

ATODIAD / ENCLOSURE
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ISLE OF ANGLESEY COUNTY COUNCIL

MEETING:	STANDARDS COMMITTEE
DATE:	12th March 2015
TITLE:	Update on Ombudsman's questions
REPORT BY:	Awena Walkden, Solicitor Corporate Governance
PURPOSE OF REPORT:	To report back to the Standards Committee on the Ombudsman's questions (26.11.2014)
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1. On the 26th of November 2014 the Ombudsman attended Anglesey County Council for a meeting of the North Wales Standards Committee Forum ("NWSCF") where he was presented with a list of questions from members of the Forum. The Anglesey Standards Committee invited him to attend as it was our turn to host the event and it was felt that it would be a good opportunity for the NWSCF to meet the new Ombudsman and to hear about his new initiatives.
2. A copy of the questions posed to the Ombudsman along with his answers are attached at **Appendix 1**.
3. The Ombudsman explained to the Forum that during his short term as the Ombudsman for Wales he has come up with a few new initiatives regarding the process for Code of Conduct complaints. The most significant of these initiatives are as follows:
 - (i) he wants to bring a third test into his two stage test on whether a Code of Conduct complaint should be investigated; this third test will be "Is there a public interest in investigating this complaint?"
 - (ii) he is looking at the possibility of extending the use of the local resolution protocol to Community Councils however he is aware that this may not be a popular option for Monitoring Officers due to their heavy workloads.
 - (iii) he will be bringing in new guidance on the Code of Conduct as a result of the Heesom judgment and further, he will delete the reference to paragraph 10.2(b) of the Code of Conduct from the Guidance.

The overriding message from the Ombudsman during the Forum meeting was that he needs to cut down on looking into vexatious complaints raised by the public and by councillors against each other as these complaints (and the investigation of them) are unlikely to be in the public interest. The introduction of the Public Interest Test should assist with reducing the number of vexatious complaints raised. The Ombudsman's

budget is tightening and as the Ombudsman also looks into NHS related “life or death” cases he believes that the public interest is best served in pursuing these claims.

The Ombudsman’s office has produced a document setting out the investigation process followed by them (copy attached – **Appendix 2**).

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1



Questions and Responses from the Ombudsman

Question	
1	<p>The Local Government (Democracy) (Wales) Act 2013 allows for regional Standards Committees to be formed. When the regulations are in place, how does the Ombudsman suggest that this power should be exercised among the North Wales Authorities. What is the current timetable for bringing this power into effect?</p> <p>Michael Wilson (Chair) - Isle of Anglesey</p> <p>OMBUDSMAN :- I worked on the Williams Commission and am a strong supporter of collaborative working in the public sector. I am supportive of regional Standards Committees being formed, and believe it is the way forward. I understand that the Welsh Government are looking to bring the regulations into place next year, however, I do not have a timetable for this.</p>
2	<p>Why do cases accepted by the Ombudsman take so long to investigate?</p> <p>Surely a member who has been accused of misconduct has a reasonable expectation that the allegation(s) be addressed and determined as soon as possible?</p> <p>There is also a public interest for the electorate in knowing as soon as possible whether their democratically elected representative has breached the code of conduct.</p> <p>John Roberts (Vice-Chair) – Conwy</p> <p>OMBUDSMAN :- If there is a problem with the timescale for dealing with complaints I will look at this. There is a graph within the Williams Report known as the “graph of doom” which states that demand for public services is going up, whereas the budget is going down.</p> <p>There has not been a huge increase in the number of code of conduct complaints received, and in fact there has been a decline. This however does change during election years where the numbers of complaints increase. The problem we have is with vexatious complaints. We need to make sure that vexatious complaints are not investigated and are thrown out as soon as possible.</p> <p>We are funded by tax payers’ money, and also investigate life or death NHS failures, which we believe has a higher public interest for investigation, rather than vexatious complaints raised on code of conduct issues.</p>

