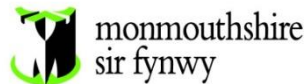


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Neuadd y Sir
Y Rhadyr
Brynbuga
NP15 1GA

County Hall
Rhadyr
Usk
NP15 1GA

Friday, 4 September 2015

Notice of meeting / Hysbysiad o gyfarfod:

Standards Committee

**Monday, 14th September, 2015 at 9.30 am,
Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA**

AGENDA

Item No	Item	Pages
1.	Election of Chairman	
2.	Appointment of Vice Chairman	
3.	Apologies for absence	
4.	Declarations of interest	
5.	To confirm and sign the minutes of the meeting held on 8th June 2015	1 - 4
6.	The Ombudsman Annual Letter	5 - 16
7.	Standards Conference Wales 2015	17 - 18
8.	Ombudsman Factsheet	19 - 26
9.	To note the date and time of future meetings: <ul style="list-style-type: none">Monday 7th December 2015 – 10.30amMonday 14th March 2015 – 10.30am	

Paul Matthews

Chief Executive / Prif Weithredwr

MONMOUTHSHIRE COUNTY COUNCIL
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillors:

D. Edwards
D. Evans
P. Jordan

Public Information

Access to paper copies of agendas and reports

A copy of this agenda and relevant reports can be made available to members of the public attending a meeting by requesting a copy from Democratic Services on 01633 644219. Please note that we must receive 24 hours notice prior to the meeting in order to provide you with a hard copy of this agenda.

Watch this meeting online

This meeting can be viewed online either live or following the meeting by visiting www.monmouthshire.gov.uk or by visiting our Youtube page by searching MonmouthshireCC.

Welsh Language

The Council welcomes contributions from members of the public through the medium of Welsh or English. We respectfully ask that you provide us with adequate notice to accommodate your needs.

Aims and Values of Monmouthshire County Council

Sustainable and Resilient Communities

Outcomes we are working towards

Nobody Is Left Behind

- Older people are able to live their good life
- People have access to appropriate and affordable housing
- People have good access and mobility

People Are Confident, Capable and Involved

- People's lives are not affected by alcohol and drug misuse
- Families are supported
- People feel safe

Our County Thrives

- Business and enterprise
- People have access to practical and flexible learning
- People protect and enhance the environment

Our priorities

- Schools
- Protection of vulnerable people
- Supporting Business and Job Creation
- Maintaining locally accessible services

Our Values

- **Openness:** we aspire to be open and honest to develop trusting relationships.
- **Fairness:** we aspire to provide fair choice, opportunities and experiences and become an organisation built on mutual respect.
- **Flexibility:** we aspire to be flexible in our thinking and action to become an effective and efficient organisation.
- **Teamwork:** we aspire to work together to share our successes and failures by building on our strengths and supporting one another to achieve our goals.

Nodau a Gwerthoedd Cyngor Sir Fynwy

Cymunedau Cynaliadwy a Chryf

Canlyniadau y gweithiwn i'w cyflawni

Neb yn cael ei adael ar ôl

- Gall pobl hŷn fyw bywyd da
- Pobl â mynediad i dai addas a fforddiadwy
- Pobl â mynediad a symudedd da

Pobl yn hyderus, galluog ac yn cymryd rhan

- Camddefnyddio alcohol a chyffuriau ddim yn effeithio ar fywydau pobl
- Teuluoedd yn cael eu cefnogi
- Pobl yn teimlo'n ddiogel

Ein sir yn ffynnu

- Busnes a menter
- Pobl â mynediad i ddysgu ymarferol a hyblyg
- Pobl yn diogelu ac yn cyfoethogi'r amgylchedd

Ein blaenoriaethau

- Ysgolion
- Diogelu pobl agored i niwed
- Cefnogi busnes a chreu swyddi
- Cynnal gwasanaethau sy'n hygyrch yn lleol

Ein gwerthoedd

- **Bod yn agored:** anelwn fod yn agored ac onest i ddatblygu perthnasoedd ymddiriedus
- **Tegwch:** anelwn ddarparu dewis teg, cyfleoedd a phrofiadau a dod yn sefydliad a adeiladwyd ar barch un at y llall.
- **Hyblygrwydd:** anelwn fod yn hyblyg yn ein syniadau a'n gweithredoedd i ddod yn sefydliad effeithlon ac effeithiol.
- **Gwaith tîm:** anelwn gydweithio i rannu ein llwyddiannau a'n methiannau drwy adeiladu ar ein cryfderau a chefnogi ein gilydd i gyflawni ein nodau.

Agenda Item 5

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of a meeting of the Standards Committee held at County Hall, Usk,
on Monday 8th June 2015 at 10.30 a.m.

PRESENT:

Mrs. P. Reeves (Chairman)
County Councillors D. Evans and D.L. Edwards

INDEPENDENT REPRESENTATIVES:

Mr. T. Auld, Mr G Powell, M. Sutton and Mr G. Preece

COMMUNITY REPRESENTATIVE:

Community Councillor Mrs I. Cameron

OFFICERS PRESENT:

Mr. R. Tranter - Monitoring Officer
Mr. R. Williams - Democratic Services Officer

1. ELECTION OF CHAIRMAN

We elected Mrs. P. Reeves as Chairman.

2. APPOINTMENT OF VICE-CHAIRMAN

We appointed Mr. T. Auld as Vice-Chairman.

3. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

4. DECLARATIONS OF INTEREST

There were no declarations of interest made.

5. MINUTES

We resolved that the minutes of the meeting held on 9th March 2015 be confirmed as a correct record and signed by the Chairman subject to the following amendments:

- Page 4, Minute 4.i), sixth paragraph – the first word be amended to read 'Complainant'.
- Page 4, Minute 4.i), seventh paragraph, first line – 'address' be amended to read 'redress'.
- Page 5, Minute 4.i), first bullet point, fourth line – 'responds' be amended to read 'respond'.

**Minutes of the Standards Committee
Monday 8th June 2015 at 10.30 a.m.**

- Page 8, Minute 4.iii), sub heading - a) Public Interest test, second paragraph – remove first line.

6. REPORTS OF THE MONITORING OFFICER

i) CORRESPONDENCE RESPONSE TIMES FOR MEMBERS

We received a report by the Monitoring Officer regarding the Council's Corporate Customer Standards in respect of emails / letters received from Members of the public.

