National Assembly for Wales: Standards of Conduct Committee
Creating the right culture: Inquiry into the Review of the Code of Conduct for Assembly Members
SoC(5) RCC03
Evidence from Flintshire County Council

This response is submitted on behalf of Flintshire County Council. It is a response from professional officers given the current context for Flintshire, and nothing in this response is intended to refer specifically to recent events.

**Would you feel comfortable making a complaint about an Assembly Member or somebody who works on the Assembly estate? If not, why?**

Responding on behalf of an organisation it would inevitably be an easier and a more comfortable process to complain about an Assembly Member, though the chances of needing to make a complaint about personal behaviour are perhaps lower because interaction is principally via correspondence.

**Would you know how to make a complaint about an Assembly Member or somebody who works on the Assembly estate?**

I am not aware of any publications on the process for making a complaint. A quick internet search and a search of the Assembly website did not produce a simple and easy route for making a complaint about an AM. Whilst a process exists it is described in legalistic terms that are off-putting. If a process exists for complaining about someone who works on the Assembly estate that was less visible.

By contrast, if one examines the website of the Public Services Ombudsman for Wales the facility to make a complaint about a councillor features clearly on the homepage and is an easy to follow step by step process. Likewise, printed complaints leaflets exist. That is the level to which Assembly should aspire.

**Do you feel there are any barriers to you raising concerns about the inappropriate behaviour of an Assembly Member or somebody who works on the Assembly estate?**

The complexity of the process and lack of a readily locatable form would both be barriers

**Do you have any suggestions regarding how the complaints procedure be simplified? Is the guidance clear? Is the language used simple to understand?**

The language is legalistic, and off putting – eg "when is a complaint admissible?" with references to sections of legislation or paragraph by number without any explanation of the nature of that provision

Eg "If, in the course of carrying out an investigation, the Commissioner becomes aware of any circumstances which give rise to issues of general principle or of general practice relevant to the Clerk's functions under Section 138 of the Act as principal accounting officer, or could, upon further consideration by the Clerk give rise to a duty on the Clerk under Section 9, the Commissioner must also separately communicate those circumstances in writing to the Clerk."

There is no explanation even in summary form of the effect of sections 138 or 9, requiring cross referencing of a sort that might be common place for lawyers but which might simply confuse a more vulnerable client group.

**Does the document help you understand who you should contact about different types of complaints?**

Not in the least.

**If you were a victim of inappropriate behaviour, would you feel confident in using the procedure as it currently stands?**

There is no reason to believe that the process would not work but the difficulty in making the complaint would reduce confidence that the correct procedure was being followed. That would no doubt dissuade some from making a complaint at all.

As a further point, this consultation may be principally focused on personal behaviours but there is a wider context to the behaviours and actions of assembly members. As an organisation we struggle with persistent poor behaviour, inappropriate use of AM privilege to misrepresent facts and criticism without evidence by some members whilst carrying out their duties. These actions risk damaging not just the reputation of the council but also serve to undermine public confidence in the institution. Whilst political comment is protected under human rights legislation that protection is not absolute and there does not appear to be any provision within the current code of conduct to regulate how this

important right is to be responsibly exercised. There should perhaps be a clear, express provision that requires a Member’s pronouncements to conform to acceptable standards, which would actually be likely to be expressed as a prohibition from bringing their position into disrepute.