

Initial comments on Richard Penn Report dated July 2021 (review of ethical standards framework)

1. Limited consultation and no publicity

The consultation was heavily slanted towards Welsh Government and local government officers, only a minority of standards committees were involved (para 2.14, pages 12 - 14).

Despite “public confidence” in the framework being one of the terms of reference of the review (para 1.2, page 3), there was no consultation of the public (actual or potential complainants) or elected members.

We suggest that councillor confidence in the framework is also critical, so any major proposed changes must be subject to proper councillor consultation.

No information was available on the Welsh Government website about the standards framework review until the 14th October 2021, when the completed Richard Penn Report (dated July 2021) was published.

2. Community councillor behaviour

The Report repeatedly raises concerns about community councillor conduct, for example “there is serious concern about the extent of bullying, lack of respect or otherwise generally disruptive behaviour by some members at meetings of Town and Community Councils” (page 8).

The Report does not explain why the current framework is not dealing with such behaviour which breaches the Code, when effective sanctions are available to APW and Standards Committees, and subsequent publicity should deter further breaches.

3. Local resolution of complaints

We do not support the proposal to remove the right of the public to complain directly to the PSOW (para 1.6, page 6). The independence of PSOW is a foundation of the Welsh framework, and is critical for public and councillor confidence.

Monitoring officers will not be perceived as independent when dealing with complaints about members of their own authority, especially senior members.

In a letter to Jane Bryant MS dated 21st January 2021, Lord Evans the Chair of the Committee on Standards in Public Life stated:

“... it is vital that the investigative process for complaints is sufficiently independent, so that it is perceived as fair by potential complainants and respondents. An investigatory process that is not perceived as fair will deter complainants from coming forward and will lead to respondents challenging the legitimacy of the process and its outcomes. The former is a particular problem for those who are victims of bullying or harassment, for whom confidence that their complaint will be taken seriously and processed fairly will often determine whether or not they complain at all.”

Informal local resolution of conduct complaints works well now, it does not require a new process. Removal of the public’s right to complain directly to the PSOW would be an unjustified and damaging move towards the English ethical standards framework.