

# The Role of PSOW in Code of Conduct matters

# Rôl OGCC mewn materion Cod Ymddygiad

Nick Bennett

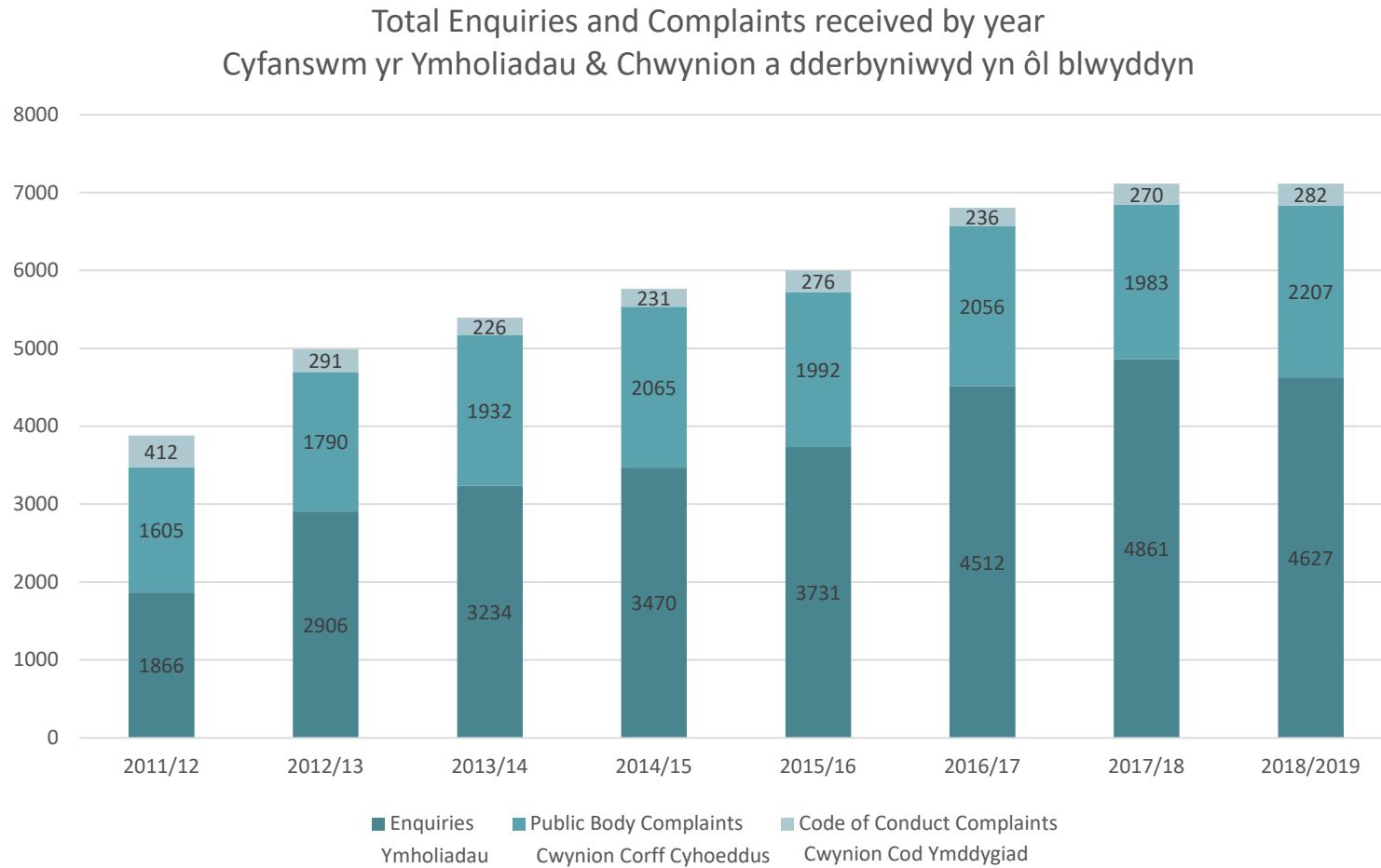
Public Services Ombudsman for Wales  
Ombwdsmon Gwasanaethau Cyhoeddus Cymru