In response to a Committee member's question regarding the process for monitoring compliance, the Monitoring Officer stated that regarding officer complaints, the Authority has an annual report prepared by the Customer Services Manager which is presented to the Standards Committee and to the Audit Committee. Information in the form of complaints / compliments is collated on an annual basis. The Council also has an internal complaints process for the purposes of the ombudsman. However, the ombudsman would expect the complainant to adhere to the internal complaints procedure before the matter is referred to the ombudsman.

We resolved that Full Council considers, at its next meeting, that Members adhere to the Council's Corporate Customer Standards in respect of emails / letters received from members of the public.

ii) REVISED GUIDANCE ON THE MEMBERS' CODE OF CONDUCT FROM THE PUBLIC SERVICES OMBUDSMAN FOR WALES

We received a report by the Monitoring Officer regarding the revised guidance issued by the Public Services Ombudsman for Wales (PSOW) in March 2015.

In doing so, the following points were noted:

- The Monitoring Officer will email a link regarding the revised guidance to all Members of the Council and to all town and community clerks within Monmouthshire.
- Members' code of conduct training is undertaken at the beginning of each new Council.
- Code of conduct training is also provided for town and community councils within Monmouthshire. Town / community clerks contact the Monitoring officer directly should there be a need for additional training sessions and the training sessions are arranged accordingly.
- Training in respect of the Members' code of conduct is an ongoing issue.
- The Committee suggested that a mid-term training session for Members regarding the Members' code of conduct might be appropriate.

**Minutes of the Standards Committee
Monday 8th June 2015 at 10.30 a.m.**

- Standards Committee Members should be invited to attend future training sessions in respect of the Members' code of conduct.
- One Voice Wales has links with town and community councils. This organisation could help in getting the message out to these council's regarding this matter.
- E learning was another way of getting the message out. This matter could be investigated. The ombudsman might also wish to consider this matter.
- Social media – Members are aware of the Welsh Government's guidance on social media. However, it is a matter for members to use it properly.
- It was noted that Monmouthshire County Council had recently begun live streaming its public meetings from the Council Chamber. However, it was noted that the live stream is switched off when considering reports containing exempt information under schedule 12A of the Local Government Act 1972. Enquiries would be made to ascertain the length of time a recording of a live streamed meeting remained on You Tube. The Monitoring officer would also investigate whether there was any guidance available regarding this matter.

We resolved to note the contents of the Public Services Ombudsman for Wales (PSOW) revised guidance.

iii) MONITORING OFFICER'S UPDATE

The Standards Committee received an update by the Monitoring Officer regarding the following issues:

- At it's recent meeting, Council has agreed that Mr. G. Preece will serve a further term on the Standards Committee.
- The Registers of Interest were displayed for members of the committee to view. Details will be put on the Monmouthshire County Council website in due course.
- The Standards Conference will be held on 20th October 2015 at Cardiff City Hall. Four members from this Committee may attend. Members were asked to let the Monitoring Officer know by September 2015 if they would like to attend. At a recent Monitoring Officers' meeting, the Monitoring Officer from Cardiff City Council had provided a provisional agenda for the meeting.

7. DATE AND TIME OF NEXT MEETING

We noted the date of the next meeting as Monday 14th September 2015. However, we resolved that this meeting would commence at 9.30am and that all future Standards Committee meetings would commence at 9.30am.

The meeting ended at 11.30 am.

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SUBJECT:	The Ombudsman's Annual Letter
MEETING:	Standards Committee
DATE:	15th September 2015
DIVISION/WARDS AFFECTED:	All

1. PURPOSE:

To inform Standards Committee members of the Ombudsman's annual letter to the council.

2. RECOMMENDATIONS:

To note the contents of the annual letter.

3. KEY ISSUES:

The Ombudsman produces an annual report which can be found on his website, www.ombudsman-wales.org.uk. The annual letter is information relevant to the Monmouthshire County Council. The annual letter is attached as an appendix to this report.

The annual report states that the Ombudsman has dealt with 2296 complaints, of which there were 938 complaints against county councils, representing a 5% increase on 2013/14. Housing (15%) and planning (12%) were the service areas accounting for the greatest number of complaints.

There were 231 complaints of alleged breaches of the code of conduct for members, of which 125 were against county councillors and 106 against community councillors. This represents a 13% increase in code of conduct complaints from the previous year against county councillors. Of the 231 code of conduct complaints, 34 were investigated by the Ombudsman: 17 were found not to have any evidence of a breach of the code, 8 required no further action, 8 were referred to a standards committee and 1 went to the Adjudication Panel for Wales. The majority of code of conduct complaints relate to equality and respect issues (35%), the next largest areas being the disclosure and registration of interests (22%), followed by integrity (16%).

Turning to the Ombudsman's annual letter, members will note that the Ombudsman dealt with 19 complaints against Monmouthshire County Council in 2014/15, compared with 16 in 2013/14, both figures below the local authority average for Wales. Planning and building control continue to attract the most complaints being 7, whilst there were no complaints against Environment and Environmental Health compared to 2 in 2013/14, Highways also

had double the number of complaints from 2 to 4, compared to 2013/14. Only 2 of the 19 complaints were upheld in whole or in part. Details of the upheld complaint can be found on page 9 of the annual letter.

Of the 3 code of conduct complaints received by the Ombudsman in respect of Monmouthshire County Councillors, 2 were not investigated, while for the remaining case, no evidence of a breach of the code was found.

4. REASONS:

The role and function of Standards Committee within the Council's constitution includes to promote and maintain high standards of conduct for councillors, and ensure that the Council's complaints procedure operates effectively.

5. RESOURCE IMPLICATIONS:

None.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

None.

7. SAFEGUARDING AND CORPORATE PARENTING IMPLICATIONS:

NONE.

8. CONSULTEES:

None.

9. BACKGROUND PAPERS:

The annual report of the Public Services Ombudsman for Wales 2014/15

10. AUTHOR:

Robert Tranter, Temporary Monitoring Officer

11. CONTACT DETAILS:

Tel: 01633 644064

E-mail: roberttranter@monmothshire.gov.uk

Our ref: NB/jm

Ask for: James Merrifield

Your ref:

01656 644 200

Date: 3 August 2015

James.Merrifield@ombudsman-wales.org.uk

Mr Paul Matthews
Chief Executive
Monmouthshire County Council
County Hall
Cwmbran
NP44 2XH

Dear Mr Matthews

Annual Letter 2014/15

Following the recent publication of my Annual Report, I am pleased to provide you with the Annual Letter (2014/15) for Monmouthshire County Council.

