



Complete Agenda

Democratic Service
Swyddfa'r Cyngor
CAERNARFON
Gwynedd
LL55 1SH

Meeting

STANDARDS COMMITTEE

Date and Time

11.00 am, MONDAY, 18TH MARCH, 2019

Location

Ystafell Gwyrfai, Council Offices, Caernarfon, Gwynedd. LL55 1SH

Contact Point

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STANDARDS COMMITTEE

Membership

Elected Members (3)

Councillors

Anne Lloyd Jones
Beth Lawton
Dewi Wyn Roberts

Independent Members (with a vote) (5)

Aled Jones
Margaret E. Jones
David Wareing
Einir Young
[Vacant Seat]

Community Committee Member (with a vote) (1)

Richard Parry Hughes

A G E N D A

1. APOLOGIES

To receive any apologies for absence.

2. DECLARATION OF PERSONAL INTEREST

To receive any declaration of personal interest.

3. URGENT ITEMS

To note any items that are a matter of urgency in the view of the Chairman for consideration.

4. MINUTES

4 - 5

The Chairman shall propose that the minutes of the previous meeting of this committee held on 21st January, 2019 be signed as a true record (attached).

5. PUBLIC SERVICE OMBUDSMAN WALES - DRAFT CORPORATE PLAN

6 - 26

To submit the report of the Monitoring Officer (attached).

6. ALLEGATIONS AGAINST MEMBERS

27 - 28

To submit the report of the Monitoring Officer (attached).

STANDARDS COMMITTEE 21/01/19

Present:-

Elected Members:- Councillors Anne Lloyd Jones, Beth Lawton and Dewi Roberts.

Independent Members:- Mr Aled Jones, Miss Margaret Jones, Dr Einir Young (Chair) and Mr David Wareing.

Also in Attendance: Iwan Evans (Monitoring Officer), Siôn Huws (Senior Solicitor) and Eirian Roberts (Member Support Officer).

Community Committee Member:- Mr Richard Parry Hughes

1. APOLOGIES

No apologies were received.

2. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any members present.

3. URGENT ITEMS

No urgent matters were raised.

4. MINUTES

The Chair signed the minutes of the previous meeting of this committee held on 1 October, 2018 as a true record.

5. REGISTRATION OF MEMBERS' INTERESTS

Submitted - the report of the Monitoring Officer asking the committee for its views on the process of registering interests and the Interests Registration Form, attached to the report.

RESOLVED that the committee supported the process of registering interests and was of the opinion that the Interests Registration Form was comprehensive and fit for purpose.

6. STANDARDS COMMITTEE MEETINGS

Submitted - the Monitoring Officer's report seeking the committee's opinion on the frequency and number of committee meetings.

RESOLVED to conduct three meetings of the Standards Committee annually, timed to correspond with the Council's timetable, with the right to convene an urgent meeting if required e.g. to consider applications for dispensations.

7. ALLEGATIONS AGAINST MEMBERS

Submitted, for information, the report of the Monitoring Officer presenting information about the Ombudsman's decisions on formal complaints against members.

During the discussion, the following points were noted:-

- It was noticed that the majority of the complaints stemmed from community and town councils and it was confirmed that the work of organising training for those councils was afoot, and it was intended to commence the sessions in the spring.
- It was asked if it would be appropriate for one of the Council's scrutiny committees to look at the structure of community and town councils to see if it was possible to establish a system of more professional full-time clerks to be responsible for more than one council. In response, it was explained that the Welsh Government was conducting a research study into the role and functions of community and town councils and their future potential. The fact that the Welsh Government was looking into this was welcomed as many part-time clerks worked under substantial pressure.

RESOLVED to note the report.

8. ADJUDICATION PANEL'S ANNUAL REPORT

Submitted for information, the report of the Monitoring Officer appending the Adjudication Panel's 2017/18 Annual Report.

