

<b>Committee:</b>	<b>The Standards Committee</b>
<b>Date:</b>	<b>4 November 2024</b>
<b>Title:</b>	<b>Independent Review of Ombudsman Investigative Arrangements</b>
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<b>Purpose:</b>	<b>For information</b>

## **1. Background**

The purpose of this report is to present information to the Committee about the findings of an independent inquiry into the Ombudsman's processes.

## **2. Recommendation**

Provide feedback on the report

## **3. Background**

3.1 In March 2024 it emerged that a team manager responsible for Code of Conduct investigations at the Ombudsman's office had been making political and partisan political posts on social media. The issue received considerable press coverage at the time. This led to the officer's resignation. The officer was responsible for leading the team that assessed and decided to investigate complaints that councillors had breached the Code of conduct. Inevitably this was going to raise serious questions about the influence or impact of these views on the Ombudsman's service's impartiality and confidence that decisions to investigate or not investigate were completely without bias and outside any political standpoints. As a result, the Public Services Ombudsman commissioned an independent inquiry to review these decisions in their entirety to provide public assurance of the propriety of the arrangements. The fundamental importance that the Ombudsman's work is completely non-political cannot be over emphasised but also that

this is the public perception as well. The review was led by Dr Melissa McCullough, Commissioner for Standards for the Northern Ireland Assembly.

3.2 The key findings of the report are as follows:

- “ The PSOW’s Code of Conduct processes and delegations are robust, in terms of safeguarding, fairness and impartiality. They are systematic, well documented and supplemented with appropriate guidance and the reasoning for decisions is required to be recorded and explained, as applicable.
- All decision-making is based solely on evidence, facts, and solid, well-articulated reasoning and, as such, there was no evidence of political bias. The case review found no evidence that the decision-making on any of the cases reviewed was influenced by any political affiliation of the person who made the complaint and/or the member who was complained about.
- There was no evidence that the former team manager expressed her personal views on political matters “akin to her social media posts” in the office and/or inappropriately influenced any other staff members, in the performance of their duties under the Local Government Act 2000.

3.3 There is no need to underline the central role of the Public Services Ombudsman in maintaining the ethical framework of local authorities in Wales. There is no comparable system in England and there are significant advantages in maintaining a system where there is an independent body has responsibility for the investigation process. The fact that this situation has arisen has been a source of general dismay and concern. Therefore, the findings of this report are key to moving on from the incident and maintaining confidence in this system.

#### **4. Report Recommendations**

4.1 There are several recommendations in the report on page 26. I would like to highlight three specific ones that would be of interest to you as members and are about the investigation arrangements:

- Documenting the political affiliation of the Accused Member: to mitigate the risk of unconscious bias on the part of the IO and to underpin the fairness of the

complaint assessment process, it is recommended that steps are taken to ensure that the political affiliation of the Accused Member is not recorded on the PAAF.

- Accused Member not informed of complaint until after assessment: in the interests of fairness and transparency, it is recommended that the PSOW considers reverting to the previous practice of notifying the Accused Member of the complaint once it is received.
- Public interest factors and considerations: the review recognises the factors and considerations listed are non-exhaustive but recommends that PSOW gives consideration to developing more detailed internal guidance on assessing the public interest test. Additionally, the public interest factors and considerations should be reviewed regularly.

The Committee is asked to consider the report and provide an opinion and respond to the findings.

## **Appendix 1**

Independent review of investigations by the Public Services Ombudsman Wales to Code of Conduct complaints