I have referred to the stark reality of the volume of increases in enquires and complaints in the Annual Report. Comparing the position against 2013/14, there has been a 7% increase in the number of public body complaints received by my office. The Health and Local Authority sectors account for 83% of the complaints received by my office; over the past five years, there has been a 126% and 10% increase in complaints respectively.

Traditionally, county councils have generated the largest number of complaints to this office and the last year has seen a 5% increase. Whilst Housing and Planning are consistently the largest areas of complaint for Local Authorities, the data for 2014/15 shows notable increases in complaints about Complaint-handling, Environment and Environmental Health, and Finance and Taxation, compared with 2013/14.

In reference to the outcomes of complaints, I am pleased that my office has issued fewer upheld reports against Local Authorities, compared with 2013/14. I have issued one Public Interest report against a body in the Local Authority sector. The report identified numerous failings concerning the way in which the Local Authority investigated concerns about the welfare of the complainant's daughter. The report also identified poor complaint-handling, a common feature amongst complaints across all sectors.

The complaint data shows a small decrease in the number of Quick Fixes and Voluntary Settlements achieved with Local Authorities, compared with 2013/14. I am keen to ensure that, wherever possible and appropriate, my office works with bodies from all sectors to resolve complaints as quickly and effectively as possible. In this

regard, I am concerned that the time taken in responding to requests for information from this office has significantly worsened; 45% of responses across Local Authorities took more than six weeks in 2014/15.

This figure is noticeable worse than the equivalent figure for the Health sector, despite my office making appreciably more requests for information to Health Boards. Against this background, I take this opportunity to reinforce the content of the letter I sent to you in April 2015 setting out a number of changes in the way that my office will work with your organisation in handling complaints. The changes included amending the time given to bodies to provide complaint files to two weeks, as well as new arrangements in granting additional time to bodies to provide information meaning that requests for extensions which are made with very limited justification will no longer be agreed.

In reference to your Local Authority, whilst there has been a slight increase in the number of complaints received compared to 2013/14, this figure remains below the average. However, there has been a significant decrease in the number of complaints investigated in 2014/15, compared with 2013/14. My office has issued two 'upheld' reports during 2014/15 but has failed to record any Quick Fixes or Voluntary Settlements. In reference to responses to requests for information from this office, your Local Authority provided responses within four weeks of the date they were requested.

My office is working in a number of ways to address the upward trend in complaints. We will be looking to engage more directly with county councils to promote improvement. We will also be placing greater emphasis on the data which we gather, initially in relation to complaints about the Health sector, to further identify trends and patterns. My office will also be taking a more proactive role in measuring compliance with recommendations and settlements, which may result in requests to visit your offices to discuss and examine changes that you have implemented. In addition to this work, you will be aware that following its inquiry, the Assembly's Finance Committee issued a report in May 2015, making a number of recommendations for revised or additional powers for the Public Services Ombudsman for Wales. I very much hope that those recommendations will come to fruition in the form of a new Act within the next year or so.

This correspondence has been copied to the Leader of the Council. I will also be sending a copy of this correspondence to your contact officer within your organisation and would again reiterate the importance of this role. Finally, a copy of all annual letters will be published on the PSOW's website.

Yours sincerely



Nick Bennett
Ombudsman

Copy: Leader, Monmouthshire County Council

Appendix

Explanatory Notes

Section A compares the number of complaints against the Council which were received by my office during 2014/15, with the Local Authority average (adjusted for population distribution) during the same period.

Section B provides a breakdown of the number of complaints about the Council which were received by my office during 2014/15. Section C compares the number of complaints against the Council which were received by my office during 2014/15, with the Local Authority average for the same period. The figures are broken down into subject categories.

Section D provides the number of complaints against the Council which were taken into investigation by my office during 2014/15. Section E compares the number of complaints taken into investigation with the Local Authority average (adjusted for population distribution) during the same period.

Section F compares the complaint outcomes for the Council during 2014/15, with the average outcome (adjusted for population distribution) during the same period. Public Interest reports issued under section 16 of the Public Services Ombudsman (Wales) Act 2005 are recorded as 'Section 16'.

Section G compares the Council's response times during 2014/15 with the average response times for all Local Authorities, and all public bodies in Wales during the same period. This graph measures the time between the date my office issued an 'investigation commencement' letter, and the date my office receives a full response to that letter from the public body.

Section H provides a breakdown of all Code of Conduct complaints received against Councillors during 2014/15. Finally, Section 'I' contains the summaries of all reports issued in relation to the Council during 2014/15.

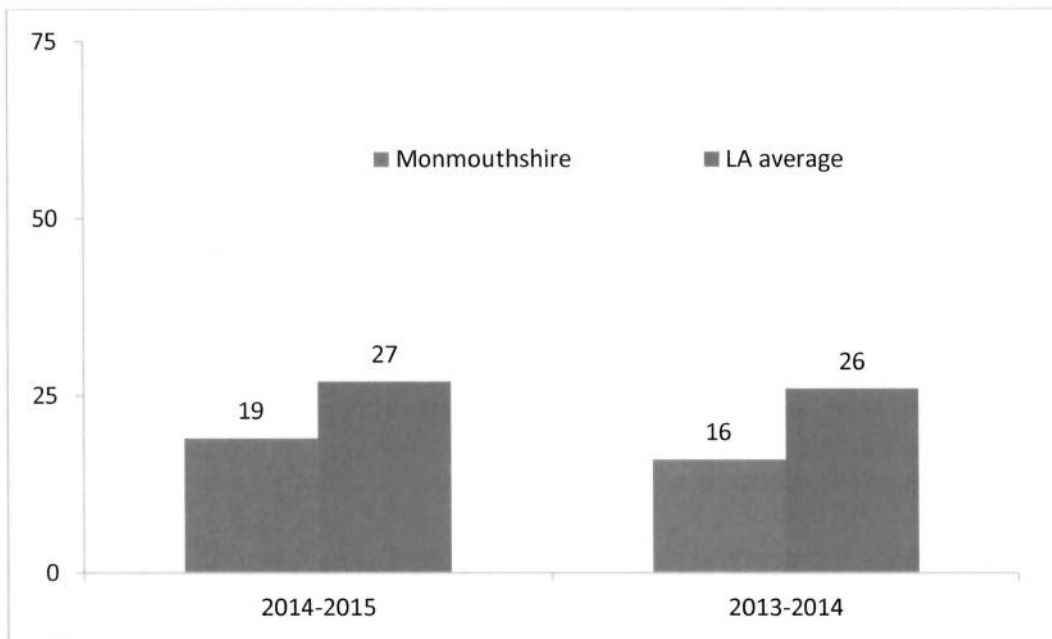
Housing Stock

As with previous exercises, the figures for 2014/15 have not been adjusted to take account of the transfer of housing stock. However, it is noted that there is likely to be a higher proportion of Housing complaints where Local Authorities have retained their housing stock.