Specific attention was drawn to the following matters in the report:-

- That one of the themes raised in the cases heard by the Adjudication Panel over the last year was elected members bullying and harassing council officers and failing to show respect and consideration.
- The need to carefully weigh up the essential right of representatives in a democracy to express their views and the right of others not to be bullied or abused in the workplace.
- That the main matters that had arisen dealt with a lack of respect and failure to express an interest.

Sadness was expressed regarding the bullying and lack of respect highlighted in the report and the importance of challenging, not demonising was emphasised. Reference was also made to the importance of not undermining public confidence by misusing language, especially when using social media.

RESOLVED to note the report.

The meeting commenced at 11.00 am and concluded at 11.30 am

CHAIRMAN

Agenda Item 5

MEEETING	Standards Committee
DATE	18 March 2019
TITLE	Public Service Ombudsman Wales – Corporate Plan
AUTHOR	Monitoring Officer.

I attach the Ombudsman's consultation on their proposed Corporate Plan

This is an opportunity to provide comments on the intentions in the Plan. It should be noted that the Plan encompasses all the Ombudsman's responsibilities. However, there are elements which are referable to Code of Conduct investigations.

I refer in particular to KPI3 and KPI 4 on page 8 (note that the reference in the Welsh version to 6 months but the correct period is 6 weeks). Experience suggests that the response to the less complex issues happens comfortably within this time scale.

I would welcome any other observations which the Committee might have which they would wish to convey to the Ombudsman's office.

Recommendation

To note any observations on the Draft Corporate Plan

Delivering Justice

The Public Services Ombudsman for Wales

CORPORATE PLAN

2019/20 – 2021/22

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Foreword



My seven-year term of office will come to an end in 2021, so this plan, which sets the strategic direction for the office for the next three years, will be my last as Public Services Ombudsman for Wales.

I can honestly say that the past four years, despite their challenges, have been a huge privilege in serving the people of Wales. Over the period of our previous Corporate Plan – 2016/17-2018/19, there was intense pressure on the office, with a 5% increase in councillor code of conduct complaints, a 15% increase in public service complaints and an increase of 26% in enquiries!¹

Health complaints, often the most expensive, sensitive, complex and harrowing of complaints to handle and investigate, have increased to 40% of our public service complaint volumes.

In developing this plan, I have been keen to listen actively to our stakeholders, service users and public bodies in jurisdiction – and to my staff, who, despite increasing pressure and often very difficult workloads, continue to go about their business, passionate and professional about justice.

During the lifespan of this Corporate Plan I anticipate that new legislation will extend the accessibility of our services and greatly improve our ability to be proactive and to look at systemic, as well as individual, service failures. It will also provide greater scope to improve complaint handling cultures across the public sector.

¹ 2018/19 data estimate based on
7 month figures

Over the period of this Corporate Plan the office will embrace change and take on learning from the best schemes in the world, to give an even better service to the people of Wales.

As Bendigeidfran said in the Mabinogion: “A fo ben, bid bont”. I really hope this plan acts as an effective bridge to the future.

Nick Bennett

Public Services Ombudsman for Wales

Progress: A Review of 2016/17- 2018/19

Our last Corporate Plan *Innovation, Influence and Improvement* led to several achievements and significant progress, despite increasing pressures on the office.

Innovation

Our new Public Interest Test for Code of Conduct complaints has greatly assisted us in avoiding vexatious complaints and focusing on matters critical to the public interest.

Quality assurance activity has increased and by introducing new Sounding Boards for health, local government and representative groups, we have provided a “safe space” for the office to receive honest, qualitative feedback about what we do and how we can improve.

We developed an Improvement function, with specific senior investigation officers working with certain public bodies to improve their complaints handling processes and cultures.

By reviewing our targets, from a complainant’s perspective, we have made them harder to achieve, but more open and transparent.

We have put increased emphasis on compliance in order to ensure that service failures are not repeated and that recommendations are acted upon.

During this period early resolution was increasingly used to provide justice for complainants and twice the office has issued Section 22 special reports where public bodies failed to honour commitments they made to complainants.

Improvement

We issued three thematic reports: one on Out of Hours services, one on Hospital Discharge and one, entitled “Ending Groundhog Day”, about public service complaints culture. It was particularly pleasing to see the Out of Hours report inform the improvement activity of health boards across Wales.