# Who is the Ombudsman? Pwy yw'r Ombwdsmon?

- Est 2006 - PSOW Act 2005
  - Two specific roles:
    - Complaints about public services providers in Wales
    - Complaints that members of local authorities have broken the Code of Conduct
  - New PSOW Act 2019
- Sefydlwyd 2006 – Deddf OGCC 2005
  - Dwy rôl benodol:
    - Cwynion am ddarparwyr gwasanaethau cyhoeddus yng Nghymru
    - Cwynion bod aelodau o awdurdodau lleol wedi torri'r Cod Ymddygiad
    - Deddf OGCC newydd 2019
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# Trends – Enquiries & Complaints

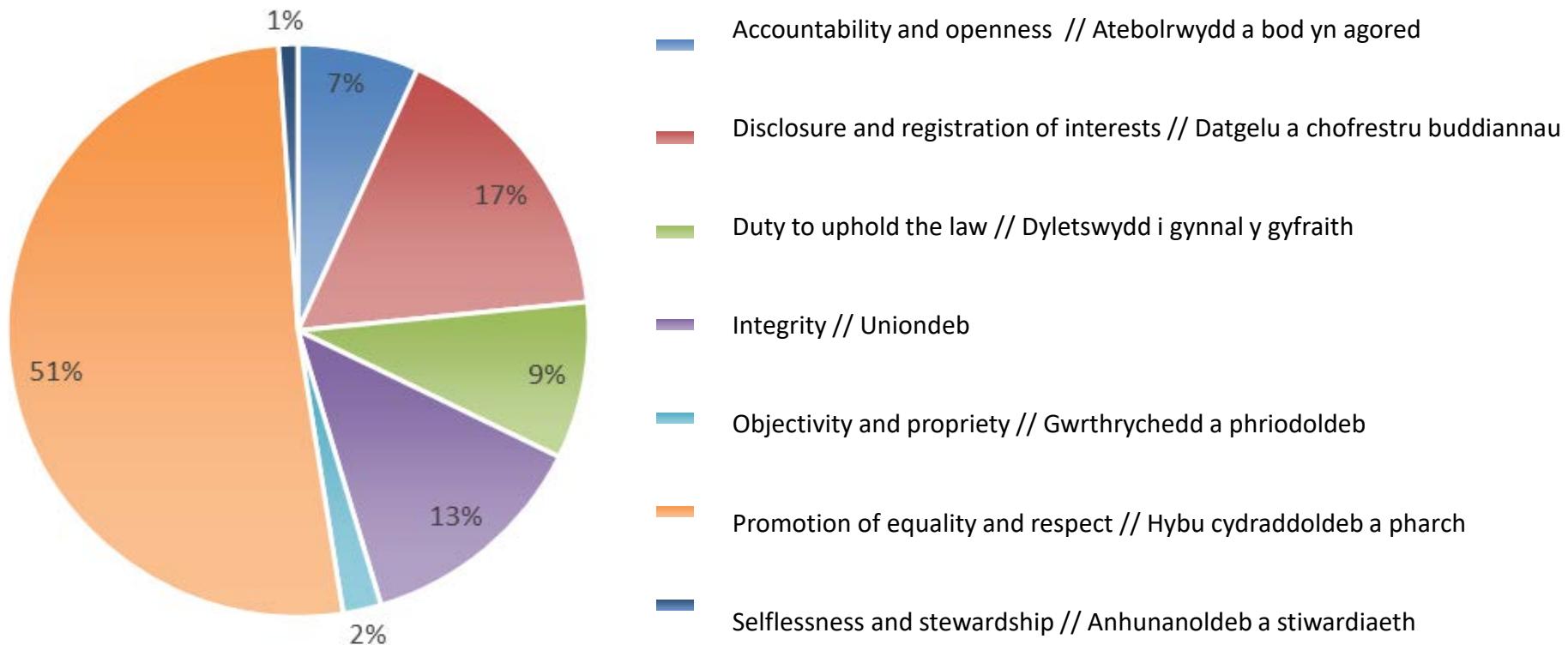
## Tueddiadau – Ymholiadau & Chwynion



# PSOW Annual Report 2018/19

# Adroddiad Blynnyddol OGCC 2018/19

Nature of Code of Conduct complaints received  
Natur y cwynion Cod Ymddygiad a dderbyniwyd