Feedback

We welcome your feedback on the enclosed information, including suggestions for any information to be enclosed in future annual summaries. Any feedback or queries should be sent to james.merrifield@ombudsman-wales.org.uk.

A: Comparison of complaints received by my office with average, adjusted for population distribution

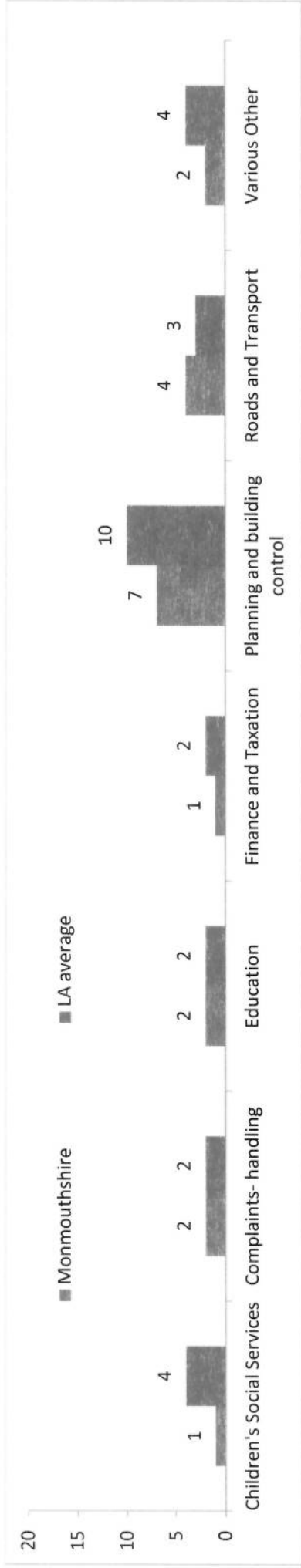


B: Complaints received by my office

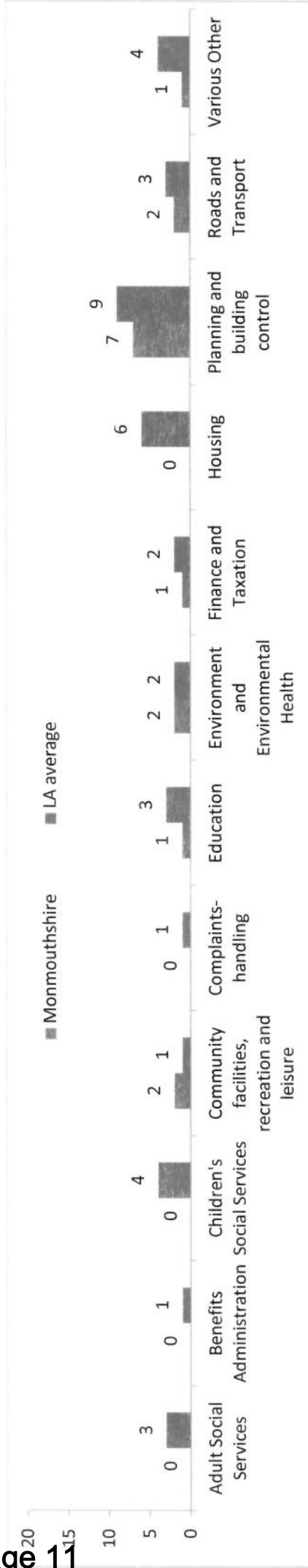
Subject	2014/15	2013/14
Adult Social Services	0	0
Benefits Administration	0	0
Children's Social Services	1	0
Community facilities, recreation and leisure	0	2
Complaint-handling	2	0
Education	2	1
Environment and Environmental Health	0	2
Finance and Taxation	1	1
Health	0	0
Housing	0	0
Planning and building control	7	7
Roads and Transport	4	2
Various Other	2	1
Total	19	16