	<p>The statistics for the timescales in which we deal with code of conduct complaints are as follows :-</p> <ol style="list-style-type: none"> 1. We decide whether or not to investigate 81% of complaints received within 4 weeks; 2. 85% of complaints which are then passed to investigation stage are investigated within 9 months; 3. Only 15% take longer than 9 months. <p>However, where we can make further improvements to timescale in which we deal with complaints, we will. We cannot do anything to speed up the Adjudication Panel for Wales' timescales, or that of the Standards Committees, as these are outside our control. I want to bring in a third test to my two stage test and that "is there a public interest in investigating the complaint?" It makes sense that any matter which is not in the public interest should be set aside. I am not saying that we are going to do less work, we are going to do more, but we cannot indulge in wasting tax payers money in investigating vexatious complaints.</p>
3	<p>In a letter to the Ombudsman from the Chairman of the North Wales Standards Committee Forum (NWSCF) it was asked whether:-</p> <ol style="list-style-type: none"> (i) The Ombudsman would be willing to provide sanctions guidance specifically tailored to the needs and powers of standards committees rather than seeking to apply relevant passages from the Adjudication Panels Guidance; and (ii) The first issue of "The Ombudsman's Code of Conduct Casebook" was considered very useful. However, the NWSCF considers that it would be even more useful if case summaries could be published as and when the cases are concluded, perhaps on the Ombudsman's website? It was asked whether or not this could be accommodated or, alternatively, might the case summaries be published quarterly? <p>Negative responses to each request was received from the former Ombudsman. Is the current Ombudsman willing to re-visit these issues and, if not, could he elaborate on the reasoning behind his predecessor's decision.</p> <p>Ian Trigger (Chair) – Denbighshire</p> <p>OMBUDSMAN :-</p> <p>We do not have the resources to publish a monthly casebook, but we may be able to publish information on reported cases on the website as soon as they go live.</p> <p>In relation to the sanctions guidance, I have not discussed this matter with my predecessor, however, I am not convinced there is a problem with consistency of sanctions being provided by the Standards Committees across Wales, however, it is something we can consider if you think it would be helpful.</p>
4	In the Ombudsman's Guidance on Local Resolution Protocols (page 6 of the

	<p>Guidance to the Code) it is mentioned that there is an expectation on County Councils to implement local resolution procedures to deal with low level complaints and that: “these mechanisms are initially being adopted by principal councils, but I am supportive of this extending to cover community councils in due course”.</p> <p>This anticipates that County Councils may be expected to operate local resolution protocols in community council disputes? Alternatively, does the Ombudsman envisage that such protocols should be adopted by Community Councils themselves and operated by those Councils? Even if these anticipated arrangement are not “rolled out” does the Ombudsman think that Standards Committees should take an active role in sorting out minor complaints within Town and Community Councils, before they are escalated to the Ombudsman?</p> <p>Edwards Hughes (Chair) – Flintshire</p> <p>OMBUDSMAN :- Currently 50% of the Code of Conduct of complaints we receive are from Community Councils.</p> <p>In a conference held by One Voice Wales recently, the Community Councils attendees seemed keen for the Local Resolutions Protocol to be extended to Community Councils, however Monitoring Officers appeared less keen.</p> <p><i>The Monitoring Officer for Gwynedd County Council confirmed that he is yet to be persuaded that there is capacity to deal with Community Councils’ Local Resolution Protocols, both within the Council, and within the Community Councils themselves due to the time restraints on the Clerk. However, introducing the public interest test may assist in reducing the number of Community Council complaints raised.</i></p>
5	<p>It is understood that the Ombudsman will publish new Guidance on the Code of Conduct (particularly in light of Calver). Is the Ombudsman able to give any indication as to when this new guidance will be available and to provide some information regarding the timeframe for consultation on any draft?</p> <p>David Vaughan (Chair) – Snowdonia National Park</p> <p>OMBUDSMAN :- The Guidance on the Code of Conduct has been amended in light of Calver but it will need to be revisited again as a result of the Heesom judgment, and the fact that we want to introduce a new public interest test.</p>
6	<p>Within our Whistleblowing Policy we refer to the Ombudsman as a regulator to whom an employee may speak regarding their concerns. Does the Ombudsman have a role here? If so, what kind of whistleblowing complaints would fall within the Ombudsman’s remit? Should this be removed from our policy?</p> <p>Michael Wilson (Chair) – Isle of Anglesey</p> <p>OMBUDSMAN :- I am not a regulator but am of course prepared to receive whistleblowing</p>

