. A failure to comply with any assurances given to the tribunal may be brought to the attention of the tribunal in any future hearings.

Suspension for up to 12 months

- 39.3 A case tribunal may suspend the member for up to 12 months from the authority(ies) whose Code/s has/have been breached.
- 39.4 Suspension is appropriate where the seriousness of the breach is such that a time-limited form of disciplinary response is appropriate in order to deter such future action, temporarily remove the member from the authority/a role within the authority, safeguard the standards set by the Code and to reassure the public that standards are being upheld.
- 39.5 A suspension of less than a month is unlikely to meet the objectives of the sanctions regime and risks undermining its overall ambitions. Tribunals are also reminded that the highest sanction available to local Standards Committees is 6 months' suspension. They should bear this in mind when considering an Ombudsman's referral to the Adjudication Panel, in preference to the local Standards Committee, and when considering an appeal against a local Standards Committee sanction. It is possible for appeal tribunals to recommend an increase in the sanction originally imposed by the Standards Committee.
- 39.6 Circumstances in which a tribunal may decide that a suspension is appropriate may include:
- the member's action has brought the member's office or authority into disrepute but they have not been found in breach of any other paragraph of the Code (though the most appropriate sanction will depend on the specific facts of each case);

- the breach merits a disciplinary response but, in view of the circumstances of the case, it is highly unlikely that there will be a further breach of the Code;
- the member has recognised their culpability, shown insight into their misconduct, and apologised to those involved.

Partial Suspension for up to 12 months

- 39.7 The tribunal may impose a partial suspension, preventing the member from exercising a particular function or role (such as being a member of a particular committee or subcommittee or the holder of a particular office) for up to 12 months.
- 39.8 Partial suspension is appropriate where the seriousness of the breach merits a suspension (see above) but the circumstances of the case are such that the member is permitted to continue in public office except for the role/function/activity specifically limited by the suspension.
- 39.9 In the case of a partial suspension, the tribunal will need to decide from what role/function/activity the member is to be suspended and, in the case of membership of more than one authority, the impact of the partial suspension in each relevant authority.
- 39.10 Circumstances in which a partial suspension may be appropriate include:
- the member is capable of complying with the Code in general but has difficulty understanding or accepting the restrictions placed by the Code on their behaviour in a specific area of council/authority activity;
 - the misconduct is directly relevant to and inconsistent with a specific function or area of responsibility held;
 - the member should be temporarily removed or prevented from exercising executive functions for the body to which the Code applies.

Disqualification for a maximum of 5 years

- 39.11 A case tribunal may disqualify the member from being, or becoming, a member of the authority concerned or any other relevant authority to which the Code of Conduct applies for a maximum of 5 years.
- 39.12 Disqualification is the most severe of the sanctions available to a tribunal. It is likely to be appropriate where the seriousness of the breach is such that a significant disciplinary response is appropriate in order to deter repetition, make clear the unacceptable nature of such conduct in public office, underscore the importance of the Code and to safeguard the public's confidence in local democracy. A disqualification of less than 12 months is unlikely to be meaningful (except in circumstances when the term of office of the member is due to expire during that period or is no longer a member).

39.13 Circumstances in which a tribunal may decide that a disqualification is appropriate may include:

- deliberately seeking personal gain (for her/himself, a family member or personal associate) by exploiting membership of the authority and/or the authority's resources;
- deliberately seeking to disadvantage another by exploiting membership of the authority and/or the authority's resources;
- deliberately disregarding or failing to comply with the provisions of the Code and continuing to assert the right so to do;
- repeatedly failing to comply with the provisions of the Code and demonstrating the likelihood of continuing the pattern of behaviour;
- deliberately seeking political gain by misusing public resources or power within the authority;
- a second or subsequent breach, despite a warning and/or having given an assurance as to future conduct in a previous case before an Adjudication Panel for Wales tribunal;
- conduct that calls into question the Respondent's fitness for public office;
- bringing the relevant authority into serious disrepute.

Mitigating and aggravating circumstances

40. The tribunal will go on to consider how any particular circumstances of the member may mitigate and/or aggravate the level of sanction under consideration. This stage is designed to take account of any personal circumstances affecting the member's conduct including inexperience, capacity, insight, responsibility (for the breach), remorse, reparation and any previous findings. This process is likely to have significant bearing on the duration of the sanction, varying the term down or up in line with the mitigating or aggravating factors. Such factors may at times be sufficient to persuade a tribunal that a suspension (if any) may be more appropriate than a disqualification, and vice versa.

41. Tribunals are encouraged to work through the examples set out below but are reminded that these are not exhaustive. Where any mitigating/aggravating factor relates directly to the nature or seriousness of the breach and the tribunal has already considered that factor in its choice of appropriate sanction, care should be taken as to the extent to which that factor is included in mitigation/aggravation. For example:

- if the sanction under consideration is a suspension because the conduct is regarded as a 'one off', this factor should not also be regarded as mitigating unless the 'one off' nature of the breach is so exceptional that it should have a direct bearing on the length of the suspension;

- if the breach is regarded as serious because it includes ‘bringing the authority into disrepute’, this factor should not also be regarded as aggravating unless the disrepute is so exceptional as to have a direct bearing on the length of the disqualification.

42. Tribunals should also take care to respect a member’s legitimate right to appeal and to distinguish protestations or assertions made in the course of exercising that right from those actions that might be regarded as aggravating factors designed to obstruct the processes of the Ombudsman or Adjudication Panel.

Mitigating circumstances

- i. substantiated evidence that the misconduct was affected by personal circumstances, including health and stress;
- ii. a short length of service or inexperience in a particular role;
- iii. a previous record of good service (especially if over a long period of time);
- iv. the misconduct was a one-off or isolated incident;
- v. that the member was acting in good faith, albeit in breach of the Code;
- vi. the misconduct arose from provocation or manipulation on the part of others;
- vii. the breach arose from an honestly held, albeit mistaken, view that the conduct involved did not constitute a failure to follow the Code, especially having taken appropriate advice;
- viii. the misconduct, whilst in breach of the Code, had some beneficial effect for the public interest;
- ix. political expression of an honestly held opinion, albeit intemperately expressed, or a political argument (see paragraphs 27-30 above and Aggravating factor xii below);
- x. self-reporting the breach;
- xi. recognition and regret as to the misconduct and any consequences;
- xii. an apology, especially an early apology, to any affected persons;
- xiii. co-operation in efforts to rectify the impact of the failure;
- xiv. co-operation with the investigation officer and the standards committee/APW;
- xv. acceptance of the need to modify behaviour in the future;
- xvi. preparedness to attend further training;
- xvii. commitment to seeking appropriate advice on the Code in the future;
- xviii. compliance with the Code since the events giving rise to the adjudication.

Aggravating factors

- i. long experience, seniority and/or position of responsibility;
- ii. seeking to unfairly blame others for the member's own actions;
- iii. deliberate conduct designed to achieve or resulting in personal (for her/himself, a family member or close personal associate) benefit or disadvantage for another;
- iv. deliberate exploitation of public office and/or resources for personal (for her/himself, a family member or close personal associate) or political gain;
- v. abuse or exploitation of a position of trust;
- vi. repeated and/or numerous breaches of the Code, including persisting with a pattern of behaviour that involves repeatedly failing to abide by the Code;
- vii. dishonesty and/or deception, especially in the course of the Ombudsman's investigation;
- viii. lack of understanding or acceptance of the misconduct and any consequences;
- ix. refusal and/or failure to attend available training on the Code;
- x. deliberate or reckless conduct with little or no concern for the Code;
- xi. deliberately or recklessly ignoring advice, training and/or warnings as to conduct;
- xii. the expression of views which are not worthy of respect in a democratic society, are incompatible with human dignity and conflict with the fundamental rights of others (see paragraphs 27 – 30 above);
- xiii. obstructing and/or failing to co-operate with any Ombudsman's investigation, Standards Committee, and/or the Adjudication Panel for Wales's processes;
- xiv. refusal to accept the facts despite clear evidence to the contrary;
- xv. action(s) that has/have brought the relevant authority and/or public service into disrepute;
- xvi. failure to heed previous advice and/or warnings and to adhere to any previous assurances given as to conduct relevant to the Code.
- xvii. Previous findings of failure to follow the provisions of the Code.
- xviii. Continuing to deny the facts, despite clear evidence to the contrary.

Fulfilling the purpose of the sanctions regime

43. The tribunal may need to consider further adjustments to the chosen sanction or length of sanction in order to achieve an appropriate deterrent effect, for the

individual and/or the wider council membership, or to maintain public confidence. Tribunals will also need to have regard to external factors that may exacerbate or diminish the impact of the chosen sanction.

Public interest

44. The overriding purpose of the sanctions regime is to uphold the standards of conduct in public life and maintain confidence in local democracy. Tribunals should review their chosen sanction against previous decisions of the Adjudication Panel for Wales and consider the value of its chosen sanction in terms of a deterrent effect upon councillors in general and its impact in terms of wider public credibility. If the facts giving rise to a breach of the code are such as to render the member entirely unfit for public office, then disqualification rather than suspension is likely to be the more appropriate sanction.