C: Comparison of complaints by subject category with LA average

2014/15



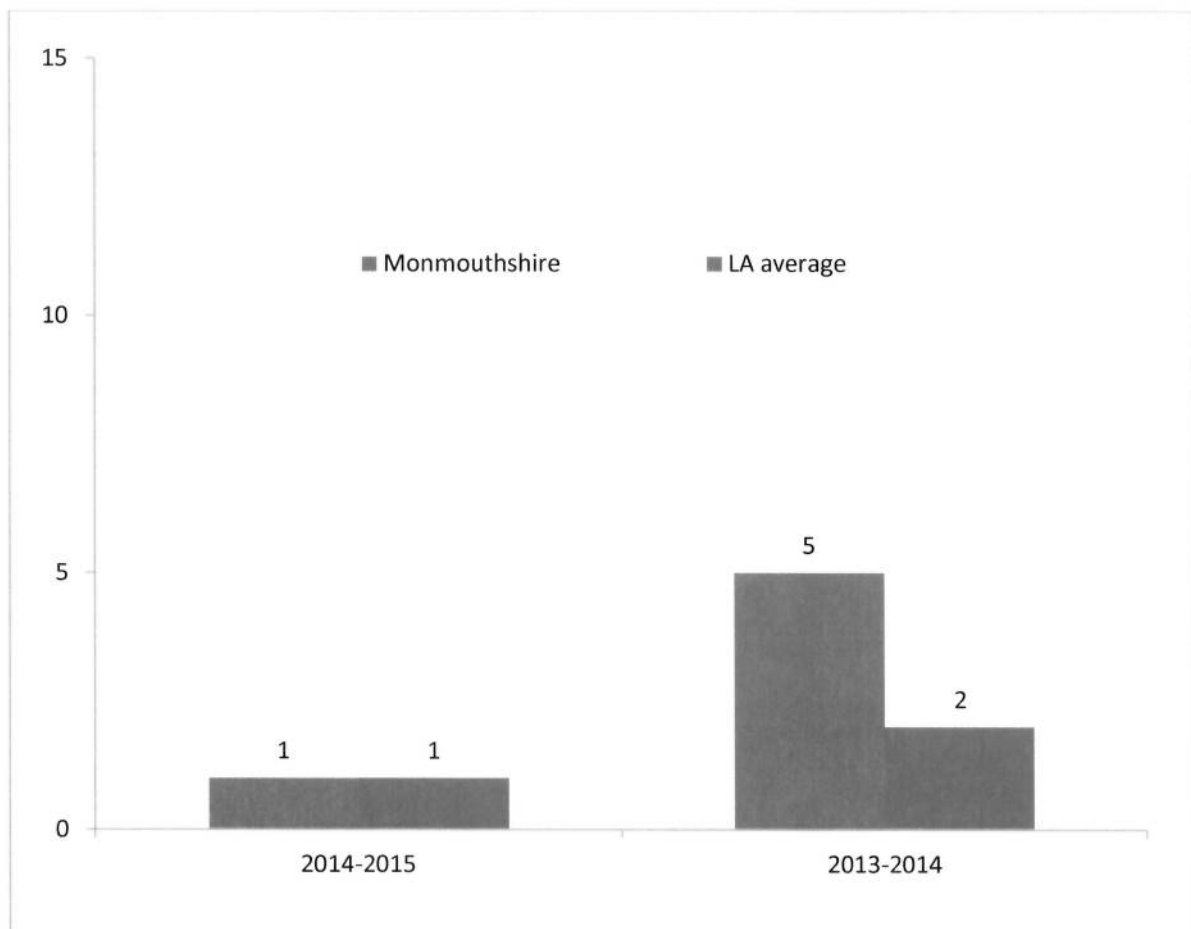
2013/14



D: Complaints taken into investigation by my office

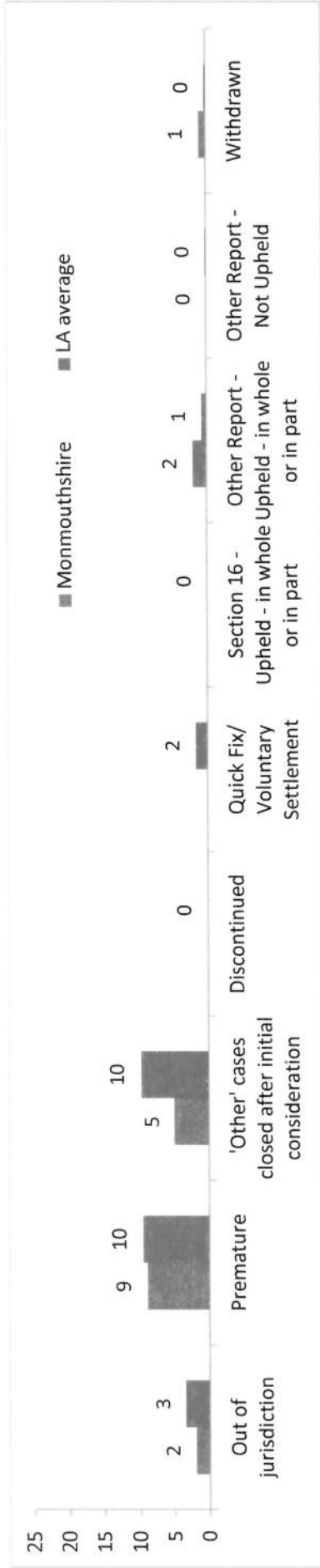
	2014/15	2013/14
Number of complaints taken into investigation	1	5

E: Comparison of complaints taken into investigation by my office with average, adjusted for population distribution

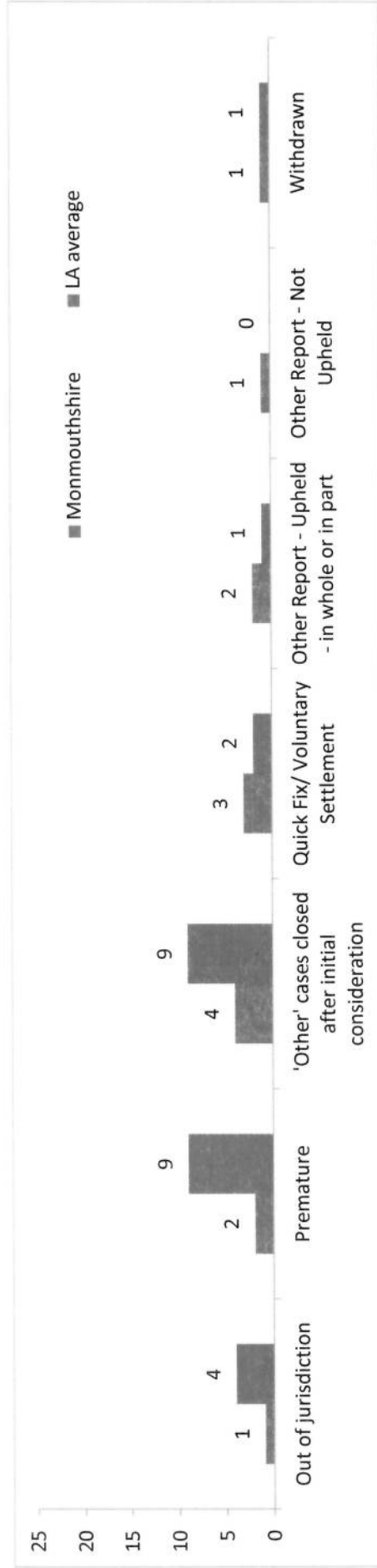


F: Comparison of complaint outcomes with average outcomes, adjusted for population distribution