	complaints which relate to the Code of Conduct and its breach.
7	<p>What percentage of complaints received by the Ombudsman, investigated by the Ombudsman, referred by the Ombudsman to a Standards Committee/Adjudication Panel, are from Community Councils as opposed to unitary authorities? The concern is that the public will see the word “Councillor” and be unable to distinguish between County Councillors and Community Councillors.</p> <p>Robert Dewey (Chair) – Flintshire</p> <p>OMBUDSMAN :- 50% of the complaints we receive are from Community Councils; 15% of these are investigated and 5% are referred to Standards Committee.</p> <p>In respect of the 50% of complaints received against County Councillors, 19% are investigated, and 1% are referred to the Standards Committee.</p>
8	<p>Where the Ombudsman refers a matter to a Standards Committee for hearing and the Council’s own Legal Section is conflicted by the subject matter of the referral, what (if any) are the Ombudsman’s views on whom should provide the legal advice to the Standards Committee?</p> <p>Ian Trigger (Chair) – Denbighshire</p> <p>OMBUDSMAN :- I am of the view that neighbouring authorities should assist.</p> <p>It was accepted within the Committee that where they can, legal services will assist each other, however, this may be difficult on specific issues due to each Council’s own graph of doom.</p>
9	<p>How does the Ombudsman intend to develop his role in relation to the Code of Conduct? Does he have any new initiatives in mind?</p> <p>John Roberts (Vice-Chair) - Conwy</p> <p>OMBUDSMAN :- I do not have any new initiatives in mind, however, I wish to add a third public interest test and will also be providing simple guidance on personal and prejudicial interests.</p>
10	<p>The NWSCF wrote to One Voice Wales earlier this year requesting support for Community Councils in developing the ethical content of their websites when this becomes a statutory requirement (see letter attached). We are yet to receive a response. What advice will the Ombudsman provide to Community Councils on this issue?</p> <p>Edwards Hughes (Chair) – Flintshire</p> <p>OMBUDSMAN :- I would like to see a copy of any response you receive from One Voice Wales on this as I would be interested in receiving their views. Equally, I would also be happy to listen to any comments you may have on what sort of guidance you</p>

	would like to receive, and we can see if it's something that we are able to assist with.
11	<p>Will you as the Ombudsman, consider passing more breaches of the Code of Conduct, to the Standards Committees to deal with at a local level.</p> <p>Howie Roberts (Chair) – Conwy</p> <p>OMBUDSMAN :- Yes, we will consider passing more breaches of the Code of Conduct to Standards Committees, and during a meeting in Swansea last week in which I was present, there was an expectation that this would happen. The take up was however poor with only four cases being investigated at local level up to April this year. The problem appears to be that Standards Committee do not appear to have an appetite for taking on local hearings. It is however noted that the Standards Committees present would be happy to take more matters on at a local level and I will continue to refer cases where appropriate.</p>
12	<p>Whether the Ombudsman has any intention of clarifying paragraph 10 (2) (b) of the Members' Code beyond that contained in the Guidance issued in September 2012 (page 27). That Guidance indicated that the then Ombudsman would review that Guidance in light of any future decisions and case law on the effect of this provision.</p> <p>David Vaughan (Chair) – Snowdonia National Park</p> <p>OMBUDSMAN :- The Welsh Government has indicated that it is going to remove paragraph 10 (2) (b) of the Members' Code of Conduct when relooking at the Local Government (Democracy) (Wales) Act 2013.</p>
13	<p>A complaint is usually made against a member as a member of a particular authority. Consequently any suspension would be from acting as a member of that authority. Often however, the member will also be a member of another relevant authority (e.g. a county councillor who is also a community councillor). This can lead to a situation, where a member is suspended for behaviour which is considered unacceptable for a member of any authority (e.g. conduct that brings the office into disrepute) but he/she is free to continue to act as a member of another authority in the meantime.</p> <p>Robert Dewey (Chair) – Flintshire</p> <p>OMBUDSMAN :- Any suspension prevents a Councillor from acting on the authority from which they have been suspended, but does not ordinarily suspend that member from any Community Council to which they have been appointed, unless the allegations are sufficiently serious, in which case the suspension can be extended to other committees and other Authorities such as Community Councils.</p>
14	<p>Do you think that the North Wales Standards Committee Forum is a good idea?</p> <p>Howie Roberts (Chair)</p>

OMBUDSMAN :-

Yes I do believe the Forum is a very good idea as it encourages sharing expertise, and also provides consistency across North Wales.

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Code of Conduct Complaints Procedure (Version 11)

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Principles

The Public Services Ombudsman for Wales (PSOW) is committed to offering a high standard of customer service and to assessing, and, when appropriate, investigating complaints that members have breached their authority's Code of Conduct.

Members who are the subject of a complaint may find it stressful. Therefore it is important that the decision whether to investigate a complaint is made and conveyed as speedily as possible.

We will comply with the duties imposed upon us by the Equality Act 2010, Article 6 of the European Convention on Human Rights (ECHR) and the FREDA¹ Principles.

