

**Evidence of the Public Services Ombudsman for Wales
to the 12th Inquiry of the Committee on Standards in Public Life
- Local Leadership and Public Trust:
Openness and Accountability in Local and London Government**

1. As Public Services Ombudsman for Wales, I investigate complaints that members of local authorities (county/county borough councils and community councils) have broken their authority's code of conduct. I also investigate complaints made by members of the public who believe they have suffered hardship or injustice through maladministration or service failure on the part of a body in my jurisdiction. As such, I have a unique perspective on the governance of local authorities in Wales and it is in this context that I am responding to the inquiry. For the sake of clarity, my response will restrict itself to the experience of my office in respect of county/county borough councils given that it is this tier of government that the 12th Inquiry of the Committee on Standards in Public Life addresses. Inevitably, because the experience of my office is based on the investigation of complaints, it does tend towards a less positive view than other perspectives. It does, however, allow for a detailed independent perspective of matters complained about.
2. The Committee will be aware that there are 22 county/county borough councils in Wales. Last year, my office saw a rise in complaints about the members of these councils (160 complaints in 2007/08 compared to 136 in 2006/07). A number of those complaints were about openness and accountability. I would not wish to suggest that this is a reliably predictive indicator of itself. A proportion of complaints are in any event made by other councillors, as opposed to the public at large, as they are required to do by the Code of Conduct. Nonetheless, it does not suggest an improvement.
3. There are some specific issues arising from the Issues and Questions Paper that I wish to comment upon. These are as follows:
 - **Page 4, paragraph 1.4** – With reference to White Paper citation, the evidence from my investigations (both complaints about maladministration by public bodies and those that local authority members have broken the code of conduct) does not support the definitive view that the new arrangements are working more effectively than those in the past.

- **Page 10, paragraph 2.19 – Strengths and weaknesses of new executive models of decision making** – It is apparent from my investigations that fewer elected members are now involved in decision making because of the delegation of powers to the cabinet. This is perceived as a disadvantage by those members who see themselves as excluded from most key decisions and in some instances appears to contribute to an increase in political partisanship. Furthermore, meetings of the full Council are now unable to overturn Cabinet decisions and the scrutiny system is generally concerned with matters which have already occurred. Decision making can be, therefore, less transparent and accountable under the executive model. However, for those authorities that have operated an all-party board model, this does at least have the merit of involving all political parties in the governance of an authority.
- **Page 10, paragraph 2.19 – Public trust in local governance** – The increase in complaints about members that I am receiving suggests that public trust in local governance is decreasing. The maladministration complaints I receive are equally indicators in this regard and appear to support my view. For example, many complaints about planning matters reflect concerns about the transparency and objectivity of decisions taken by planning committees, etc. I do not necessarily believe, however, that there is a direct link between public perception and an actual change in practice.
- **Page 12, Paragraph 2.28** - This paragraph implies that the locally based system for managing and enforcing codes of conduct also applies to Wales. That is not the case. My staff investigate allegations of breaches of the code independently. They do not have any conflict of interests arising from a role in advising members. Because of the extent of the investigations across my jurisdictions, I am able to retain a pool of skilled professional investigators. My investigations are not subject to local political pressure. Where appropriate, I can refer cases to the All Wales Adjudication Panel, especially when I take the view that the Member against whom allegations have been made is less likely to be seen to have a fair hearing locally. From the investigations I have referred to standards committees, I have seen some evidence of their objectivity being impaired when confronted with political controversy which can also raise doubts about public confidence in the system. Having one body to consider and investigate complaints provides a unified approach and, indeed, is more cost effective. It is difficult for monitoring officers to provide advice to members on the code and then be expected to investigate breaches of it, and in authorities which have very polarised relationships between the administration and the opposition, complaints can be used in a politicised way placing monitoring officers in an invidious position.

Councillors accused of breaching the code are increasingly instructing and being represented by Counsel. Therefore, the standard of investigation required is changing. Given the episodic nature of the work, each local authority in Wales would find it difficult to sustain the level of professional expertise now necessary to investigate alleged breaches of the code.

- **Page 13, paragraph 2.29 – Standards Committee** – Standards committees have an important role in promoting improved public confidence in local government. This is illustrated, for instance, in the work they undertake in dealing with issues such as declarations of personal interest. One of the greatest concerns of the public is that councillors should be seen to be acting in the interest of the electorate and not in their own interest. Standards committees should continue to have a role in promoting a culture of openness, and for holding members to account when they fall short of this.
- **Page 13, paragraph 2.29 – Role of external organisations** – It is important that service users have the opportunity to hold local authorities to account for the individual decisions as they may affect them. Many external bodies contribute to this task, Government as funder and often, regulator, auditors, bodies responsible for the registration of practitioners such as teachers and social workers and of course, Ombudsmen. As Ombudsman, I offer an opportunity for members of the public to seek redress where they may have suffered an injustice because of service failure or maladministration. In doing so, I aim to ensure that any lessons learnt are passed on to improve public confidence in the future. It is important that the various bodies who have a role in this regard work effectively together, and in Wales, protocols are in place or being developed to ensure that maximum value is derived from the collective endeavour.
- **Page 15, paragraph 2.40 – Partnerships** – Many of the complaints I receive are in respect of services where more than one agency is involved, typically health service bodies and local authorities. Whereas partnership is a necessary and desirable way of delivering greater effectiveness and value, it also can highlight deficiencies in arrangements for joint working where service users fall between stools. Arrangements for partnership need to be robustly planned from a service user perspective, and not for the convenience of the participating bodies. Access to redress needs to be considered at the outset, and not as an afterthought. The Welsh Assembly Government has proposed a common complaints system across the public sector and I am aware of similar proposals elsewhere in the UK. I'm sure that such arrangements would help to facilitate partnership in the future.

Public Services Ombudsman for Wales
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