Eligibility for public office in other relevant authorities

45. Disqualification will automatically apply to a Respondent's current membership of all authorities to which the Local Government Act 2000 applies, irrespective of whether the other authorities' Codes have been breached. Disqualification will also prevent the Respondent from taking up public office, through election or co-option, on any other authorities to which the Act applies until the expiration of the disqualification period.
46. A suspension will preclude the member from participating as a member of the authority whose Code s/he has been found to have breached but not necessarily any other authorities of which the Respondent/Appellant is a member. Where the facts of a case call into question the member's overall suitability to public office, a disqualification may be more suitable than a suspension.

Former members

47. In circumstances where the tribunal would normally apply a suspension but the Respondent is no longer a member, a short period of disqualification may be appropriate (this can only apply in case tribunals). This will ensure that the Respondent is unable to return to public office, through co-option for example, sooner than the expiry of the period of suspension that would have been applied but for their resignation or not being re-elected. For appeal tribunals, a censure remains an option.

Financial impact

48. Tribunals should take into account the financial impact on members of a sanction: during suspension and disqualification, a member will be denied payment of their salary and allowances. The financial impact varies from an annual expenses reimbursement for community councillors to a basic salary

plus expenses for county councillors to the higher salaries paid to leaders of larger councils¹⁴.

Impact on the electorate

49. The High Court has recognised that Parliament has expressly provided case tribunals with a power to interfere with the will of the electorate and that such ‘interference’ may be necessary to maintain public trust and confidence in the local democratic process. Tribunals should be confident in their right to disqualify members whose conduct has shown them to be unequal to fulfilling the responsibilities vested in them by the electorate.
50. Suspension has the effect of temporarily depriving the electorate of local representation whereas disqualification triggers a process, either by-election or co-option, to replace the disqualified member.

Timing of local elections

51. In general, the length of a disqualification should be determined in relation to the nature of the breach and circumstances of the case, and be applied irrespective of the imminence or otherwise of local elections. There may be exceptional times when the duration of a disqualification might have a particularly disproportionate effect on the member. For example: a disqualification of 18 months, imposed in December 2020, would prevent a member from standing for local government election until May 2027, as the period of disqualification would overlap the May 2022 elections by one month. Tribunals should be willing to hear submissions as to why the length of disqualification should be varied, whilst bearing in mind the overriding public interest principle.

Automatic disqualifications

52. The law imposes an automatic disqualification for five years on any member who is subject to a term of imprisonment for three months or more (whether suspended or not). That a Court has imposed a lesser sanction does not mean that a five-year disqualification is inappropriate. If the case tribunal is of the view that the member concerned is unfit to hold public office and is unlikely to become fit over the next five years, then it may well be appropriate to impose such a disqualification.

Confirming the sanction

53. Tribunals should confirm their final determination on sanction, notifying the hearing and recording it in the decision notice. Tribunals will make sure that the reasons for their determination, including any significant mitigating and aggravating factors, are included in the full written record of proceedings in order to ensure that the parties and the public are able to understand its conclusions on sanction.

¹⁴ <http://gov.wales/irpwsb/home/?lang=en>

Recommendations

54. Case tribunals also have the power to make recommendations¹⁵ to the relevant authority whose Code it has considered about any matters relating to:

- the exercise of the authority's functions
- the authority's Code of Conduct;
- the authority's Standards Committee.

55. The authority to whom the recommendations are made is under a duty to consider them within three months and then prepare a report for the Ombudsman outlining what the action it, or its Standards Committee, has taken or proposes to take. If the Ombudsman is not satisfied with the action taken or proposed, he/she has the power to require the authority to publish a statement giving details of the recommendations made by the case tribunal and of the authority's reasons for not fully implementing them. As such, tribunals are advised to consider their use of this power with care.

Interim case tribunals – determining sanction

56. Interim case tribunals will decide, after considering a report (including any recommendation) from the Ombudsman on an ongoing investigation into alleged misconduct, whether to suspend or partially suspend, the member or co-opted member from the authority or a role within the authority.

57. Unlike case and appeal tribunals, interim case tribunals are not disciplinary. Interim case tribunals aim to:

- facilitate the Ombudsman's effective and expeditious investigation of the respondent's conduct;
- minimise any disruption to the business of the authority concerned during the investigation;
- maintain the reputation of the authority concerned;
- protect the authority concerned from legal challenge.

58. The powers available to an interim case tribunal¹⁶ are to suspend the Respondent, wholly or partially from being a member or co-opted member of the authority concerned, for not more than six months (or, if shorter, the remainder of the member's term of office). In the case of a partial suspension, the interim case tribunal will need to decide from what activity the respondent is to be suspended.

Purpose and process

59. Interim case tribunals recognise that no definitive finding has yet been made on the validity of the allegations about the Respondent and that any form of suspension can have a significant impact on a member's role, credibility and finances.

¹⁵ Section 80, <http://www.legislation.gov.uk/ukpga/2000/22/section/80>

¹⁶ Section 78(1), Local Government Act 2000

60. Interim case tribunals will therefore seek to take the minimum action necessary to ensure the effective completion of the investigation, the proper functioning of the authority concerned and the maintenance of public confidence. The tribunal will only decide on full suspension if its aims cannot be met otherwise.

The nature of the allegation(s)

61. Interim case tribunals will start by considering the nature of the allegations against the Respondent in order to decide whether, if the allegation were substantiated, a suspension or partial suspension would be an appropriate sanction.

No action

62. If the tribunal concludes that neither suspension nor partial suspension would follow a finding of breach, it is highly unlikely to make such an order without compelling reasons as to why the Ombudsman's investigation cannot effectively proceed without such action.

63. If the tribunal concludes that a finding on breach would result in a suspension or partial suspension, it will still require a compelling argument that it is in the public interest for a suspension or partial suspension of the Respondent in advance of the Ombudsman completing his investigation and referring a final report to the Adjudication Panel for Wales.

Partial Suspension

64. Partial suspension offers the possibility of safeguarding public confidence in an authority and enabling it to function effectively without depriving the member's constituents of ward representation. Interim case tribunals may wish to draw on the principles that apply to case and appeal tribunals' approach to partial suspension.

65. Partial suspension may be appropriate in circumstances where the allegations are directly relevant to and inconsistent with a specific function or area of responsibility held or the Respondent exercises executive functions for the authority whose Code s/he is alleged to have breached or— the Respondent may be excluded from their specific or executive responsibilities in order to reassure the public whilst not undermining the authority's ability to function effectively or depriving the electorate of their division/ward representation.

Suspension

66. Suspension is likely to be appropriate if there is a legitimate concern as to any of the following:

- the Respondent may interfere with evidence or with witnesses relevant to the matter under investigation;
- the business of the authority concerned cannot carry on effectively if the Respondent were to continue in office whilst the allegation against him or her

remained unresolved – the tribunal will have particular regard to any breakdown or potential breakdown in relations between the Respondent, other members and/or key staff of the authority;

- the allegations raise issues of such gravity that they jeopardise public confidence in the authority concerned if the Respondent were to continue in office whilst the allegations remained unresolved.

Annex: other documents and guidance relevant to tribunals

Adjudication Panel for Wales : Members Handbook (2017)

Public Services Ombudsman for Wales –The Code of Conduct for members of county and county borough councils, fire and rescue authorities, and national park authorities: Guidance (August 2016) and The Code of Conduct for members of community councils: Guidance (August 2016)

Equal Treatment Bench Book, Judicial College (as amended)

The Adjudications by Case Tribunals and Interim Case Tribunals (Wales Regulations 2001 No. 2288 (W.176), as amended by the Local Authorities (Case and Interim Case Tribunals and Standards Committees) (Amendment) (Wales) Regulations 2009 2578 (W. 209)

The Local Government Investigations (Functions of Monitoring Officers and Standards Committee) (Wales) Regulations 2001 No. 2281 (W171), as amended by the Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 No. 85 (W.39)

STANDARDS COMMITTEE 19/10/18

OMBUDSMAN'S CODE OF CONDUCT CASEBOOK		
Recommendations / key decisions required: To consider the cases identified in the casebook and identify any points of learning.		
Reasons: This will allow the Committee to familiarise itself with the latest approaches taken by the Ombudsman to different types of code complaints.		
Scrutiny Committee recommendations / comments: Not applicable		
Exec Board Decision Required NO Council Decision Required NO		
EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)		
Directorate Chief Executives Name of Head of Service: Linda Rees-Jones Report Author: Robert Edgecombe	Designations: Head of Administration & Law Acting Legal Services Manager	Tel Nos. 01267 224018 E Mail Addresses: RJEdgeco@carmarthenshire.gov.uk.

EXECUTIVE SUMMARY STANDARDS COMMITTEE 19/10/18

OMBUDSMAN'S CODE OF CONDUCT CASEBOOK

The Public Services Ombudsman for Wales publishes a Code of Conduct Case Book several times a year in which he gives information regarding Code of Conduct complaints that his office has investigated and the outcomes reached.