# Outcomes Canlyniadau

255

- Closed After Initial consideration // Caewyd ar ôl ystyriaeth gychwynnol

2

- Complaint Withdrawn // Tynnwyd y gŵyn yn ôl

15

- Investigation Discontinued // Terfynwyd yr ymchwiliad

9

- Investigation Completed: No evidence of breach //
- Ymchwiliad wedi'i gyflawni: Dim tystiolaeth bod y cod wedi'i dorri

19

- Investigation Completed: No action necessary //
- Ymchwiliad wedi'i gyflawni: Dim angen gweithredu

4

- Investigation completed: Refer to Standards Committee //
- Ymchwiliad wedi'i gyflawni: Atgyfeirio at y Pwyllgor Safonau

4

- Investigation completed: Refer to Adjudication Panel //
- Ymchwiliad wedi'i gyflawni: Atgyfeirio at y Panel Dyfarnu

# Types of complaints

## Mathau o gwynion

190

- Town and Community Councils  
Cyngorau Tref a Chymuned

91

- Local Authority
- Awdurdod Lleol

1

- National Park
- Parc Cenedlaethol

282

# Two stage test

## Prawf Dau gam

- Is there direct evidence that a breach actually took place?

If so:

- Is an investigation required in the public interest?



- A oes tystiolaeth uniongyrchol bod toriad gwirioneddol wedi digwydd?

Os felly:

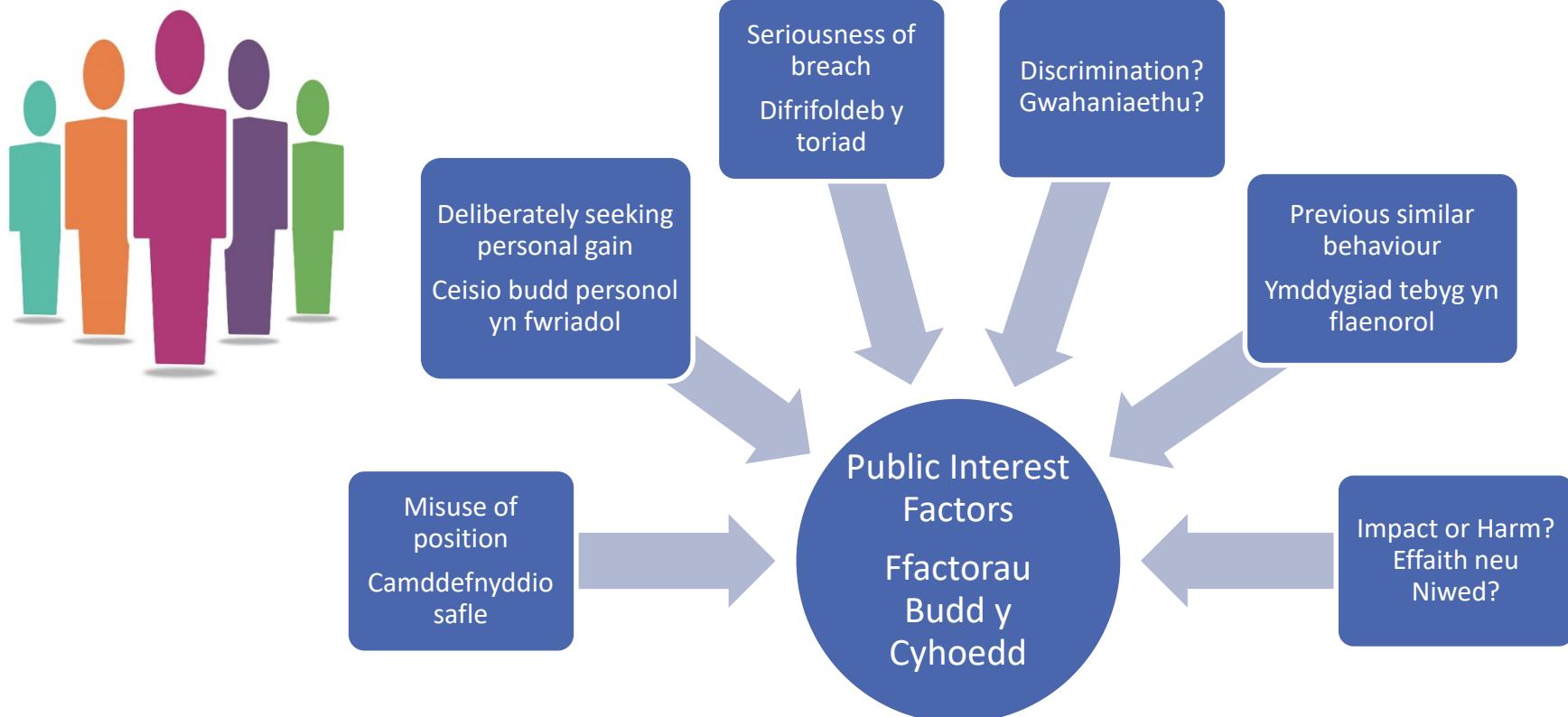
- A oes angen ymchwilio er budd y cyhoedd?