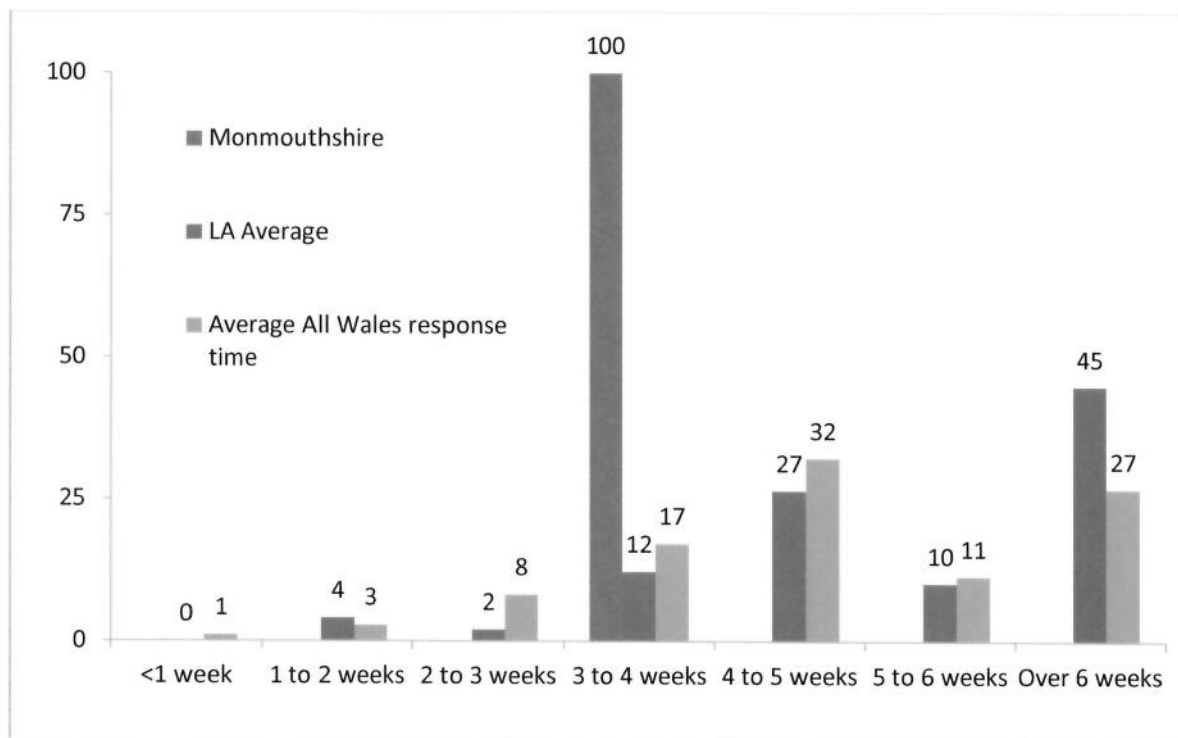
2014/15



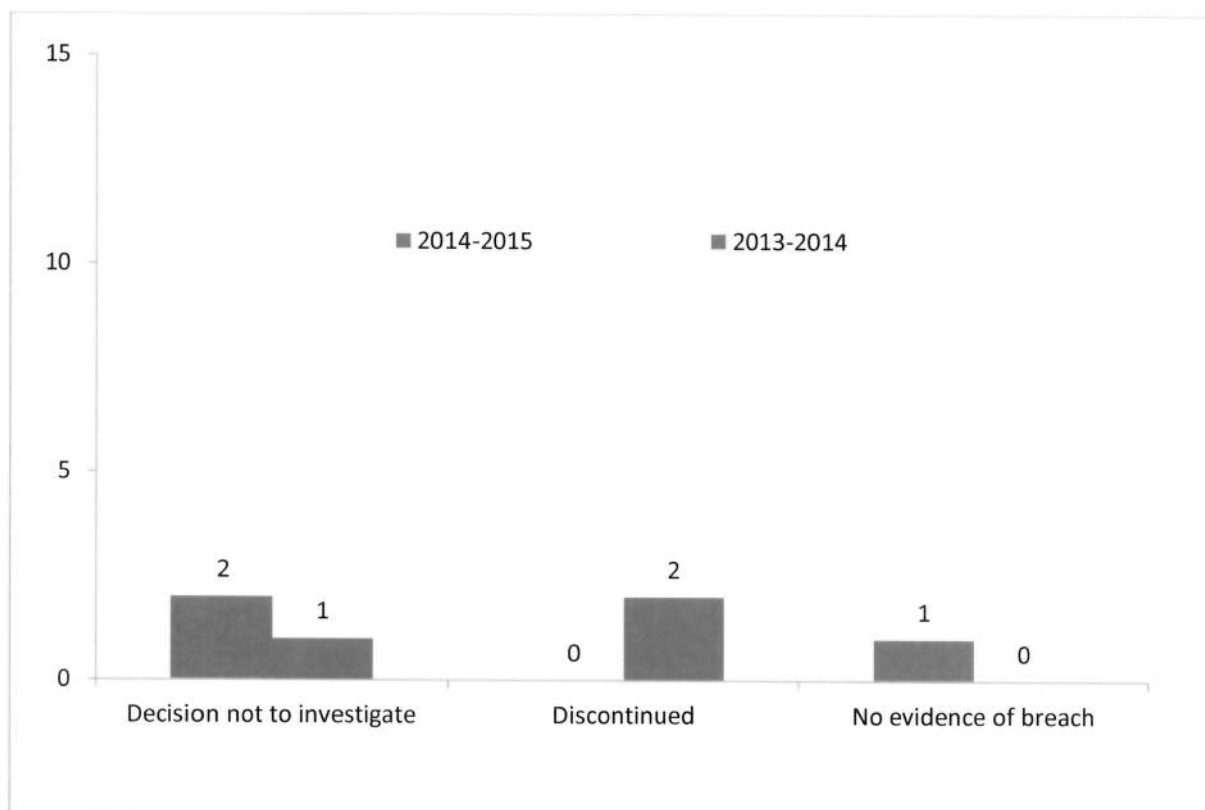
2013/14



G: Comparison of Council times for responding to requests for information with average LA and average All Wales response times, 2014/15 (%)



H: Code of Conduct complaints



I: Summaries

Various Other

Other reports – Upheld

Monmouthshire County Council & Welsh Government – Other misc. Case reference 201305690 & 201401758 – Report issued September 2014

The complainant's son [the student] applied for a student loan for an intercalated course (in this context, an additional course of study interposed into an undergraduate degree). The Council wrote to him in August 2013 confirming that he was eligible for funding, and the student made arrangements to attend the course. However, in September 2013, the Council wrote again to advise him that the course did not attract funding as it was a Masters course. The complaint was against the Council which was responsible for assessing the student's eligibility for statutory financial support, and the Student Loans Company [the SLC, an agent of Welsh Government] which was responsible for processing and paying the loan.

The investigation found that the Council initially authorised funding, not having identified that it was a Masters course (neither did the SLC). Both the Council and the SLC acknowledged that the student had been wrongly advised, but took the view that he had not been sufficiently explicit in his application.

The Ombudsman concluded that the student had not intended to mislead, and that it was for the bodies to have appropriate checks and balances in place to ensure that funding was not given for an ineligible course. As such, the complaint was upheld.

The bodies agreed to implement the following recommendations:

- a) apologise for the failings identified;
- b) the Council pay £1200, and the Welsh Government to pay £300, as redress;
- c) the Council and the SLC ensure they have sound mechanisms to:
 - i. keep staff skills and knowledge up to date; and,
 - ii. quality check telephone advice for accuracy.