This can provide the Committee with useful points of learning not only for how it should approach a code breaches that it determines but also when preparing training sessions.

The latest casebook (published in July 2018) contains details of the following cases:

Council	Relevant Part of Code	Outcome
Merthyr Tydfil CBC	Promotion of equality and respect	No evidence of breach
Chepstow Town Council	Disclosure and Registration of Interests	No action necessary
Trellech United Community Council	Objectivity and propriety	No action necessary

None of these cases relate to councillors from Carmarthenshire.

DETAILED REPORT ATTACHED ?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities NONE	Legal NONE	Finance NONE	ICT NONE	Risk Management Issues NONE	Staffing Implications NONE	Physical Assets NONE
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CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not applicable

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-164	Legal Services, County Hall

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The Code of Conduct Casebook

Issue 17 July 2018

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No action necessary	4
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Introduction

The Public Services Ombudsman for Wales considers complaints that members of local authorities in Wales have broken the Code of Conduct. The Ombudsman investigates such complaints under the provisions of Part III of the Local Government Act 2000 and the relevant Orders made by the National Assembly for Wales under that Act.

Where the Ombudsman decides that a complaint should be investigated, there are four findings, set out under section 69 of the Local Government Act 2000, which the Ombudsman can arrive at:

- (a) that there is no evidence that there has been a breach of the authority's code of conduct;
- (b) that no action needs to be taken in respect of the matters that were subject to the investigation;
- (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 for adjudication by a tribunal (this generally happens in more serious cases).

In the circumstances of (c) and (d) above, the Ombudsman is required to submit the investigation report to the standards committee or a tribunal of the Adjudication Panel for Wales and it is for them to consider the evidence found by the Ombudsman, together with any defence put forward by the member concerned. It is also for them to determine whether a breach has occurred and, if so, what

penalty (if any) should be imposed.

The Code of Conduct Casebook contains summaries of reports issued by this office for which the findings were one of the four set out above. However, in reference to (c) and (d) findings, The Code of Conduct Casebook only contains the summaries of those cases for which the hearings by the standards committee or Adjudication Panel for Wales have been concluded and the outcome of the hearing is known. This edition covers April to June 2018.

Case summaries

No evidence of breach

Merthyr Tydfil County Borough Council – Promotion of equality and respect

Case Number: 201704719 – Report issued in April 2018

An employee (“the Complainant”) of Merthyr Tydfil County Borough Council (“the Council”) complained that, at a staff meeting, an elected member of the Council (“the Councillor”) had made reference to some members of staff being “dead men walking”. The Complainant said that the Councillor made further comments which led some members of staff to conclude that this phrase referred to him. The Complainant said that this put him in fear for his job.

The Ombudsman investigated the complaint on the basis that the Councillor may have breached the paragraphs 4(b), 4(c), 6(1)(a) and 7(a) of the Code of Conduct for Members (“the Code”), relating to showing respect, bullying behaviour, disrepute and creating a disadvantage for others.

In the absence of any formal record of the meeting, the Ombudsman interviewed a selection of those present, as well as the Councillor, the Complainant and his manager. The Ombudsman considered what the Councillor said, his explanation of what he had meant and how his comments had been received.

The Ombudsman found that although the Councillor had used the phrase “dead men walking” there was no evidence to support the complaint that the comment was specifically directed at the Complainant or that it was intended to be seen as a threat to anybody’s job. The Ombudsman concluded that there was no evidence that the Councillor had breached the Code.

No action necessary

Chepstow Town Council – Disclosure and registration of interests

Case Number: 201703539 – Report issued in May 2018

A complaint was received that a member of Chepstow Town Council (“Councillor A”) had participated in discussions about the future ownership and management arrangements for a local public facility at a meeting of the Town Council, despite having declared a prejudicial interest in the matter.

The Ombudsman’s investigation found that it was likely that Councillor A had spoken at the meeting, despite having a prejudicial interest in the item, contrary to the requirements of paragraphs 14(1)(a), (c) and (e) of the Code of Conduct.

The Ombudsman decided that despite the fact the evidence suggested that there had been a breach of the Code, no further action should be taken. This was because Councillor A did not stand to gain personally from any decision made, the evidence suggested that he had withdrawn from the room for the vote, his preferred option was not agreed by the Council, and the Chair of the Council had indicated that he could speak. The Ombudsman did, however, remind Councillor A of his responsibilities in relation to prejudicial interests.

Trellech United Community Council – Objectivity and propriety

Case number 201700946 – Report issued in April 2018

The Ombudsman received a complaint that a Councillor (“the Councillor”) of Trellech United Community Council (“the Council”) had breached the Code of Conduct for members. It was alleged that the Councillor had breached the Code when he wrote to an adjudicator of a competition, giving the impression that he was acting as a representative of the Council, in an attempt to negatively influence the chance of a specific entry winning the competition and thereby creating disadvantage for a member of the public who would benefit if that entry was successful.

The Ombudsman investigated whether the Councillor’s actions amounted to a breach of paragraph 7(a) of the Code of Conduct which states that members must not, in their official capacity or otherwise, use or attempt to use their position improperly to create a disadvantage for another person.

The Ombudsman found that the Councillor, by writing to the adjudicator with information intended to lessen the likelihood of that specific entry winning the competition and by signing off that correspondence as a Councillor, may have breached paragraph 7(a).

The Ombudsman noted, however, that the entry subsequently won the competition, so the Councillor’s intervention did not actually cause a disadvantage to the person in question. The Ombudsman concluded that, on balance, it was not in the public interest to refer the matter to a Standards Committee or Adjudication Panel for Wales and, therefore, no further action should be taken.

Referred to Standards Committee

There are no summaries in relation to this finding

Referred to Adjudication Panel for Wales

There are no summaries in relation to this finding

More information

We value any comments or feedback you may have regarding The Code of Conduct Casebook. We would also be happy to answer any queries you may have regarding its contents. Any such correspondence can be emailed to Matthew.Aplin@ombudsman-wales.org.uk or sent to the following address:

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ

Tel: 0300 790 0203
Fax: 01656 641199

e-mail: ask@ombudsman-wales.org.uk (general enquiries)

Follow us on Twitter: [@OmbudsmanWales](https://twitter.com/OmbudsmanWales)

Further information about the service offered by the Public Services Ombudsman for Wales can also be found at www.ombudsman-wales.org.uk

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STANDARDS COMMITTEE 19/10/18

WLGA SOCIAL MEDIA GUIDE FOR COUNCILLORS		
Recommendations / key decisions required: To note the guidance		
Reasons: The use of social media a factor in many cases where a councillor is found to have breached the members' code of conduct.		
Scrutiny Committee recommendations / comments: Not applicable		
Exec Board Decision Required		NO
Council Decision Required		NO
EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)		
Directorate Chief Executives Name of Head of Service: Linda Rees-Jones Report Author: Robert Edgecombe	Designations: Head of Administration & Law Acting Legal Services Manager	Tel Nos. 01267 224018 E Mail Addresses: RJEdgeco@carmarthenshire.gov.uk.

**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
18/09/18**

WLGA SOCIAL MEDIA GUIDE FOR COUNCILLORS

The Welsh Local Government Association (WLGA) recognises that social media is playing an increasingly important role in local politics and has prepared a guide for councillors in relation to its use.

The guide explains some of the more common types of social media that are available and sets out both the advantages and disadvantages of social media use.

The guide also sets out some 'Golden rules' for social media use and specifically addresses the relationship between social media and the members code of conduct.

Finally the guide also references the various criminal and civil liabilities that could arise from misuse of social media.

DETAILED REPORT ATTACHED ?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees- Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities NONE	Legal NONE	Finance NONE	ICT NONE	Risk Management Issues NONE	Staffing Implications NONE	Physical Assets NONE
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CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees- Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not applicable

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-164	Legal Services, County Hall

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Social Media

A Guide for Councillors



Contact

Welsh Local Government Association

The WLGA's primary purposes are to promote a better local government, its reputation and to support authorities in the development of policies and priorities which will improve public service and democracy.

It represents the 22 local authorities in Wales with the 3 fire and rescue authorities and 3 national park authorities as associate members.

Welsh Local Government Association

Local Government House

Drake Walk

Cardiff

CF10 4LG

Tel: 029 2046 8600

www.wlga.wales

We are indebted to the officers and members who have contributed to this guide, particularly in Denbighshire, Flintshire County Council on behalf of North Wales Local Authority Emergency Information Team Chairs. Lawyers in Local Government, the Heads of Democratic Services, Chairs of Democratic Services Committees, the MSO and Lead Members Network, guidance from the LGA and Scottish Improvement Service and The Office of the Welsh Language Commissioner. Also, to Kevin O'Keefe, then of Excelsa Interim Management & Consultancy Ltd, who contributed to the 2013 first edition of this guide.

Contact Sarah Titcombe – Policy and Improvement Officer for Democratic Services.
029 2046 8638 sarah.titcombe@wlga.gov.uk

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Introduction

Social media is changing the world.