Our data capability has been strengthened, with analysis now providing us with detailed insight into trends and themes and shaping our engagement with relevant bodies.

We have reviewed and improved the presentation of our Casebook and made significant progress in our IT systems, strengthening our internal IT support arrangements and commissioning a significantly improved website.

The independence of our Audit and Risk Assurance Committee and Advisory Panel has been bolstered and a high quality of membership sustained. I am pleased to report that we have also maintained unqualified accounts throughout the corporate planning period.

We undertook two staff surveys during the corporate planning period which pleasingly showed a significant increase in morale despite increasing work pressures - 93% of PSOW staff are proud to work here. A huge amount of work has been done to embed staff values.

Influence

The office has collaborated proactively at home and abroad. We led the work on joint Internal Audit procurement with Commissioners in Wales and we provide payroll services to the Future Generations Commissioner for Wales.

The PSOW chaired the Ombudsman Association (which includes the UK, the Republic of Ireland, the Crown Dependencies and British Overseas Territories), with PSOW Directors chairing HR and Legal Interest Groups. During this period the Ombudsman Association achieved legal corporate status. The PSOW was also elected to the European and World Boards of the International Ombudsman Institute. In October 2016, at Aberystwyth University, we organised a seminar featuring European International Ombudsman Institute (IOI) Chairman and Catalan Ombudsman Rafael Ribó.

The office has always sought to influence the improvement of public services through its work and specifically through publishing reports in the public interest. During the corporate planning period significant progress was made by the National Assembly for Wales in introducing fresh legislation that will give the office further tools to help ensure justice and prevent service failure. The new PSOW Bill was introduced in October 2017 with overwhelming votes, in the National Assembly, in favour of both the general principles and the financial resolution. With Royal Assent anticipated in April 2019, this promises to be an exciting new chapter which will underpin this Corporate Plan.

Our Vision and Mission

Our Vision for public services in Wales

Services that actively listen and learn from complaints.

Our Mission

To uphold justice and improve public services.

Our Strategic Aims

Strategic Aim 1: Deliver Justice

A fair, independent, inclusive and responsive complaints service.

Strategic Aim 2: Promote Learning, Work to Improve Public Services

Promote learning from complaints and stimulate improvements on a wider scale.

Strategic Aim 3: Use Resources Wisely And Future-proof The Organisation

Identify and adopt best practice. Secure value for money and services that are fit for the future. Support staff and ensure good governance which supports and challenges us.

Strategic Aim 1: Deliver Justice

A fair, independent, inclusive and responsive complaints service.

Our priorities are:

- **To continue to provide a high quality, timely complaint service**

We will:

- Remedy injustice through fair and impartial settlements and investigations.
- Continue to use our resources wisely when considering Code of Conduct complaints by applying our public interest test.
- Undertake quality assurance work on a quarterly basis.
- Maintain the number and develop the skills of our investigation staff.
- Adopt the following key performance indicators on decision times and cases closed and publish targets and performance annually:

KPI 1: Complaints of maladministration/service failure - Decision Times

Decision whether a complaint is within jurisdiction
< 3 weeks

Decision taken not to investigate a complaint (after making initial enquiries) < 6 weeks

Where we seek Early Resolution, decision within 9 weeks

Investigation start within 6 weeks of the Date Sufficient Information is Received (DSIR)

KPI 2: Complaints of maladministration/service failure which are investigated - Cases Closed

Within 12 months

KPI 3: Code of Conduct Complaints - Decision Times

Decision taken on whether to commence an investigation within 6 weeks

KPI 4: Code of Conduct Complaints which are investigated - Cases Closed

Within 12 months

- **To raise awareness of the PSOW service and eliminate any known barriers to access from vulnerable groups**

We will:

- Undertake a programme of outreach activity on an annual basis.
- Audit media coverage about our organisation on an annual basis.
- Capture and publish equality data from users of the service and adapt our outreach activity accordingly.
- Accept oral complaints, using new legislation, from 2019 onwards.
- Consider vulnerable groups that may not be putting forward complaints when determining the use of own initiative powers of investigation.
- Develop a new Strategic Equality Plan.²

- **To seek feedback from service users and those that represent them**

We will:

- Host Sounding Board meetings, at least on an annual basis, to provide a “safe space” to receive feedback and intelligence from service users and other stakeholders.
- Analyse customer satisfaction feedback on our service and publish targets and performance on an annual basis.