SUBJECT:	Standards Conference Wales 2015
MEETING:	Standards Committee
DATE:	15th September 2015
DIVISION/WARDS AFFECTED:	All

1. PURPOSE:

To make Standards Committee members aware of the forthcoming Standards Conference.

2. RECOMMENDATIONS:

To consider attending the Standards Conference.

3. KEY ISSUES:

The Standards Conference Wales 2015 is due to take place at Cardiff City Hall on Tuesday 20th October 2015. The conference will begin at 10am, with registration commencing at 9.15am. The guest speakers will include Nick Bennett, the Public Services Ombudsman for Wales, Peter Davies, President of the Adjudication Panel of Wales, Jan Williams, the Independent Police Complaints Commissioner for Wales and Lyn Cadwallader, the Chief Executive of One Voice Wales, the organisation that represents town and community councils.

As well as listening to the above speakers there will be workshops for attendees to take part on the following subjects, social media, whistle blowing, leadership and effective committees.

It will also provide members with the opportunity to meet fellow standards committee members from across Wales.

Each council can send up to 5 members to the conference.

4. REASONS:

To provide members with the opportunity to attend the Standards Conference 2015.

5. RESOURCE IMPLICATIONS:

There is a conference fee of £75 per delegate.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

None.

7. SAFEGUARDING AND CORPORATE PARENTING IMPLICATIONS:

NONE.

8. CONSULTEES:

None.

9. BACKGROUND PAPERS:

None.

10. AUTHOR:

Robert Tranter, Temporary Monitoring Officer

11. CONTACT DETAILS:

Tel: 01633 644064

E-mail: roberttranter@monmouthshire.gov.uk

SUBJECT:	Ombudsman Factsheets
MEETING:	Standards Committee
DATE:	15th September 2015
DIVISION/WARDS AFFECTED:	All

1. PURPOSE:

To advise Standards Committee members of the Public Services Ombudsman For Wales factsheets for councillors on what happens when a member faces an allegation that the code of conduct has been breached and the subsequent interview process.

2. RECOMMENDATIONS:

To note the contents of the factsheets.

3. KEY ISSUES:

The Ombudsman has produced 2 very helpful factsheets that he will provide to councillors facing allegations of a breach of the members' code of conduct. The first factsheet provides an overview of the investigation process whilst the second provides information on what to expect when a member faces an interview by the Ombudsman's investigator.

The factsheets are attached as an appendix to the report.

The factsheets are available on the Ombudsman's website and I will make all county councillors aware of the factsheets.

4. REASONS:

The Standards Committee has the role of promoting and maintaining high standards of conduct by councillors through the provision of advice and guidance.

5. RESOURCE IMPLICATIONS:

None

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

None.

7. SAFEGUARDING AND CORPORATE PARENTING IMPLICATIONS:

NONE.

8. CONSULTEES:

None.

9. BACKGROUND PAPERS:

None.

10. AUTHOR:

Robert Tranter, Temporary Monitoring Officer

11. CONTACT DETAILS:

Tel: 01633 644064

E-mail: roberttranter@monmouthshire.gov.uk

Factsheet for Local Authority Members: What we do when we get a complaint about your conduct



This factsheet explains what happens when the Ombudsman receives a complaint about the conduct or behaviour of members and co-opted members of local authorities, community councils, fire & rescue authorities and national park authorities in Wales. It does not cover every detail of our procedures, which are available at www.ombudsman-wales.org.uk.

New Complaints

All new complaints are considered by the Ombudsman's Complaints Advice Team, who will acknowledge receipt of the complaint and notify you, the Monitoring Officer of your authority and/or the Clerk of your Community Council (if appropriate) of its existence. A copy of the complaint will also be provided.

You need not respond to this letter if you do not wish to. However if you consider that specific information should be considered by the Ombudsman as part of his initial consideration of this matter please let us know. If you decide to respond or provide any information you should bear in mind that your comments may also be disclosed to the complainant, or used in any subsequent proceedings.

Each complaint, and any supporting information, will then be examined against a two stage test. At the first stage, we will consider whether there is direct evidence that a breach of the Code of Conduct has occurred. At the second stage we consider whether an investigation or a referral to a standards committee or the Adjudication Panel for Wales is required in the public interest. This involves the consideration of a number of public interest factors such as: whether you have deliberately sought a personal gain at the public expense for yourself or others, misused a position of trust, whether an investigation is required to maintain public confidence in elected members or whether an investigation is proportionate in the circumstances. We will aim to tell you within four weeks whether or not the Ombudsman intends to investigate the complaint.

If we cannot accept the complaint

If a complaint does not meet the requirements of the two stage test, you will be provided with a copy of the explanation in writing.

If we decide to investigate the complaint

If we decide to investigate the complaint it will be conducted by one of the Ombudsman's investigators. We will always write to you and the parties to the complaint confirming our decision to investigate, again you do not need to respond if you do not wish to. However it would be helpful if you could identify any concerns that you may have during the course of the investigation so that these may be promptly resolved.

Investigations are generally conducted in private. Disclosure of details relating to an investigation may amount to a breach of the Code of Conduct. You are therefore advised not to discuss the complaint with anyone (including potential witnesses) other than your legal or other adviser to avoid any prejudice to the investigation. If there are witnesses who you think should be contacted you should advise the Investigator as soon as possible.

Where a request (which identifies you by name) is received from the media or a third party for information relating to an investigation, confirmation of the existence of an investigation only will be given.

The Investigator will usually obtain further relevant documentary and witness evidence. Each investigation varies and while it may be necessary to interview those involved, some cases may be concluded through examination of documents alone. We aim to complete all investigations within 12 months but most are concluded sooner. If, for any reason, we consider it necessary to discontinue our investigation, we will write to you explaining this decision.

When all reasonable enquiries are completed the Investigator will review the evidence gathered and decide whether it is supportive of a breach of the Code. If so, copies of the relevant evidence gathered will be sent to you together with an invitation to attend an interview. Interviews will be recorded and will usually be conducted face-to-face, although in exceptional circumstances you may be asked to answer a series of written questions. Detailed information about the interview process can be found in our factsheet 'Factsheet for Member Interviewees'.

At the interview you should be prepared to answer any questions put to you. You will also be given the opportunity to make comments you feel are relevant to the investigation. You may attend with a legal representative or have somebody else present for support should you choose to do so, so long as they are independent of the matters investigated. Failure to comply with any request made by the Investigator in connection with an investigation may amount to a breach of the Code for elected members.