# The Public Interest Test

## Prawf Er Budd y Cyhoedd

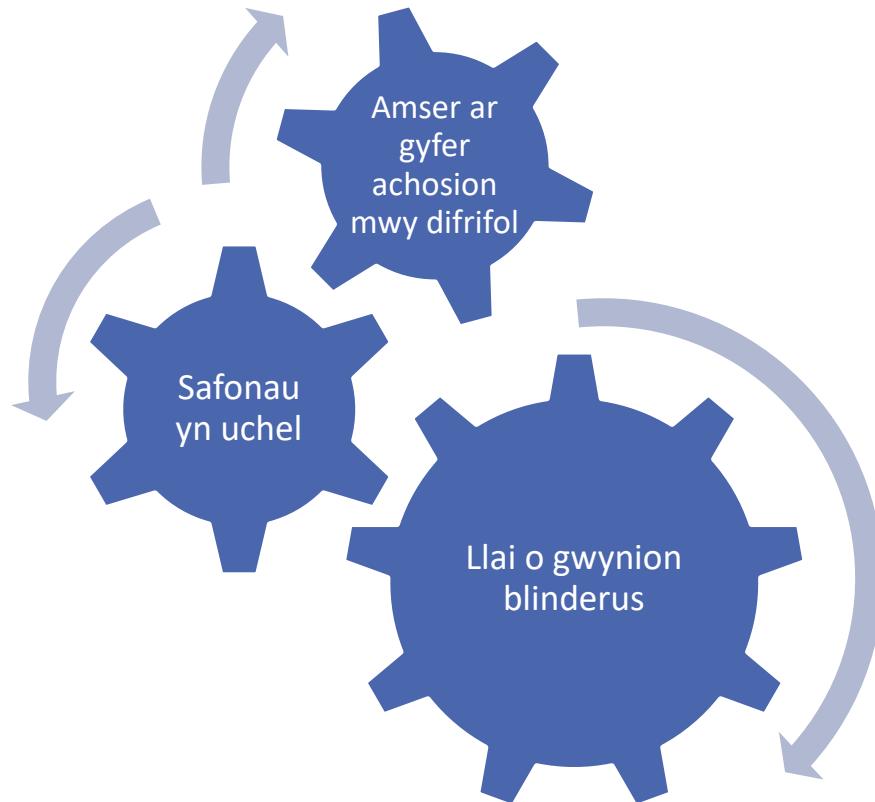
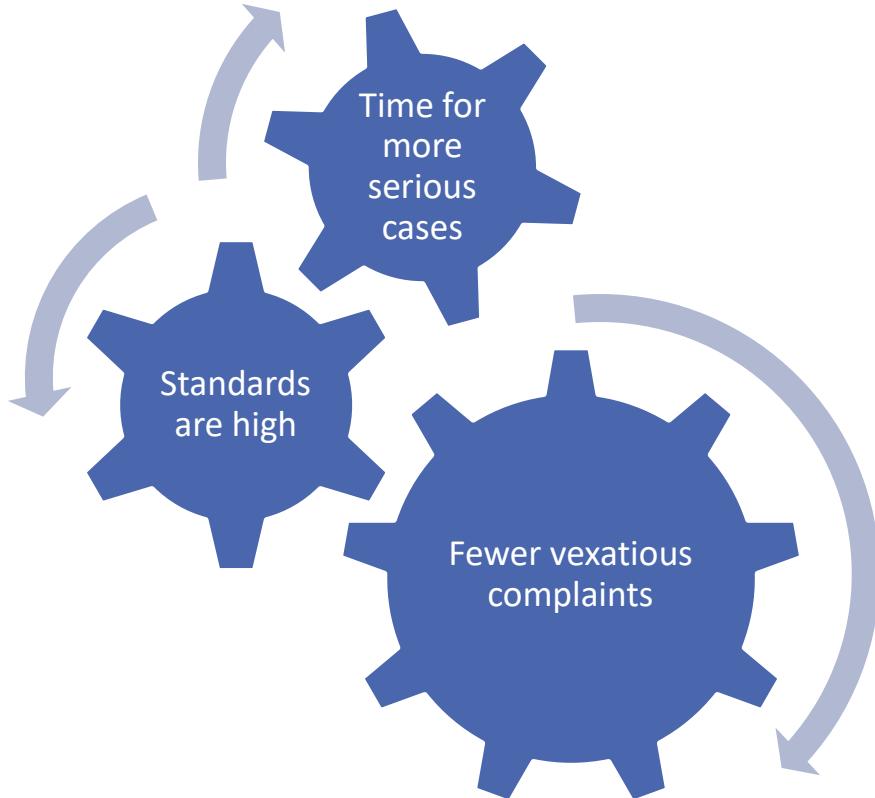
Is an investigation required in the public interest?