Special care needs to be taken when responding to vulnerable people and our communications with them need to be sensitive and appropriate to their needs. Examples of steps we have taken to assist people in dealing with us include Easy Read, transcribing conversations, face to face visits, Braille, referring complainants to advocates and the provision of material on CD or tape.

The Ombudsman has encouraged local authorities across Wales to implement local resolution procedures to deal with low level complaints which are made by a member against a fellow member. Typically these complaints will be about alleged failure to show respect and consideration for others as required by paragraph 4(b) of the Code or the duty not to make vexatious, malicious or frivolous complaints against other members under paragraph 6(1)(d). Any such complaints should be closed at step 2 and referred back to the Council's Monitoring Officer for consideration under this process.

The decision to investigate a complaint is one which requires careful consideration. Investigations have potentially significant implications for the member. However we need to be mindful of our role in building confidence in local government in Wales by promoting standards in public life.

In determining whether to investigate a complaint of a breach of the Code the Ombudsman applies a two stage test:

- (i) In the first instance he aims to establish whether there is evidence that a breach actually took place.
- (ii) The second test is whether the breach alleged would be likely to lead to a sanction being imposed on the member.² In using his discretion the Ombudsman takes account of the outcomes of previous cases

¹ FREDA = Fairness; Respect; Equality; Dignity; Autonomy

² The Ombudsman regards a sanction as being a censure, suspension or disqualification of the member

considered by Standards Committees and Adjudication Panels across Wales and decides accordingly.

In reaching that decision, the investigator³ should base the decision on the information available. The complaint must be supported by direct evidence as opposed to assertions.

The level of proof required for a breach of the Code is the balance of probability. It is important that any investigation is proportionate to the breach of the code alleged.

Many complaints received are politically motivated or vexatious. Whilst it is necessary to be mindful of this the decision to investigate or not must be taken on the merits of the evidence presented and the application of the two stage test.

Our decisions will be made openly and transparently. The reasons for decisions not to investigate will be conveyed in a way that meets the recipient's particular requirements, and will be given to those whom we are required to inform. Decisions taken under delegated authority are subject to review by the Review Manager or the Ombudsman.

If whilst assessing or during an investigation the second limb of the two stage test is not met we will ask the relevant Monitoring Officer whether they wish to investigate (or further investigate) the matter at a local level (see paragraph 2.3 for assessment process and paragraph 3.6 for process during an investigation).

At all times we should avoid bias and also be mindful of the need to avoid giving the appearance of bias. Our process is to gather all the evidence available, proportionately to the breach involved, and to make decisions on the basis of the evidence gathered.

The Ombudsman has provided statutory guidance on the Code of Conduct⁴ which will need to be considered when making a decision.

1. Workpro

1.1. Workpro is the means by which complaints are recorded and progress of the complaint monitored and managed. There are four distinct steps relevant to Code complaints:

- Step 1 – Enquiry
- Step 2 – Assessment

³ Throughout this procedure the term investigator refers to Senior Investigating Officers and Investigating Officers.

⁴ "The Code of Conduct for members of local authorities in Wales – Guidance from the Public Services Ombudsman for Wales" (April 2010 revised in September 2012)

Step 3 – Investigation
Step 4 – Report

1.2. All actions taken and written documents prepared during the course of an assessment or investigation of a complaint must be recorded and stored within the complaint record on Workpro.

1.3. Throughout this procedure “file” refers to the paper file and “record” refers to the Workpro entries.

1.4. A number of templates are available on Workpro. Whilst these can save time and effort, care must be taken to ensure that, if used, the final document is appropriate to the circumstances of the case.

2. Assessment

2.1. When the complaint is received in the Complaints Advice Team (CAT) the following will be notified :

- (a) The Monitoring Officer
- (b) The Clerk to the Community Council, if appropriate
- (c) The accused member
- (d) The complainant

2.2. The investigator will assess the information contained in the complaint against the two stage test. If the first stage is not met, the investigator will reject the complaint and will notify the complainant in writing and via their preferred method of communication (if different). That letter will set out the reasons in full for the decision and will be copied to those persons set out in paragraph 2.1(a) to (c)

2.3. Where the decision to investigate, or the complaint itself, is likely to have a high public profile the file must be referred to an Investigation Manager (IM).

