

**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL  
SERVICES AND MONITORING OFFICER**

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**PUBLIC SERVICES OMBUDSMAN FOR WALES – UPDATED CODE OF  
CONDUCT GUIDANCE AND PROCESS; AND EQUALITY AND HUMAN RIGHTS  
CASEBOOK 2022/23**

**Reason for this Report**

1. To allow the Committee to consider information provided by the Public Services Ombudsman in relation to:
  - (i) Updates to the Code of Conduct Guidance and process; and
  - (ii) The Equality and Human Rights Casebook 2022/23.

**Background**

2. The Ombudsman has three specific roles:
  - (i) To consider complaints about public services providers in Wales;
  - (ii) To consider complaints that members of local authorities have breached their Code of Conduct; and
  - (iii) To drive systemic improvement of public services.
3. The second aspect of the Ombudsman's role, in relation to complaints about Members breaching the Code of Conduct (point (ii) in the paragraph above) corresponds to the statutory remit of the Standards and Ethics Committee. However, the other aspects of the Ombudsman role fall outside the Committee's terms of reference.
4. The Ombudsman may investigate complaints that a Member has breached their authority's Code of Conduct. If the Ombudsman finds a complaint is justified and where it considers it to be in the public interest to do so, the Ombudsman may refer a complaint for determination by the relevant Standards Committee or to the Adjudication Panel for Wales.

**Issues**

Code of Conduct Guidance and Process

5. The Ombudsman has written to the Chairs of Standards Committees regarding their Code of Conduct complaints guidance and process. The Ombudsman's letter is attached as **Appendix A**.

6. The Committee will note that the Ombudsman indicates that their statutory guidance on the Members' Code of Conduct (with separate guidance for Members of Town and Community Councils) has been reviewed and updated. The updated Code of Conduct Guidance is attached as **Appendix B1** (for Members of Principal Authorities) and **Appendix B2** (for Members of Town and Community Councils).
7. The updated Code of Conduct guidance for Members of principal authorities includes reference to the new statutory duties on political group leaders and standards committees (at paragraphs 1.27 and 1.26 respectively) introduced under the Local Government and Elections (Wales) Act 2021.
8. The Ombudsman's letter to Chairs (**Appendix A**) also explains minor changes introduced in relation to their complaints notification process. The implications of this process change for Cardiff's arrangements for reporting complaints to the Standards & Ethics Committee are dealt with in the Complaints Update report under Agenda Item 9.

#### Equality and Human Rights Casebook 2022/23

9. The Ombudsman has also issued its fourth Equality and Human Rights Casebook 2022/23, which is attached as **Appendix C** for Members' information. It should be noted that it is only the limited information about complaints relating to Code of Conduct matters (for example, in the penultimate paragraph of the Foreword), which falls within the remit of the Standards and Ethics Committee.

#### **Legal Implications**

10. There are no direct legal implications arising from the report.

#### **Financial Implications**

11. There are no direct financial implications arising from this report.

#### **Recommendations**

The Committee is recommended to note the information set out in the report and its appendices; and provide any comments or observations, as appropriate.

**Davina Fiore**

**Director of Governance and Legal Services and Monitoring Officer**

3 February 2023

#### **APPENDICES**

Appendix A Ombudsman's letter to Chairs of Standards Committees, November 2022

Appendix B1 [Ombudsman's Guidance on the Code of Conduct for Members of Local Authorities in Wales, October 2022](#)

Appendix B2 [Ombudsman's Guidance on the Code of Conduct for Members of Town and Community Councils in Wales, October 2022](#)

Appendix C Ombudsman's Equality and Human Rights Casebook 2022/23