It is changing the way we communicate, the way we receive our news and, increasingly, the way we think about ourselves and others. Social media is transforming politics too; it makes politicians and public institutions more accessible, allows individuals to have their voices heard and helps share ideas or promote campaigns, potentially to millions, in an instant.

It is a powerful tool that can do much good but, in the wrong hands, can cause harm too. The growth of online abuse or trolling is a concern, as is the mounting evidence that organisations or even foreign agencies can exploit social media or use 'fake news' to influence public opinion or even affect democratic contests¹.

Social media's influence is growing, not only are the number of active users increasing but it is also being used more effectively as a medium to communicate, engage and mobilise.

Social media has therefore become a vital tool for councils and councillors to inform and engage with the communities they serve.

Many councillors already use social media and many more are thinking about using it. As a councillor, there are additional things to consider when using it, including the Code of Conduct and managing expectations and workload.

This guidance offers advice for those councillors who are new to social media and some tips for those already using it. Social media is rapidly evolving, so this guidance offers a general overview, some key pointers and principles and references to step-by-step resources online.

¹ <https://www.bbc.co.uk/news/uk-39830727> and <https://www.bbc.co.uk/news/world-us-canada-41355903>

1. What is social media?

Social media is a vast blanket term applied to a range of online multimedia tools; in short, social media allows you to communicate, broadcast or publish to millions in an instant, usually for free and all from a small device in the palm of your hand.

Social media can be set up and accessed via your smartphone, PC, laptop, tablet or smart TV. Social media applications (apps) or platforms allow you to communicate (either with individuals, specific groups or everyone), share information, share photos, create, edit and share audio or videos and play games with others.

Councils now use social media as a matter of course to communicate and consult with their residents who now expect this to be another communication channel, especially for urgent information. Council Twitter feeds include information on community events, school and road closures, job vacancies, sporting events and consultations, as well as details and, occasionally, detailed accounts of council meetings, including links to webcasts. Council scrutiny committees may also be using social media to promote and consult on their activities and undertake service reviews, such as in [Monmouthshire](#) and [Swansea](#).

Although there are some risks to using social media, which will be covered later in this guide, social media can be fun and innovative and can be used as an alternative method of communication and engagement, it can also break down barriers and stereotypes. Councils and other public bodies have used it for positive public relations, for example, it is worth looking at Swansea's [Faces of Swansea](#) social media campaign or the Twitter account [Love the Lagoon](#), or Torfaen's '[In the Depot](#)' video.

Some councils [have asked the public to name snow ploughs](#).

We have social media to thank for [Boaty McBoatface](#)!

Social media has a massive reach and some individuals (typically celebrities or national politicians) have many millions of followers. Social media is growing in usage too, an Office of National Statistics survey in 2017² showed that 66% of people in the UK had used social media in the last 3 months. It's not just younger people who use social media, further research by the ONS showed that there is significant use across all age groups:

²<https://www.ons.gov.uk/peoplepopulationandcommunity/householdcharacteristics/homeinternetandsocialmediausage/adhocs/007401socialnetworkingbyagegroup2011to2017>

Age	16-24	25-34	35-44	45-54	55-64	65+	All
%	96	88	83	68	51	27	66

According to Ofcom³, in 2017:



84%

OF WELSH HOUSEHOLDS
HAD ACCESS TO THE
INTERNET



74%

OF ADULTS USED
A SMARTPHONE



21 Hours

ON AVERAGE SPENT
ONLINE EVERY WEEK BY
WELSH INTERNET USERS

Facebook and Twitter are the most widely used social media platforms and therefore the most relevant to councillors. According to Twitter⁴, and Facebook⁵ there are:



AN ESTIMATED

17.1m

TWITTER USERS
IN UK



30m

FACEBOOK USERS IN THE UK
ON MOBILES ALONE...
AND OVER 2.20bn MONTHLY
ACTIVE USERS WORLDWIDE

This guide will therefore focus on Facebook and Twitter for councillors, and will touch on other platforms too.

³ https://www.ofcom.org.uk/data/assets/pdf_file/0027/104985/cmr-2017-wales.pdf

⁴ <https://www.statista.com/statistics/271350/twitter-users-in-the-united-kingdom-uk/>

⁵ <https://zephoria.com/top-15-valuable-facebook-statistics/>

Blogs

A blog (an abbreviation of “web-log”) is essentially an online journal with your latest posts appearing first. It can be a journal of diary entries, thoughts or ideas or somewhere to publish more detailed articles on particular issues. Anyone can add comments to your blog and you can use the site to link or draw attention to other online comments or sources of information. Blogs are most effective when they are regularly maintained and updated.

Blogs tend to be included as part of an existing website or via Facebook, which means it’s easier to promote and encourage broader feedback.

Some leaders or chairs produce blogs via their council websites, for example in [Caerphilly](#), [Rhondda Cynon Taf](#), and [Chairman of Denbighshire County Council](#).

Other councillors publish their own, for example:

- [Cllr Peter Black](#)
- [Deputy Lord Mayor of Swansea 2018-2019](#)
- [Cllr Neil Prior](#)

Keep at it!

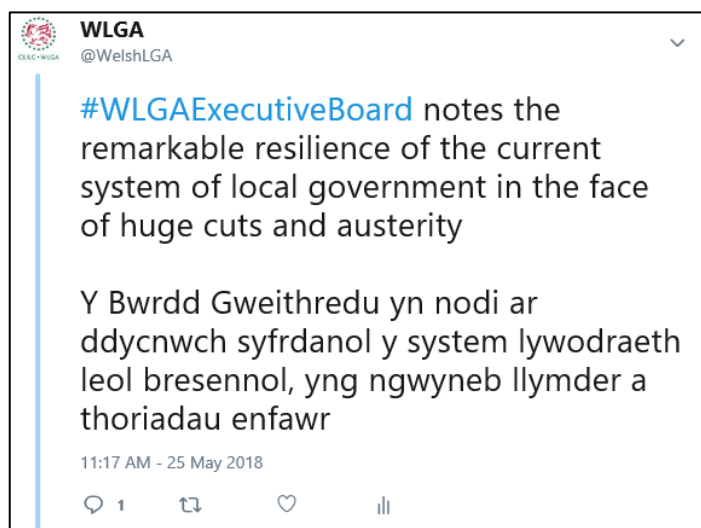
As with all social media, if you start blogging, it’s best to keep it up and keep it up-to-date; all it takes is for someone to find your last blog entry of some years ago and they can criticise you by saying ‘you have nothing else to say’ or ‘you have no new ideas’. If you do stop blogging, think about archiving the material or moving it over to a new social media platform.



Twitter is technically a micro-blog. Twitter allows you to post information, news, photos or videos in messages that are known as **tweets**. Twitter enables you to **follow** people, organisations, news or information that you are interested in and post information and messages of your own. People or organisations in turn can follow you, so they can see all of your tweets; you can even adjust the settings to allow you to be alerted when someone you’re particularly interested in tweets.

Tweets are each limited to 280 characters (characters include letters, numbers, punctuation and spaces). Tweets are not a private means of communication and can be seen by anyone who is following you.

For example:



You can **like** or **retweet** information and someone else's tweets that you would like to pass on to others. For example:



Conversations on the same theme on Twitter are called **threads**. You can search for tweets on a subject that you are interested in by typing your subject into the search box.

Tweets on the same theme are drawn together using **hashtags**. People use the hashtag symbol (#) before a relevant keyword or phrase in their tweet to categorise those tweets and help them show more easily in a Twitter search. Clicking on a hash tagged word in any message shows you other Tweets that include that hashtag.

You can have a private conversation or create a group conversation with anyone who follows you by using the **Direct Message** option. Anyone you do not follow can also send you a Direct

Warning

As a politician, others may consider your tweets 'fair game'. A good rule of thumb is not to commit anything to social media that could at some point be used against you. Even your retweets can be perceived as something you endorse or support.

As with emails, although Direct Messages are private and you may trust the recipients, they can become public if leaked!

Here are some examples of councillors' Twitter accounts:

[@LeaderNewport](#)

[@CllrRobJames](#)

[@PeterFox61](#)

[@Cllrjuliefallon](#)

[@CllrSaif](#)

[@CllrFionaCross](#)

[@elinmwj](#)

[@DebbieWallice](#)

[@Alun_Williams](#)

[@CllrJoshuaPlaid](#)

[@CllrLisaMytton](#)

[@PriorNeil](#)

And some useful organisations:

[@WelshLGA](#)

[@LGAComms](#)

[@WelshGovernment](#)

[@WG_localgov](#)

[@AssemblyWales](#)

[@BBCWalesNews](#)

Message, if you have opted to receive Direct Messages from anyone or you have previously sent that person a Direct Message.

You can **block** or **mute** accounts on Twitter. Once an account has been blocked, those accounts cannot follow you and you cannot follow them. However, even those you have blocked can still access your account through a third party who follows you.

All the details about how twitter works and how you can set up an account can be found [here](#).