2.4. Occasionally, the information in the file may suggest that the complaint has merit but that the complainant has not been able to supply direct evidence of the matter being complained about or has not named witnesses to the event being complained about. In these circumstances a “minded to” letter should be sent to the complainant giving them an opportunity to provide further information. This letter should explain the investigator’s thinking and why the first limb of the two stage test has not been passed. Ten working days should be allowed for a reply. If no reply is received the complaint should be rejected (see paragraph 2.2). If a reply is received, the investigator needs to re-assess the complaint and decide if:

- (a) It should be rejected; in this case paragraph 2.2 should be followed; or
- (b) It should be investigated; in this case paragraph 2.4 should be followed.

If the investigator concludes that the first stage of the two stage test is met but not the second stage the investigator will refer the file to the Director of Investigations (DOI) via their IM. If the decision is agreed by the DOI the investigator will write to the relevant Monitoring Officer informing them that we are minded not to investigate the complaint and asking them to confirm whether they believe a local investigation is appropriate (giving ten working days to respond). If no reply is received in that time the file can be closed. If the Monitoring Officer asks for an extension of time to respond a reasonable extension can be agreed by the investigator. A copy of the letter will be sent to the complainant and the member being complained about.⁵

Where the Monitoring Officer agrees that an investigation is not warranted the complaint will not be investigated and the parties informed accordingly.

Where the Monitoring Officer indicates that a local investigation is appropriate we will start an investigation and immediately refer the matter formally to the Monitoring Officer under section 70(4) of the Local Government Act 2000.⁶

2.5. If after assessing the complaint the investigator concludes that the two stage test has been met the investigator should prepare an assessment note setting out the reasons for the decision and which provisions of the Code are engaged. Where the complainant has accused the member of breaching more than one paragraph of the Code an evaluation of each potential breach should be included in the assessment note. If the investigator has identified areas of the code where there are potential breaches not identified by the complainant, these too should be referred to in the assessment note.

2.6. The decision to begin an investigation must be approved by the Ombudsman (or in his absence, the DOI).

3. The investigation

3.1. Once the decision has been made to investigate the complaint, the IM (in conjunction with the DOI in complex or high profile cases) may re-allocate the file to another investigator. The investigator will identify the scope of the investigation, which witnesses to seek evidence from and what other evidence to gather and make a note of this on the file.

3.2. Once the scope of the investigation has been agreed, those identified in paragraph 2.1 will be contacted to inform them of the investigation. The accused member will be told that comments are not required at this stage. The Monitoring

⁵ Both parties should be informed that it would not be appropriate to contact the MO about the matter at that stage

⁶ The Local Government Investigations (Functions of Monitoring Officer and Standards Committees) (Wales) Regulations 2001/2281 outline the way in which the matter should be dealt with by Monitoring Officers and Standards Committees.

Officer and Clerk to the Community Council (if appropriate) will be asked for relevant information.

3.3. Written evidence from witnesses asking for their accounts of events can be obtained in several ways, for example:-

- (a) Face to face interviews;
- (b) Telephone interviews;
- (c) Written questions.

The investigator will identify the most appropriate way for witness evidence to be gathered, but as a general rule, the more serious the breach being investigated, the greater the benefit from face to face or telephone interviews with formal written statements being obtained.

3.4. During the course of an investigation, other potential breaches of the Code may be identified, either involving the member under investigation or another member. When this happens, the investigator will prepare a written brief for the IM, who will refer the file to the DOI for a decision. The DOI may decide what action to take or to refer the decision to the Ombudsman. If the scope of the investigation is to be widened, the steps set out at paragraph 3.2 are to be taken. However if the extended investigation is against another member, a new record and file are to be opened before that member, the Monitoring Officer and, where appropriate, the Clerk to the Community Council are informed (see paragraph 3.2).

3.5. When all the evidence has been gathered the investigator will review the information to decide if the evidence is supportive of a breach of the Code.

If so, the evidence gathered will be sent to the member informing them that a face to face interview will be arranged. Where the evidence does not support a breach the investigator will consider the most appropriate way to close the investigation. (See paragraph 4.2)

3.6. When the member's comments on the evidence have been received the investigator will consider the most appropriate way forward (see paragraph 4.2).

If having reviewed the evidence a finding of no further action is appropriate the investigator will write to the relevant Monitoring Officer informing them that the Ombudsman is minded to make a finding of no further action. The Monitoring Officer will be asked to confirm whether they believe that further local investigation is appropriate (giving ten working days to respond). If no reply is received from the Monitoring Officer in that time the file will be closed. If the Monitoring Officer asks for an extension of time to respond this can be agreed by the investigator, provided any extension does not have an adverse impact on the length of the ongoing

investigation. A copy of the letter will be sent to the complainant and the member being complained about.⁷

Where the Monitoring Officer agrees that further investigation is not appropriate a letter report (step 4 – see paragraph 4.2) will be issued making a finding of no further action.