² As outlined on page 15

KPI 5: Customer Satisfaction

Easy to find PSOW

Service received helpful

Clear explanation of process and decision

- **Ensure public bodies comply with our recommendations**

We will:

- Secure public bodies' compliance with our recommendations.
- When we have published a public interest report, consider conducting compliance visits in order to monitor compliance.

KPI 6: Compliance

Percentage of recommendations made complied with by public service providers

Number of compliance visits

Strategic Aim 2: Promote Learning, Work to Improve Public Services

Promote learning from complaints and stimulate improvements on a wider scale.

Our priorities are:

- **To use effectively the proactive powers from a new Public Services Ombudsman (Wales) Act**

We will:

- Establish a Complaints Standards role and undertake own initiative investigations from 2019 onwards.

- **To review our improvement function and develop further learning support**

We will:

- Develop a new improvement and learning function through the establishment of a Complaints Standards role in 2019.

- **To review and improve our casebook**

We will:

- Launch a revised and improved Casebook section on the PSOW website and obtain feedback.

- **To respond to Welsh Government, National Assembly for Wales and other consultations providing insight and adding value to debate**

We will:

- Respond to public consultations where evidence from our casework is of relevance.

- **To continue to enhance data capture and analysis and make it publicly accessible**

We will:

- Improve the depth of detail available, enabling trends and themes to be identified and utilised in a range of communications, including annual letters to public service providers.
- **To develop key performance indicators to measure the success of our work to promote learning and improve public services**

Strategic Aim 3: Use resources wisely and future-proof the organisation

Identify and adopt best practice. Secure value for money and services that are fit for the future. Support staff and ensure good governance which supports and challenges us.

Our priorities are:

- **To adopt international best practice, to serve Wales in the best way we can**

We will:

- Ensure new legislation for own initiative and Complaints Standards is implemented effectively in 2019.
- Regularly assess our performance through peer review and relevant benchmarking.
- Participate actively in the International Ombudsman Institute, the Ombudsman Association and the UK's Public Services Ombudsman Group.
- Strengthen our presence in North Wales.

- **To be an excellent employer, invest in our staff and ensure they have a dynamic and supportive performance, development and training programme in place**

We will:

- Ensure Annual Performance Reviews and a Development Programme are in place.

KPI 7: HR

Completion of PRDP reviews

Employee response to staff survey

- Continue to invest in staff training.

KPI 8: Staff Training

Percentage of staff achieving target number of days of continuing professional development

- Monitor staff attendance and sickness

KPI 9: Staff attendance

Average number of days lost through sickness per member of staff

% of working days lost through staff sickness

During the lifetime of this Corporate Plan, conduct at least one additional staff survey to monitor our development of staff and consider feedback.

- **To spend public money wisely**

We will:

- Manage our resources wisely, with sound internal controls, securing value for money and ensuring that financial provision for casework staff is prioritised.

KPI 10: Financial

Cash repaid to Welsh Consolidated Fund

Unit cost per case

Support costs as percentage of budget

External Audit Opinion on Accounts

Internal Audit Opinion on internal controls

* Appendix A shows projected complaint numbers and indicative future budgets

- **To protect data and ensure robust arrangements are in place to safeguard against cyber security threats**

We will:

- Implement PSOW's 10-year ITC Plan³
- Measure our compliance with General Data Protection Regulations (GDPR) by internal monitoring and reviews, and through any complaints upheld by ICO.
- Sustain ITC investment over the period of a 10-year plan which ensures effective strategic planning and integration in the use of technology, providing support for audio/visual, computer, multimedia, voice, video, and web-based applications and services.
- Maintain and rigorously review our risk register.

