

PANEL DYFARNU CYMRU

ADJUDICATION PANEL FOR WALES

Reply to:

Your Ref:
Our Ref:

Dear Colleague

ADJUDICATION PANEL FOR WALES - ANNUAL REPORT 2008-2009

I am writing to update you on the activities of the Adjudication Panel for Wales during the last year.

In terms of casework, 2008-09 has been a relatively quiet year for the Panel, with just two referrals from the Public Services Ombudsman for Wales towards the latter part of the financial year and no appeals against the decisions of standards committees. In view of this, and given that there is no statutory requirement for me to produce a formal annual report, I have decided that it would make for better use of resources if I brought you up to date by means of a letter this year.

Of the two referrals from the Ombudsman in 2008-09, one was determined during the year. This case is summarised below.

APW/001/2008-09 – Bridgend County Borough Council

The referral from the Ombudsman related to allegations that the councillor had breached the council's code of conduct by disclosing confidential information.

The alleged breach related to a member surgery held by the councillor during which he shared his experience as a councillor with a third person who was standing at the forthcoming elections. The councillor recounted a case about a girl who had refused a council tenancy in an area where her father lived, because her father had abused her. The councillor referred to the girl by name. The girl was the step-daughter of another person present at the meeting who was married to the girl's father.

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The Case Tribunal found that the councillor had breached the code of conduct in that he disclosed an individual's name to another person in circumstances in which he should not have done so and, in so doing, had brought his office and the authority into disrepute.

The Case Tribunal took into account the councillor's acceptance of his actions, his long service, apologies to any one who may have been affected by the case and all other mitigating factors. The Case Tribunal concluded by unanimous decision that it was neither necessary nor desirable to suspend, partially suspend or disqualify the respondent given the unusual circumstances of the case.

Although 2008-09 was quiet in terms of caseload, the Panel and I have been occupied in other ways. As I reported last year, I was very pleased that David Laverick, President of the Adjudication Panel for England, accepted my invitation for the Adjudication Panel for Wales to host a joint training event between the two jurisdictions.

Feedback from participants suggests that the joint training event, held in Cardiff Bay, was a great success and helped create a positive image of Cardiff and Wales more generally. The event started with a presentation on 'Fair Treatment' by Mark Hinchliffe from the Judicial Studies Board. This was followed by a practical exercise which provoked some very lively discussion amongst the syndicate groups. The first day ended with a visit to the Senedd, which was very kindly hosted by the Presiding Officer, Lord Dafydd Elis-Thomas and the Minister for Social Justice and Local Government Dr Brian Gibbons AM. I would like to record my appreciation to them both for taking time out from their busy schedules in order to address the members of the two Panels.

The visit to the Senedd was enjoyed by everyone and provided an excellent opportunity to highlight the changes that have been made in Wales since devolution.

In April, the Adjudication Panel for England became part of the Tribunals Service, which is an executive agency of the Ministry of Justice created in 2006. The Tribunals Service provides independent administrative support to central government tribunals and organisations and supports 30 tribunal jurisdictions.

In September I attended the Wales Standards Committees Conference in Aberystwyth. This was an excellent conference which enabled participants to share experiences of, and to explore early issues arising from, the new code of conduct which came into effect in 2008. For my part, I was very pleased to be able to update participants on the work of the Adjudication Panel and the outcomes of cases considered by our tribunals.

In October I attended the Seventh Annual Assembly of Standards Committees in Birmingham. While much of the conference was aimed at changes to the ethical framework in England, there was plenty that was relevant to Wales and it was good to share experiences with colleagues from across the border.

December saw the Adjudication Panel for Wales hold its own annual training event. This provided members of the Panel with an opportunity to explore aspects of the new code of

conduct ahead of actual cases coming before them. In this respect, I was very pleased that Peter Tyndall, who in April 2008 became the new Public Services Ombudsman for Wales, was able to join us to share with members emerging issues arising from the operation of the new code.

I hope that you will find this update of interest. Further information on the Adjudication Panel is available from our website: www.adjudicationpanelwales.org.uk or from the Adjudication Panel for Wales Support Unit at the address below.

J Peter Davies
PRESIDENT OF THE PANEL

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