A oes angen ymchwilio er budd y cyhoedd?



# Public Interest in practice

## Budd y cyhoedd yn ymarferol



# North Wales

# Gogledd Cymru

- 22% of the population
- 32% of the complaints
- Only 17% of the total referrals across Wales
- 22% o'r boblogaeth
- 32% o'r cwynion
- Dim ond 17% o gyfanswm yr atgyfeiriadau ledled Cymru

# Recent examples of vexatious complaints

## Enghreiffiau diweddar o gwynion blinderus

**‘Absurd’ terrorism complaint made about councillors thrown out by Ombudsman**

**Cwyn ‘hurt’ am derfysgaeth a wnaed am gynghorwyr wedi’i wrthod gan Ombudsmon**

# Examples of vexatious complaints

## Enghreifftiau o gwynion blinderus

A Councillor left a one star rating on a local business without an explanation!  
Gadawodd Gynghorydd radd un seren ar fusnes lleol heb roi esboniad!

A Councillor unfriended me on Facebook so I had to set up an account in my cat's name!  
Cefais fy nileu oddi ar Facebook gan Gyngħorydd felly roedd rhaid i mi greu cyfrif yn enw fy nghath!

# Moving forward / Symud ymlaen

- Member v Member complaints (at a county level) are now largely dealt with by an internal dispute resolution procedure
- Extension of this to Town & Community Councils
- Serious cases referred to Standards Committees or Adjudication Panel for Wales
- Erbyn hyn, ymdrinnir â chwynion Aelod yn erbyn Aelod (ar lefel siriol) yn bennaf gan weithdrefn fewnol ar gyfer datrys anghydfodau
- Ymestyn hyn i Gynghorau Tref & Chymuned
- Achosion difrifol yn cael eu cyfeirio at Bwyllgor Safonau neu Banel Dyfarnu Cymru

# Local leadership? Arweinyddiaeth Leol?

- Nolan
- Distributed leadership
- Local Standards Committees to guide local behaviours ?
- How can they support each other and exchange best practice?
- Is there appetite?
- Training and good practice – Monmouthshire, Cardiff and Swansea
- Nolan
- Arweinyddiaeth ddosbarthedig
- Pwyllgorau Safonau Lleol i arwain ymddygiad lleol?
- Sut y gallant gefnogi ei gilydd a chyfnewid arfer gorau?
- A oes chwant?
- Hyfforddiant ac arfer da – Sir Fynwy, Caerdydd ac Abertawe

# Questions

# Cwestiynau