- **To be accountable, ensuring that we reflect and learn and safeguard the Ombudsman's independence**

We will:

- Hold quarterly meetings of the PSOW Advisory Panel and the Audit and Risk Assurance Committee both to challenge and advise the Ombudsman.
- Provide an annual estimate of our financial needs to the National Assembly Finance Committee.
- Report on our performance on an annual basis to the National Assembly for Wales' Equality, Local Government and Communities and Public Accounts Committees as required.
- Fiercely guard the independence of the role of the Ombudsman.
- Continue to engage an Independent Reviewer of complaints about our service, to ensure that decisions we have reached, following complaints about our service, are fair and appropriate.

³ The PSOW has a 10-year ITC plan. Licences and PC replacements are managed where possible to maintain a steady annual spend. Major ITC hardware is programmed for replacement according to anticipated equipment life, and will result in fluctuations in expenditure in later years (generally beyond the timescales of this Corporate Plan).

KPI 11: Complaints About Us

Number of complaints received

Number of complaints upheld

Equality

A commitment to treating people fairly is central to the role of an Ombudsman. We are committed to providing a service which is easy for everyone to use and to providing equal opportunities for all staff.

We take our duties under the equality legislation in Wales very seriously both as a provider of public services and as an employer.

We expect all of our staff to share our opposition to unlawful and unfair discrimination and to conduct business in a way that is fair to all members of society.

We will:

- Develop a new Strategic Equality Plan following consultation with our Service User Sounding Board and other groups which represent individuals with protected characteristics and our Advisory Panel of independent members.
- Continue to ensure that when we are delivering justice for individuals public bodies in Wales have properly considered their duties under equality and human rights legislation.
- Work to ensure that our recruitment and staff development activities deliver a diverse and balanced workforce.

Welsh Language

We fully support the principle established by the Welsh Language Act 1993 that, in the conduct of public business and the administration of justice in Wales, the Welsh and English languages should be treated equally.

We also support the Welsh Language (Wales) Measure 2011 which gives the Welsh Language official status in Wales.

Our Welsh Language policy has been produced and reviewed with regard to the Welsh Language Standards Regulations 2015 in the way that we deliver services, deal with the public and staff recruitment.

