# WRITTEN STATEMENT

# BY

# THE WELSH GOVERNMENT

|  |  |
| --- | --- |
| **TITLE**  | **Review of the Arrangements for Dealing with Alleged Misconduct of Senior Officers within Local Government in Wales** |
| **DATE**  | **26 June 2020** |
| **BY** | **Julie James MS, Minister for Housing and Local Government** |

On 7 October 2019 I announced an independent review of the arrangements for dealing with alleged misconduct of senior officers within local government in Wales. The review has been led by Peter Oldham QC, supported by Owain Rhys James.

The aim of the review was to consider whether the current arrangements in Wales remain fit for purpose, specifically including:

* a comparison of the arrangements in Wales with those in other parts of the UK and consideration of whether changes should be recommended for Wales;
* the extent to which the current arrangements achieve the right balance between  protecting officers from summary dismissal  - for being the bearers of unwelcome political news -  and the speed with which processes are conducted  and concluded;
* to identify improvements / alternatives - if any - to the current system which maintains the dual purpose of the current arrangements.

I was clear when I commissioned this report that any recommendations would need to be accompanied by a robust justification for change. I want to also ensure the views of local government are taken fully into account before decisions are taken about further action.

I received the final report in March 2020 and I am grateful to both Peter Oldham QC and Owain Rhys James for the work they have undertaken. The report focusses on the key issues in this area and makes a number of recommendations for improvement to the arrangements.

The overall conclusion is that the current arrangements remain broadly fit for purpose. The report, does however propose a number of changes. These include:

* Greater clarity about the definition of ‘disciplinary action’ within the Local Authorities (Standing Orders) (Wales) Regulations 2006
* Greater clarity about whether authorities may take actions other than those recommended by the Designated Independent Person (DIP)
* The establishment of two panels or lists of DIPs to be held centrally and that, except in the case of a conflict, DIPs would be appointed automatically on a ‘next on the list’ basis. One list would include legally-qualified DIPs and the other would include non-legally qualified DIPs. Parties should seek to agree which list should apply, according to the complexity of the issues likely to be involved
* Greater clarity about the test which local Investigation Committees should apply when considering whether issues require further investigation
* Making it unnecessary for the DIP’s investigations to duplicate work already undertaken by the Investigation Committee
* Strengthening the DIP’s powers to take such steps as the DIP thinks appropriate to keep the investigation progressing efficiently in the event of failure to comply with a timetable.

The full report can be found <https://gov.wales/dealing-alleged-misconduct-senior-officials-local-government-oldham-review>

I had intended to publish this report in March 2020 however, the unprecedented challenges presented by Covid 19 had an impact on a number of planned activities and publication was not appropriate under the circumstances. During the next few months my officials will work with representatives of Society of Local Authority Chief Executives (SOLACE), the Association of Local Authority Chief Executives and Senior Managers (ALACE) and the Welsh Local Government Association (WLGA) to agree a way forward and develop an action plan for implementation. I expect these discussions will take place during the next few months and work with regards implementation, including consultation, will begin later this year.