Facebook is the most extensively used social network in the world. Essentially, it allows you to easily create your own webpage or group, or an interactive newsletter about you, your life, your interests and friends.

Have a look at these councillors' pages

- [Councillor Neil Prior](#)
- [Councillor Dhanisha Patel](#)
- [Councillor Matthew Dorrance](#)
- [Councillor Steve Churchman](#)

And these authority pages:

- [Wrexham Council](#)
- [Isle of Anglesey County Council](#)
- [Blaenau Gwent County Borough Council](#)
- [Snowdonia National Park](#)
- [Flintshire County Council](#)
- [Vale of Glamorgan Council](#)

To use Facebook, you'll need to create a profile - a **Timeline** where you might add a photo, describe yourself, what you do and your interests. You can also describe your **Status** which would inform your friends about how you are feeling or what you are doing at any given time. You can update this as often as you like.

On Facebook, you can invite people to be your **Friends** and set different levels of access to your account. Some people can see all the information about you or you can make less detail available to others. You can also use Facebook to communicate with groups or individuals. People who find your page, comments or proposals of interest can **Like** you or your latest post, which encourages further use, and is a useful way of taking a straw poll of your ideas. People can also add a **Comment** on your post or **Share** your post on their own timelines.

You may wish to set up a Facebook page about your community, to promote events, announcements or your council activities; many councils and councillors do this and it can be a very effective method to engage and seek views from the community. You should be prepared to receive challenge and criticism however, as it is an open forum and not everyone will agree with your ideas or views; you can however set rules, moderate and edit other people's posts if their language or content is offensive or inappropriate.

You can also set up a Facebook group. When you [create a group](#), you can decide whether to make it publicly available for anyone to join, require administrator approval for members to join or keep it private and by invitation only.

You can send private notes to any "friend" you're connected with on Facebook; they can only be seen by the person to whom they're sent; Facebook's **Messenger** app is increasingly popular. You can also '**Live Chat**' on Facebook. This is a real-time conversation with any of your Facebook friends who happen to be online and signed in at the same time as you are.

Crucially, Facebook lets each user control who can see their personal information and what they post on the network. You can set the level of privacy for different categories of your information and posts and extend different levels of permission to different people who view your site. As a member you might want to differentiate between what you show your close friends and family and members of the public. Find out more and join Facebook [here](#).



WhatsApp is a free messaging app which also allows you to have traditional 'phone conversations'. It is very popular as it allows you to set up groups of friends or colleagues to keep them updated on a particular theme. It may be a quick and easy way, for example, of keeping your political group up to date on key issues. You can download the app from various app stores or visit [the website](#).



YouTube is a video sharing platform. Videos are easy to record via a smartphone and are more easily distributed via Twitter or Facebook, however, some people prefer to use YouTube and it is increasingly being used by councils to post information. Here are some examples:

[Cardiff](#)

[Conwy](#)

[Gwynedd](#)

[Monmouthshire](#)

[Powys](#)

2. Why you may find social media useful

Social media will allow you to open new conversations with the people you represent, and the potential for councillors using social media is huge. Social media allows you to be innovative and responsive as well as providing links to useful sources of information or sign-posting to other organisations.

Don't ignore social media – it's there and won't go away! People are already online and it's growing, and people increasingly expect their councillors to be contactable via social media. If you're not involved people may bypass you or may even 'talk about you' and you'll be missing out on a useful source of intelligence.

- It's a useful way of finding out what people are talking about locally, their concerns and interests.
- It's useful for finding out about breaking news, the latest research or publication or the latest policy announcements from political parties.
- It's a good way of making the electorate more aware of the work you do personally.
- It can help make you appear more human and down-to-earth! People often don't understand what councillors do and may have negative perceptions, but social media can give people a taste of your personal life and remind them that you are just like them, with similar interests – you do need to consider balance though and how much of your personal life you want in the public domain: for example - do you want strangers to be able to identify your family and friends?
- It's an effective way of coordinating campaigns, for example, mobilising support and interest and gathering followers, you can also allow campaign workers access to your Facebook account to post on your, or your campaign's, behalf to share the workload.
- It allows you to have a conversation with a range of people that you would never be able to physically meet and who do not traditionally seek out their local representatives.
- It allows for immediate communication. You can pass on information and receive opinions in minutes. You can forward information from other people equally quickly. "Going Viral" refers to a mass spreading of a piece of information around the world – but be careful, only share information you are confident is correct, Fake News is damaging and there is the risk of defamation if you spread falsehoods.

- The local and sometimes national press will follow councillors on Twitter or Facebook. Social media is a growing source for stories for news outlets as each tweet or comment is effectively a mini-press release. Journalists will know what you are talking about the minute you talk about it.
- Social media is mobile. You can take it around your community, on the train, or to a coffee shop. You can upload pictures and videos, showing for example your role in local events, pictures of potential sites for development, new buildings, local eyesores - a picture tells a thousand words.
- It's free and you probably already have the equipment you need. All you need is time.
- You can receive immediate feedback on your ideas and manifesto to allow you to modify your proposals in line with local thinking.
- Above all, it can be a lot of fun!

What are the drawbacks?

- Having a social media presence means that people can contact you 24/7. This is great in terms of accessibility but means that they may expect you to reply immediately. Technology and social media has raised expectations, people often expect a speedy response and resolution to their query; this expectation, coupled with the fact that social media shows everyone how responsive you are, can create more pressure.
- Using social media can become addictive, many people find themselves answering messages late into the night because they just can't put it down.
- Similarly, too much weight can be given to what goes on in the 'Twittersphere'; sections of Twitter are often described as 'echo chambers' – it may only be a couple of people with a limited number of followers with strong views on a subject who are 'bouncing' off each other – they may be in the minority and not be representative - the rest of the community or the rest of society may be blissfully unaware or may not think in the same way!
- People can post false information, insults or messages that you would not want to be associated with on your social media platforms. These can be spread rapidly via social media.

- Some people say things via social media that they would not say to your face, it's an easy way of taking personal pot shots at councillors. People making these comments are often called 'Trolls' and may not be interested in facts, just in attacking you.
- Councillors, and in particular women councillors, are increasingly the subject of online abuse, bullying and harassment on social media.
- The WLGA has produced a [separate guide](#) on how to deal with online abuse.

It's easier said than done, but try not to get too concerned about what's said online...

You are likely to receive criticism at some point and trolls may try to rile you, but often they will have few followers and their comments may not be seen by many people. Keep calm and the best advice is to ignore, often trolls will crawl back under their bridge...if it does get serious, you can report it

Are you controlling your social media use or is it controlling you?

Recent research has recognised that some people feel out of control in their use of social media⁶.

Ask yourself how comfortable you feel if you cannot access your social media accounts. It is important for councillors to bear in mind that even if the rest of the world seems to be online 24/7, you don't have to be. Being a councillor is a professional role and you can decide how available you want to make yourself. There are some common recommendations for managing your time in front of a screen and you may want to consider some of these:

Top tips to manage social media use

- Establish a routine, check your messages at the same time every day rather than responding to the 'ping' of every new message arriving
- Looking at a screen can disrupt your sleep patterns, consider turning off all screens two hours before going to bed and make the bedroom a screen free zone
- When you are with your residents face to face, give them your undivided attention to help you focus on what's happening where you are and not appear rude.

⁶ <http://www.bbc.com/future/story/20180118-how-much-is-too-much-time-on-social-media>

3. Getting started

A good place to start is to contact your Democratic Services officers and find out what support and training is available.

Choose your medium and sign up. Signing up is very straightforward and will take you less than five minutes! Facebook and Twitter are good places to start.

If you don't already have an account, ask a colleague, friend or family member for advice, ask them to show you how they use social media. You might want to begin with a trial personal account (rather than calling yourself "Councillor Jones") and experiment with family and friends. Make sure that you understand how people find you and who can access your material.

Remember:

On Facebook you can control who has access to different parts of your account. You can manage what the world sees and what your "friends" see.

On Twitter the whole world can see everything you tweet. You can '**Protect my Tweets**', which essentially makes your tweets private to only your current followers, but that defeats the object of using Twitter to engage more widely.

When you are ready to set up your final account, consider the identity you use. The name you give yourself online is important as it allows people to find you. Prefacing your Twitter account with Cllr lets people know exactly who you are and indicates that the Code of Conduct will apply.

Consider:

- Different councillors have different views, but you might want to consider setting up a separate personal and "councillor" account, at least at first - you can talk about the amazing food in the restaurant around the corner to your friends and followers in your informal account, and the plans for the new bypass to your friends and followers on your councillor account.

Separate accounts can help you manage some of the online trolling that is likely to come your way as a councillor – it can be a way of keeping your home life and councillor life separate.

However, many councillors think that some of their personal comments about food, places they've visited, football matches or TV helps break down perceptions of councillors and proves that they are normal like everyone else!