Future Generations

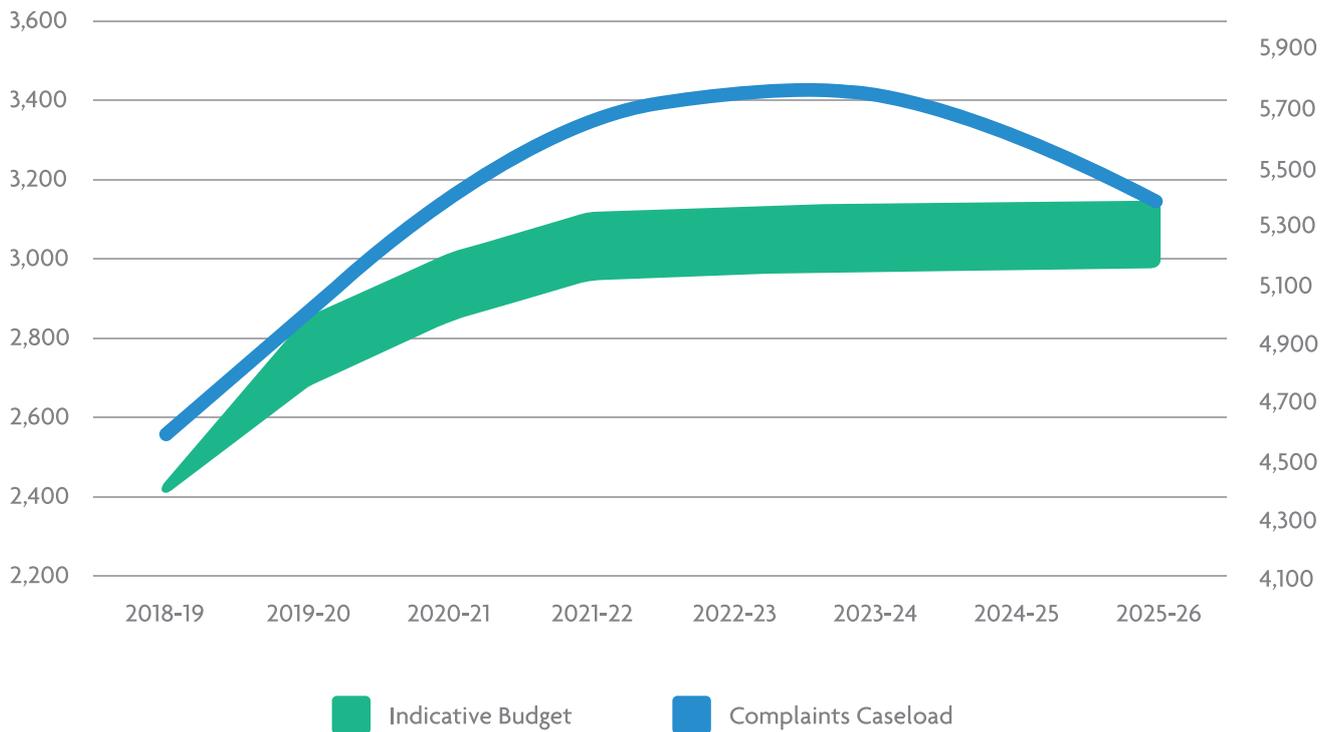
Although the PSOW is not subject to the full duties of the Well-being of Future Generations (Wales) Act 2015, we aim to embed the principle of sustainable development in the way we run our business, and to maximise our contribution to achieving the seven Welsh Well-being Goals.

Forthcoming legislation will future-proof my office, so that it is in a much stronger position to deal with the challenges of the ageing society, to enhance and uphold social justice and assist the most vulnerable. We recognise the impact of our activities on the environment and are working to reduce consumption and the generation of waste. We monitor the following KPIs:

KPI 12: Sustainability
Waste
Electricity

Appendix A

Projected Complaints Caseload and Indicative Budget



Notes

All future budgets are shown at November 2018 pay and prices

Figures for 2019-20 and later years include cost of new powers proposed by the National Assembly for Wales

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Committee:	THE STANDARDS COMMITTEE
Date:	18 March 2019
Title:	Allegations against members
Author:	Monitoring Officer
Purpose:	For information

1. Background

The purpose of this report is to inform the Committee of the Ombudsman's decisions on formal complaints against members.

2. Decisions

Complaint 7294/201806883

Complaint by a member of a community council that a fellow member had:

- Compromised the impartiality of the Clerk of the council, and had conducted a bullying campaign against him with the assistance of the Clerk
- Failed to declare a prejudicial interest and predetermined the outcome of the Council's Personnel Committee meeting, where a complaint made against the Clerk by the complainant was considered

The Ombudsman decided not to investigate the complaint for the following reasons:

- No evidence submitted to support the complainant's version of events of a campaign of bullying
- No evidence submitted of a connection between the member and the clerk (other than the relationship that all members have)

3. Analysis of the Complaints

Below is an analysis of the nature of this year's complaints to date:

Member who is subject of the complaint	
Member of community council	9
Member of Gwynedd Council	3
Member of Gwynedd Council and community council	0
Nature of the complainant	
Councillor	4
Member of the public	7

Officer	1
Nature of the allegation	
Overall conduct	4
Declaration of Interest	7
Overall conduct & Declaration of Interest	1
Outcome	
No Investigation	11
Investigation – No evidence of breaching the Code of Conduct	0
Investigation – Evidence of breaching the code but no further steps required	1
Investigation - referral to the Standards Committee	0
Investigation - Referral to the Adjudication Panel for Wales	0

4. Open Cases

The situation in relation to other cases is as follows:

- **Ombudsman considering an investigation 2**
- **Ombudsman investigating 0**

5. Recommendation

The Committee is asked to note the information.