When we have all the information required, we will write a report or letter setting out the evidence we have considered and the conclusions we have reached.

Investigation outcomes


If we conclude there is no evidence to suggest that a breach the Code of Conduct has occurred, we will close the investigation and provide written reasons for this decision to all parties to the complaint.

If, having reviewed the evidence, it is suggestive that a breach of the Code has occurred; the Ombudsman may determine in some circumstances that no further action is appropriate. Again written reasons for this decision will be sent to all parties.

Where the Ombudsman finds that a complaint is justified and it is also considered to be in the public interest to do so, he may refer it either to the Standards Committee of the relevant authority, or to a tribunal convened by the Adjudication Panel for Wales to make a determination on the issues. You will however be given the opportunity to comment on draft version of the report within a set timescale. Any comments made will be given due consideration before the report is finalised and may be incorporated into the final report.

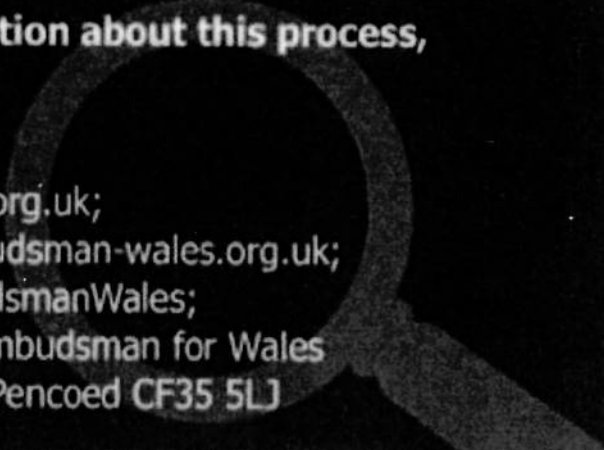
A copy of the Ombudsman's final report will be sent to you. The complainant will be notified of the Ombudsman's conclusions, and a summary of the report will be provided by way of information. The final report will not be disclosed by the Ombudsman until such time as a determination is made on the issues by the Standards Committee or tribunal.

If the complainant is dissatisfied with our decision



Once we have issued a decision, not to investigate a complaint or to close an investigation or that no further action is appropriate, our task is effectively ended and the file is closed. We will not re-open a case solely because the complainant disagrees with our decision. However you should be aware that a complainant can ask (within twenty working days) for us to review the complaint. If a review request is received we will notify you and provide a copy of any request received.

If you would like more information about this process, please contact us:



- **phone** 0300 790 0203;
- **e-mail** ask@ombudsman-wales.org.uk;
- **visit the website at** www.ombudsman-wales.org.uk;
- **follow us on Twitter:** @OmbudsmanWales;
- **write to:** The Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae, Pencoed CF35 5LJ

This factsheet explains the approach taken by the Ombudsman's staff when carrying out interviews with elected members who are subject to investigation under the Code of Conduct Complaints procedure.

The nature and format of the interview

Interviews will generally be conducted face-to-face, although in exceptional circumstances you may be asked to provide written answers to a series of written questions.

The Investigator will digitally record the interview to ensure that your evidence is accurately recorded. You should be prepared to answer any questions put to you. You will also be given the opportunity to make comments you feel are relevant to the investigation and which you consider the Ombudsman should take account of when reaching his determination on the complaint.

It would be helpful if you could identify any concerns that you have or identify any witnesses who you feel should be contacted during the course of the investigation so that these can be promptly resolved. Failure to comply with any request made by the Investigator to attend an interview in connection with an investigation may amount to a breach of the Code.

The Ombudsman appreciates that interviews may sometimes cause anxiety. You are therefore welcome to have someone with you when you see the investigating officer. You may attend with a legal representative or have somebody else present for support. If you wish to have somebody present at the interview to support you, please let the Investigator know who this person will be in good time. It should not be someone who is involved in the investigation; they are allowed to be present simply to offer you support and not to answer questions for you. Interviews will always be on the record.

What you will need for the interview

Make sure that you understand what the interview is about. You should have been given details of the complaint which sets out what the Ombudsman is investigating and copies of relevant evidence gathered. If you have any papers - such as letters or diaries or the formal file to which the complaint relates - which you think might be relevant to the interview, take them with you. If you have any notes you made at the time of the events under investigation, these may help the Investigator.

In addition to relevant documents, you should ensure that you have with you any other items which you might need during the course of the interview, such as reading glasses, hearing aids or medication (inhalers etc.). You should also ensure that, unless absolutely necessary, any mobile phones or tablet devices are turned off for the duration of the interview and that your colleagues are aware that you should not be disturbed.

Please notify the Investigator before the interview of any special requirements you may have, including any arising from any of the protected characteristics defined by the Equality

Act 2010 (as amended) e.g. any disability or religious considerations. You will be given the opportunity also to conduct your interview in Welsh if you would like to do so.

Although the Investigator will have a timetable and will try to keep to it, sometimes interviews overrun so you should ensure that this is taken into account when planning anything immediately after the scheduled conclusion of the interview.

Issues to bear in mind

The Investigator may also take handwritten notes of the interview and may ask you to sign and date these at the end of the interview. At the end of the interview the digital recorder will produce two compact discs, one disc will be sealed for evidential purposes and the other will be used by the Investigator as a working version of the recording. You will be asked to sign the sealed version as verification of the interview and given a notice explaining how you can request a copy of the disc.

As soon as reasonably possible after the interview, the Investigator will send you a typed transcript of the interview. This transcript will be used to form the basis of your evidence.

You should bear in mind that all comments made during the interview may be attached to any report on the investigation which the Ombudsman may refer to the Council's Standards Committee, or to the President of the Adjudication Panel for Wales.

Further information

The information provided to you in advance or during your interview should be held in strictest confidence.

Disclosure of details relating to an investigation should not be disclosed to anyone other than a legal or other adviser. If the information is disclosed to other persons disclosure may amount to a breach of paragraphs 5(a) and 7(a) of the Code. In addition you should not discuss the evidence you intend to provide at interview or contained within any witness statement with persons who may be involved in the investigation, whether directly or indirectly, as such contact may be construed as similar breaches of the Code.

**If you would like more information about this process,
please contact us:**

- **phone** 0300 790 0203;
- **e-mail** ask@ombudsman-wales.org.uk;
- **visit the website at** www.ombudsman-wales.org.uk;
- **follow us on Twitter:** @OmbudsmanWales;
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