- Make it easy for people to find you online. Many people will start their search for the area that you represent, so make sure you mention your location frequently as this will then be picked up by search engines. You will also want to make sure that your social media account details are on your business cards, posters and flyers.
- Increase your social media following by following other people, retweeting other people's tweets, liking tweets or posts or commenting on people's Facebook posts. Find people on Twitter with links to your community, county or region or with similar interests by searching using the 'hashtag' (#) symbol to prefix your search term for example #llandrindod, #powys #midwales.
- Reach more people on Twitter by timing your tweets when the audience you want to reach are online. Ask your friends for a retweet, use hashtags and include photos for a larger and more noticeable post.
- Be disciplined about making time available to write new content and answer your "friends" and "followers" at a regular time each week to update your Facebook status and throughout the day to check Twitter. If you use your mobile phone, you can set notifications to alert you each time you are mentioned in a tweet.
- If you do not want to be available every hour of the day or night, tell people when your account will be checked, for example you might add "available 9.00-7.00 weekdays" on your profile.
- Decide on what you are going to talk about and how. This could be
 - Weekly updates of your own activities as a councillor - don't forget your pictures! This works better on Facebook as you can include more detail. Remember a tweet is only 280 characters and tends to be more instant and timely.
 - Regular updates on council policies and actions of interest to your community.
 - Links and re-tweets of other relevant national activities.
 - Issues on which you would like feedback.
 - Notice of events and public meetings.

- Using social media is all about two-way communication, it's good for providing information to your community or flagging up press statements, but it's better as a tool to get useful feedback. You will get feedback and you should expect some people to challenge your ideas or enter into a debate with you online. This is part and parcel of social media.
- Keep your communications clear, positive, polite and professional. Plain language helps. Many people use abbreviations on Twitter – you'll pick these up as you go along!
- On Facebook, you will need to monitor and, if necessary, censor the contributions that other people make to your page; or group and delete them if they do not match your required standards of behaviour or language. Defamatory and offensive language could be attributed to the publisher (that's you!) as well as the original author and could incur financial liability. It is up to you to decide if you want to remove posts that disagree with your political position, however if you do remove them you may be accused of censoring contributions on political grounds.
- It is up to you to decide if you want to remove posts that disagree with your political position, however if you do remove them you may be accused of censoring contributions on political grounds.
- Bear in mind that constituents may find party political point scoring tedious and prefer to hear information about what you are achieving.
- If appropriate, consider setting up an account for your ward with your fellow ward members – this way you can share the administrative tasks.
- If you don't have anything to say...don't say anything. Even though it's tempting to let your followers know how busy you are they will soon become bored with constant updates on your day without some relevant or interesting information.

Monitoring social media

It can be difficult to keep on top of what's happening online; people are posting and tweeting all the time and if you are following many people or organisations, social media can become 'noisy' and you could miss things of interest or significance.

A quick way to check up on things on Twitter is to visit the Twitter page of some of your favourite people, organisations or news outlets to see what they've been saying. You could also search for a particular theme or issue with a hashtag#.

If you're keen to find out what people are saying about you, your local area or local council for example, there are social media management applications that you can use such as [Hootsuite](#) or [Buffer](#). These are simple to set up and use and can allow you to see how often people read or retweet your tweets. It also allows you to schedule tweets, for example, to send a pre-prepared tweet at a certain time of day.

The Welsh Language

As a councillor you will want to use and promote the Welsh language and culture as much as possible. There are also legal requirements which apply to the use of the Welsh language on social media. How these rules apply, depends on the type of work you are doing and which of the Welsh Language Standards apply to your local authority.

When you are representing your local authority, the same standards will apply to you as they do to officers. So, if you are, for example, a cabinet member tweeting about a new policy decision, a mayor blogging about your recent activities on behalf of the council, the chair of a scrutiny committee undertaking a formal consultation on behalf of the committee or letting people know about the forward work programme of the committee, then you may be subject to the standards which apply to the officers in your authority.

This may mean that your communication, including responses to messages, must be translated and the content and format of the message must treat the Welsh language no less favourably than the English language. Your authority will provide you with guidelines for how your local Welsh language standards apply when you are representing the authority – if you are in any doubt, it's best to contact the council for guidance.

If you are acting in the capacity of a ward member, acting on behalf of individuals or communities then the same rules apply as if you were a member of the public. So, regardless of your role on the council, if you are tweeting about a local fete, commenting on a council decision in, for example, your role on a local pressure group, or retweeting a complaint about pot holes then you may communicate in the language of your choice.

The exception to this is when you are communicating in relation to an activity for which you are using council resources (beyond the standard remuneration and equipment provided to you as a member) for example council buildings for a community meeting.

Some of the [practical guidance](#) in the Welsh Language Commissioner's guide for businesses and charities about using Welsh on social media may be useful.

4. Staying safe and dealing with trolls

Some form of online disagreement and criticism is inevitable and, if you're not online, you or your policies may already be subject to debate without you. Disagreement and challenge is a key feature of democratic debate, however, online it can easily spill over into abuse or harassment.

You will therefore need to prepare yourself for some uncomfortable reading, which may cause some upset. You cannot prevent online abuse, but you can take control of how and whether you respond and, if it becomes serious, you can report it.

The WLGA has produced separate guidance on dealing with online abuse which you may find useful. You can read it [here](#).

Some advice

- **Take Control**

Decide for yourself and make it clear on your homepage what you expect from people who are engaging with you on social media. You might say, for example, that whilst you welcome an open and frank exchange of views, any inappropriate comments will be removed and that any comment which is libellous or threatening or becomes harassment will be reported.

- **Remember that you don't have to put up with abuse or harassment just because you are a political figure**

Be prepared to 'Mute', 'Block' or 'Unfriend' abusive users from your account or ask them to remove comments. If a comment crosses the line into abuse or harassment you can report this to Facebook or Twitter or even the police.

- **Respond or ignore?**

When faced with an abusive comment give yourself some time to decide whether to respond or ignore it. Trolls often have few followers or few followers of significance – if you reply it can lead to a tit for tat argument fuelling further confrontation and provides the troll with the "oxygen of publicity" or the satisfaction of seeing you riled. Chances are you'll have far more followers than the troll, so if you reply, all of your followers will be aware of the troll's original tweet. Ignoring the comment can lead to short term allegations of dodging an issue but may succeed in the long term.

Don't feed the troll!

- **Stay calm and polite**

Not every criticism is from a troll – sometimes a frustrated member of the public may be critical or angry with you initially on social media, particularly if they are trying to resolve a council service issue. If you respond constructively, their tone will change and they may even apologise or show you appreciation online.

Bear in mind that for every troll there will be many more legitimate and sensible followers. Think of them when you respond. One approach is to respond with facts only or to refer the troll to a longer factual statement about the situation or a set of “frequently asked questions” that you can post to pre-empt queries. You might want to invite the troll to a public meeting. They may find it harder to be abusive in public. You may also want to remind the troll that you are more than happy to have a political debate in your role as a councillor but that personal comments about you or your family are unacceptable.

The [Facebook](#) and [Twitter Help Pages](#) have full details about how to block users and how to report abuse

A Criminal Offence?

If someone sends threatening, abusive or offensive messages they may be committing an offence. If you receive a message which you consider falls into this category, do not respond to it, check out the guidance provided by the [police](#) and [CPS](#) and if appropriate report it.

5. Support from the council

A good place to start is to contact your Democratic Services officers and find out what support and training is available

Councillors are generally provided with the ICT equipment that they need to do their job. The Independent Remuneration Panel expects that this will include equipment, support and training.

It is also reasonable to expect that you should have access to social media sites via council ICT equipment to enable you to carry out your councillor role more effectively. You do not need the council to set you up with a personal social media account, but you should take advantage of any training or guidance provided to help you use it properly.

Most councils have a social media policy. You will need to abide by this and any social media protocols that may have been agreed when using your “councillor” account.

It’s worth remembering that the council is responsible for any information provided on its website and is subject to legal responsibilities. **You** are personally responsible for the material that you broadcast via your own social media accounts or websites – but more of this later.

Advice will be available to you from a number of council officers. The Monitoring Officer, Head of Democratic Services, the Communications Team and the ICT Manager are likely to have useful advice.

Using social media in an emergency

During emergencies (such as severe weather events, pollution incidents or major fires) partner agencies such as local authorities, police, health, Natural Resources Wales and fire and rescue services will use social media to provide information to help people prepare, keep them informed and to signpost where they can get help.

It’s important during these situations that the most up to date and correct information is communicated to the public and the partner agencies will coordinate the content and timing of the information to be provided.

In an emergency situation, the council will also identify an official spokesperson - an officer or a senior member - who will use the approved information to speak on behalf of the council.

It's always best in these circumstances to restrict your own social media activity to sharing official communications from the partner agencies responding to the situation.

For more information about how your council operates in these circumstances please contact your council's civil contingencies team so that you know what to do in an emergency.

6. Social media and council meetings

Your council's social media policy and/or council constitution will provide you with guidance about if and when you can use social media during council meetings. Other than what your constitution or social media policy says, there is no legal reason why you shouldn't use social media during meetings. However, some common sense does need to apply.