Where the Monitoring Officer indicates that further local investigation is appropriate we will close the investigation at Step 3 and formally refer the matter to the Monitoring Officer under section 70(4) of the Local Government Act 2000.⁸

During the investigation, it might become apparent that it is appropriate to discontinue the investigation for other reasons (e.g. the serious illness of a key witness or the accused member). A decision to discontinue an investigation for any reason must be approved by the DOI.

4. Concluding the investigation

4.1. The investigation can be concluded by one of four findings:-

- (a) There is no evidence of a breach of the Code;
- (b) That no action needs to be taken in respect of the matters investigated;
- (c) That the report of the investigation be forwarded to the Monitoring Officer for consideration by the Council's Standards Committee; or
- (d) That the report of the investigation be referred to the President of the Adjudication Panel for Wales (APW) for determination by a tribunal established by him.

4.2. Findings will be conveyed in accordance with the following table:-

Finding	Letter	Report	Draft	Decision Maker
No evidence of breach	Yes	Yes	No	Ombudsman/DOI
No further action	Yes	Yes	No	Ombudsman/DOI
Refer to Standards Committee	No	Yes	Yes	Ombudsman
Refer to APW	No	Yes	Yes	Ombudsman

⁷ Both parties should be informed that it would not be appropriate to contact the Monitoring Officer about the matter at that stage

⁸ The Local Government Investigations (Functions of Monitoring Officer and Standards Committees) (Wales) Regulations 2001/2281 outline the way in which the matter should be dealt with by Monitoring Officers and Standards Committees.

A letter report will follow the templates on Workpro. After the draft report has been considered by the Ombudsman (or DOI in his absence) it will be sent to the member for comments before it is finalised.

If a letter is appropriate it should fully explain the reasons for the decision. If a finding under (a) or (b) is made copies of the final report/letter should be sent to:-

- (i) Complainant;
- (a)(ii) Member;
- (b)(iii) Monitoring Officer;
- (c)(iv) Clerk to the Community Council (if appropriate).

If a finding under (c) or (d) is made copies of the final report should be sent to the:-

- a) Member
- b) Monitoring Officer

The complainant and the Clerk to the Community Council (if relevant) should be informed of the outcome of the Ombudsman's investigation using the relevant template letter. Every letter report/report should include a summary of the complaint and the Ombudsman's findings as a stand-alone document. Where a finding under (c) or (d) is made the investigator must ensure that Workpro is updated to record the hearing outcome decision and that an updated version of the summary including the hearing outcome is prepared and saved on Workpro. In cases where an appeal against the hearing outcome is lodged, the investigator must also record this on Workpro.

5. Challenges to decisions

5.1. There will be occasions when a complainant wishes to challenge a decision not to investigate. The investigator will ensure that any challenges are recorded in Workpro. The challenge will be referred to the Review Manager who will decide how best to respond by either:-

- (a) Reviewing and responding personally;
- (b) Referring the matter to the investigator who dealt with the matter to draft a response for his consideration;
- (c) Commissioning a review and response from a different Senior Investigating Officer or another IM;
- (d) Referring the matter to the DOI;
- (e) Referring the matter to the Ombudsman;
- (f) Referring the matter to the Ombudsman's Corporate Services Manager (complaints about members of our staff).

5.2. Challenges to a (c) or (d) finding cannot normally be considered as the Ombudsman is "functus officio" which prevents him re-considering a report.

However if significant new evidence is presented, such as to amount to a new complaint, or if the finding was clearly perverse, then he may re-consider the matter. In such cases the challenge should be referred to the Review Manager in the first instance.

6. Publication of reports

6.1 Decisions not to investigate will not normally be published. However, summaries of cases where an (a), (b), (c), or (d) finding has been made will be made available in the Code of Conduct Casebook. . Where a (c) or (d) finding has been made and the matter has been referred to a standards committee or for adjudication by tribunal we will refer requests for information to the relevant Monitoring Officer or Registrar of the Adjudication Panel whilst the hearing is outstanding. We will publish the summaries of such cases in the Casebook when the hearing has been concluded.

Policy Owner	CMRG
Policy & EIA approved by CMRG	11/03/2013
Due date of next Review	Ongoing
For publication to :	Intranet Yes PSOW website Yes