Tweeting on meeting progress and receiving comments from the community can be helpful for transparency and engagement BUT excessive use of Twitter may give people the impression that you are not concentrating on the business in hand or are even relying on guidance from outside the meeting. For that reason, it is probably sensible not to use Twitter during a planning or licensing debate. Committee chairs may want to decide how to address this in their meetings and you should abide by the rules set out in your constitution.

Many politicians tweet their contributions or questions to meetings or debates to keep their followers informed of how they're representing their communities' interests. Remember, you may not need to tweet about the detail of a meeting if the meeting is being webcast. Your council may have official" twitter feeds for live on-line conversations to run alongside the meeting webcast.

Remember that you should not tweet or communicate in any way the content of exempt or confidential business dealt with by local authorities in closed session such as when making formal appointments.

7. Golden rules

- Think before you tweet or post on Facebook. Do not say anything, post views or opinions that you would not be prepared to:
 - Discuss face to face with the person you are speaking about.
 - Write on a placard and carry down your high street and discuss and defend with anyone who sees it.
 - Be prepared to have minuted in a public meeting – remember, Twitter or Facebook effectively publicly minutes everything for you as you go along!
- Remember that once you have said something it may be seen by millions - friends, supporters, political opponents and the press and could be re-tweeted around the world in minutes.
- Keep your messages professional, polite and positive.
- Remember to try to keep tweets and texts separate – many people tweet comments that they would have texted to someone privately before the advent of social media; this may be about meeting up later (do you want all your followers knowing your plans and gate-crashing your lunch!?) through to 'in' jokes or banter that could be misinterpreted.
- Exercise discretion when choosing who to follow on Twitter or 'befriend' on Facebook, for example, some council employees might find it a bit uncomfortable or inappropriate to have a councillor hanging on their every word. If you follow or are Facebook "friends" with council employees, contractors who have been procured to provide services to the council, a company or member of the public making a planning application or pressure groups, this might be construed as having a close personal association with them and therefore a personal interest.

Warning

Don't discuss casework on social media or encourage people to contact you about issues that might be personal to them.

Encourage them to use more secure channels.

- If you make a mistake admit it. Mistakes happen so don't try to cover it up as there will always be a record of what you've said.
- Don't tweet or post on Facebook when you are "tired or emotional"! It's probably sensible to turn off your phone at any time when you think your judgement may be impaired. Even if you exercise social media control, other people will still have their smart phones, so may post a photo or video of you 'enjoying yourself'; you need to let your hair down, but it's just one extra thing to consider as a councillor in the age of social media.
- As with your own leaflets or newsletters, ask permission before taking a picture that you intend to use. NEVER take photos of children without the express permission of their parents based on an understanding of what you intend to use the picture for. Your council will have a policy on taking pictures of children, take advice on this before taking or using pictures.
- Do not allow anyone else access to your social media accounts. Protect your passwords and use robust, unique passwords and change them regularly especially if you use a public or shared computer.
- Just like email, you can be hacked on social media! Be wary about direct messages via Twitter, even from people you know, with messages such as 'Hi, have you seen this photo of you on Twitter?' Delete these before opening, as the spam could then be sent to all of the people you are following. Do not open videos or links on, for example, Facebook Messenger if you are not expecting them. It could be a hack.

THINK before you post; even if you later delete your post, someone may have already taken a screen shot.

CHECK before you share or retweet information.

Is it true?

Who said it and why?

Do you trust the source?

8. Keep on the right side of the law...

Councillors new to social media tend to be concerned about the legal implications. It is an important consideration, and some councillors and other politicians have fallen foul of the law, but with careful use and following some ground-rules you will be fine!

The style of communication employed in the social media environment tends to be fast and informal. Messages can appear lightweight and transitory.

Whenever you post something on social media, it becomes a publication, you have effectively made a broadcast. As it is now in the public domain, it is subject to both the **Code of Conduct** and to various **laws**.

Code of Conduct

If you conduct yourself on Twitter or Facebook as you would in person on the street or in your leaflets, then you will be fine.

Remember that according to guidance from the Ombudsman, the Code of Conduct applies to you whenever you are "Conducting the business of your authority, acting, claiming to act or give the impression you are acting in your official capacity as a member or representative of your authority" Also the Code applies if you "Conduct yourself in a manner which could reasonably be regarded as bringing your office or your authority into disrepute"⁷

If you can be identified as a councillor when you are using social media, either by your account name or how you describe yourself or by what you comment upon and how you comment, the requirements of the Code of Conduct apply. If you say something that could be regarded as bringing your office or authority into disrepute the Code applies even if you are not apparently acting in your official capacity or do not identify yourself as a member.

Remember that the Ombudsman's guidance states that "Making unfair or inaccurate criticism of your authority in a public arena might well be regarded as bringing your authority into disrepute"

⁷ <https://www.ombudsman.wales/guidance-policies/>

In the same way that you are required to act in council meetings or in your communities you should:

- **Show respect for others** - do not use social media to be rude or disrespectful
- Not disclose confidential information about people or the council
- **Not bully or intimidate others** - repeated negative comments about or to individuals could be interpreted as bullying or intimidation
- Not try to secure a benefit for yourself or a disadvantage for others
- **Abide by the laws of equality** - do not publish anything that might be seen as racist, sexist, ageist, homophobic, anti-faith or offensive to any of the groups with protected characteristics defined in the Equality Act 2010. Even as a joke or "tongue in cheek"

Predetermination

As a councillor, you are aware that when you act in a quasi-judicial capacity, for example on a planning or licensing committee, you should not make up your mind about an issue that is to be formally decided upon before you had heard all the relevant information. You are allowed to be predisposed to a particular view but not to have gone so far as to have predetermined your position.

It is important to remember therefore, that anything relevant you might have said about particular issues on social media could be used as evidence of your having made up your mind in advance of hearing all the relevant information.

Don't become a troll yourself!

Social media is a great tool for councillors to challenge and scrutinise, but always think about what you are saying, how you are saying it, how often and about whom. If you are perceived to be too aggressive or too confrontational or too frequent, it could begin to damage your reputation, undermine your relationship with colleagues or you could risk breaching the Code of Conduct in terms of bullying, intimidation or lack of respect for others.

It's therefore not appropriate for you to use social media to criticise your council's officers, who often will not be in a position to defend or respond publicly.

Many councils have apps or member referral services; it is often best to use these mechanisms to request council services or report local concerns as you are likely to receive a resolution to your request.

Criminal Offences

Don't panic! These generally apply to you already in your conduct as a councillor, but it is worth considering them as they apply to social media:

Harassment - It is a criminal offence to repeatedly pursue a campaign against someone where this is likely to cause alarm, harassment nuisance or distress.

Data Protection and the General Data Protection Regulation. - It is illegal to publish personal data about individuals unless they have given you their consent. This might apply to your constituents or service users. As a councillor you are a data controller in your own right and therefore personally responsible for what you publish. Make sure you understand the requirements of the GDPR and Data Protection Act. There is more information about this [here](#).

Contact the Data Protection Officer in your council for more information.

Incitement - It is a criminal offence to incite any criminal act.

Discrimination and Racially Aggravated Offences (or any other protected Characteristic) - It is a criminal offence to make a discriminatory remark about anyone based on a "Protected Characteristic" as defined in The Equality Act 2010 (such as their race, religion, sexual orientation etc).

Malicious & Obscene Communications - It is a criminal offence to send malicious or obscene communications.

Remember

If you receive a message or someone posts something on your page that you consider to be unsuitable remove it as soon as possible. If you "like" or appear to endorse or retweet a message or image you are regarded as having published it, and will face any legal consequences. It is therefore important to regularly check and moderate any site on which others can post. If you are in any doubt about how to deal with a message you receive, consult your Monitoring Officer.

Civil Law

This is where things get riskier for anyone who uses Twitter or Facebook, whether they are councillors, members of the public or celebrities:

Defamation - It is against the law to make a false statement about someone which damages their personal or professional reputation. **Crucially - even if you simply retweet or pass on information originally posted by others, you may still be held equally as responsible as the original commentator.** This can also apply to publishing images. If found liable to another person, you could be ordered to pay large sums of money as damages.

Copyright - The legal ownership of the contents of documents, photos, videos and music belong to the person who created them. You could be in breach of copyright if you reproduce such material without the owner's permission. Always ask for written consent before you use someone else's material.

Political Comment and Electioneering - Remember that although it is acceptable to make political points or canvass votes via your own social media accounts this will not be permissible if you are using this via council supplied computer equipment, certainly in the run-up to elections. The Electoral Commission has further information about the return on expenditure that candidates need to provide on advertising or campaign literature.

Beware of Fake News!

Social media is breeding ground for fake news or 'click bait' (where a deliberately salacious headline with a link tries to draw you in, often to a very mundane news item accompanied by lots of pop-up adverts); view all news or gossip with a discerning eye – it could be embarrassing if you retweet or promote fake news and, worse, you could be breaking the law if you circulate false statements about someone, even if you are just retweeting something someone else has posted.

9. Further information, interesting sites and sources of help

Bear in mind that information, sites and terminology change quickly. The next big social media platform will soon be on its way. Here are some current examples of information and useful sites but bear in mind that they may be quickly out of date.

Social Media websites

[Sign up to Twitter here](#)

[Sign up to Facebook here](#)

[Social Media Checklist for Councillors](#) (Local Government Association)

[#FollowMe - A guide to social media for elected members in Scotland](#)
(Scottish Improvement Service)

[Nextdoor](#) is a social network for neighbourhoods where people who live within the same or neighbouring communities can share information, organise events and take opinion polls. It's a useful platform for members to raise awareness and tap into what is interesting or concerning local residents.

10. Links

Here is a list of the links that were used in this guide:

Monmouthshire County Council - https://twitter.com/Mon_CC_Scrutiny

Swansea Council - <https://twitter.com/SwanseaScrutiny>

'Faces of Swansea Council 2018' Twitter campaign - <https://twitter.com/hashtag/facesofswansecouncil2018>

Love the Lagoon - <https://twitter.com/lovethelagoon?lang=en>

'In the Depot' campaign, Torfaen County Borough Council - <https://www.youtube.com/watch?v=G6UerjFCLdI>

Naming gritting lorries, BBC News - <https://www.bbc.co.uk/news/uk-england-south-yorkshire-42026485>

Public using social media to choose the name 'Boaty McBoatface', BBC News - <https://www.bbc.co.uk/news/uk-england-36064659>

Blogs

Caerphilly County Borough Council Leader's blog - <http://www.caerphilly.gov.uk/My-Council/Councillors-and-committees/Leader-s-blog>

Rhondda Cynon Taff County Borough Council Leader's blog - <https://www.rctcbc.gov.uk/EN/Council/TheLeadersBlog/RhonddaCynonTafCouncilLeadersBlog.aspx>

Denbighshire County Council Chairman blog - <https://denbighshirecouncilchairman.wordpress.com/>

Cllr Peter Black - <http://peterblack.blogspot.com/>

Deputy Lord Mayor of Swansea 2018-19 - <http://swanseamayoralmusing.blogspot.com/>

Cllr Neil Prior - <https://www.linkedin.com/pulse/year-county-councillor-surviving-thriving-elected-life-neil-prior/?published=t>

Councillor Twitter accounts

Cllr Debbie Wilcox - <https://www.twitter.com/LeaderNewport>

Cllr Rob James - <https://twitter.com/CllrRobJames>

Cllr Peter Fox - <https://twitter.com/PeterFox61>

Cllr Julie Fallon - <https://twitter.com/Cllrjuliefallon>

Cllr Saifur Rahaman - <https://twitter.com/CllrSaif>

CLlr Fiona Cross - <https://twitter.com/CLlrFionaCross>
CLlr Elin Walker Jones - <https://twitter.com/elinmwj>
CLlr Debbie Wallice - <https://twitter.com/DebbieWallice>
CLlr Alun Williams - https://twitter.com/Alun_Williams
CLlr Joshua Davies - <https://twitter.com/CLlrJoshuaPlaid>
CLlr Lisa Mytton - <https://twitter.com/CLlrLisaMytton>

Useful organisations' Twitter accounts

Welsh Local Government Association - <https://www.twitter.com/WelshLGA>
Local Government Association - <https://www.twitter.com/LGAComms>
Welsh Government - <https://www.twitter.com/WelshGovernment>
Local Government Section, Welsh Government - https://www.twitter.com/WG_localgov
National Assembly for Wales - <https://www.twitter.com/AssemblyWales>
BBC Wales News - <https://www.twitter.com/BBCWalesNews>

Councillor Facebook pages

CLlr Neil Prior - <https://www.facebook.com/cllrneilprior/>
CLlr Dhanisha Patel - <http://www.facebook.com/dhanisha4ogmore/>
CLlr Matthew Dorrance - <https://www.facebook.com/CLlrMatthewDorrance/>
CLlr Steve Churchman - <https://www.facebook.com/councillorstevechurchman/>

Local Authority Facebook pages

Wrexham Council - <http://www.facebook.com/wrexhamcouncil/>
Isle of Anglesey County Council - <http://www.facebook.com/IOACC/>
Snowdonia National Park - <https://en-gb.facebook.com/visitsnowdonia>
Flintshire County Council - <https://www.facebook.com/Flintshire-County-Council-124912774260207/>
Vale of Glamorgan Council - <https://www.facebook.com/valeofglamorgancouncil/>

Council YouTube pages

Cardiff Council - <https://www.youtube.com/user/cardiffcouncil/featured>

Conwy County Borough Council - <https://www.youtube.com/user/ConwyWeb>

Gwynedd Council - <https://www.youtube.com/user/CyngorGwynedd>

Monmouthshire County Council -

https://www.youtube.com/channel/UCZHCKKCI7DqtxDabOkj_Esg/featured

Powys County Council - https://www.youtube.com/channel/UCop_U-YVW7OB0jRIt3b8f1Q

Social media support pages

Facebook support pages - <https://en-gb.facebook.com/help/tools>

Twitter support pages - <https://help.twitter.com/en/safety-and-security/cyber-bullying-and-online-abuse>

Welsh Language

Welsh Language Commissioner guidelines on using the Welsh language on social media -

<http://www.comisiynyddygyymraeg.cymru/hybu/SiteCollectionDocuments/Using%20Welsh%20on%20Social%20Media%20SA.pdf>

Guidelines

WLGA Councillors' Guide to Handling Online Abuse -

<http://www.wlga.wales/SharedFiles/Download.aspx?pageid=62&mid=665&fileid=1504>

Police social media guidelines - <https://www.askthe.police.uk/content/Q770.htm>

Crown Prosecution Service guidelines on social media communications -

http://www.cps.gov.uk/legal/a_to_c/communications_sent_via_social_media/

The General Data Protection Regulation - Information for Councillors, WLGA -

<https://www.wlga.wales/gdpr-information-for-councillors>

Local Government Association (LGA) social media guidelines -

<https://www.local.gov.uk/our-support/guidance-and-resources/comms-hub-communications-support/digital-communications/social-1>

Scottish Improvement Service Social Media guide for elected members -

http://www.improvementservice.org.uk/documents/elected_members/follow-me-guide-to-social-media-for-elected-members.pdf

Useful links for social media websites

Twitter - <https://twitter.com/>

Facebook - <https://en-gb.facebook.com/>

Nextdoor - https://nextdoor.co.uk/about_us/

WhatsApp - <http://www.whatsapp.com/>

Hootsuite - <https://hootsuite.com/>

Buffer - <https://buffer.com/>

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STANDARDS COMMITTEE 19/10/18

CODE OF CONDUCT TRAINING FOR TOWN AND COMMUNITY COUNCILLORS 2018

Recommendations / key decisions required:

To consider the report

Reasons:

The subject matter of this report falls within the remit of the Committee

Scrutiny Committee recommendations / comments:

Not applicable

Exec Board Decision Required NO

Council Decision Required NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)

<p>Directorate</p> <p>Chief Executives</p> <p>Name of Head of Service:</p> <p>Linda Rees-Jones</p> <p>Report Author:</p> <p>Robert Edgecombe</p>	<p>Designations:</p> <p>Head of Administration & Law</p> <p>Acting Legal Services Manager</p>	<p>Tel Nos.</p> <p>01267 224018</p> <p>E Mail Addresses:</p> <p>RJEdgeco@carmarthenshire.gov.uk.</p>
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**EXECUTIVE SUMMARY
STANDARDS COMMITTEE
19/10/18**

**CODE OF CONDUCT TRAINING FOR TOWN AND COMMUNITY
COUNCILLORS 2018**

In accordance with previous decisions of the committee correspondence was sent to all Town and Community Councils in the County inviting them to send representatives to two training sessions on the members code of conduct which were held in County Hall Carmarthen on the evenings of the 14th and 26th June.

The training was provided by Mr Robert Edgecombe (Legal Services Manager/Deputy Monitoring Officer) and Mrs Ann Evans (Senior Solicitor), with assistance from Miss Catrin Rees (Trainee Solicitor). Mrs Linda Rees-Jones (Monitoring Officer) also attended the session on the 14th June and contributed significantly to the discussions.

33 delegates attended the session on the 14th June and 47 the session on the 26th June. This represents a slight reduction in overall attendance compared to previous years. These 80 delegates between them represented 30 different Town and Community councils.

All delegates were asked to complete feedback forms and the responses were overwhelmingly positive. Some delegates have asked that the welsh language element of the presentation be extended further in future sessions.

Copies of the presentation, case studies and the 'easy use' guide on personal interests have also been sent to all Town and Community Councils since the training sessions were held.

DETAILED REPORT ATTACHED ?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities NONE	Legal NONE	Finance NONE	ICT NONE	Risk Management Issues NONE	Staffing Implications NONE	Physical Assets NONE
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CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees Jones

Head of Administration and Law

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee

Not applicable

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not applicable

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal files	DPSC-163 & 164	Legal Services, County Hall

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