

# Document Pack

**FRIDAY, 4 SEPTEMBER 2020**

**TO: ALL MEMBERS OF THE STANDARDS COMMITTEE**

I HEREBY SUMMON YOU TO ATTEND A VIRTUAL MEETING OF THE **STANDARDS COMMITTEE** WHICH WILL BE HELD **AT 10.00 AM, ON MONDAY, 14TH SEPTEMBER, 2020** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA.

*Wendy Walters*

**CHIEF EXECUTIVE**



PLEASE RECYCLE

<b>Democratic Officer:</b>	<b>Emma Bryer</b>
<b>Telephone (direct line):</b>	<b>01267 224029</b>
<b>E-Mail:</b>	<b>ebryer@carmarthenshire.gov.uk</b>

**NOTE:-**

If you require Welsh to English simultaneous translation during the meeting please telephone 0330 336 4321 Passcode: 76531459#

(For call charges contact your service provider)

Wendy Walters Prif Weithredwr, *Chief Executive*,  
Neuadd y Sir, Caerfyrddin. SA31 1JP  
County Hall, Carmarthen. SA31 1JP

# STANDARDS COMMITTEE

## MEMBERSHIP: 9 MEMBERS

### Independent Members (5)

- |    |                    |                             |
|----|--------------------|-----------------------------|
| 1. | Mrs Mary Dodd      | Vice-Chair of the Committee |
| 2. | Mrs Daphne Evans   |                             |
| 3. | Mrs Julie James    |                             |
| 4. | Mr M. Andre Morgan | Chair of the Committee      |
| 5. | Mr Alun Williams   |                             |

### Community Committee Member (1)

- |    |                               |
|----|-------------------------------|
| 1. | Town Councillor Philip Rogers |
|----|-------------------------------|

### Elected Members of the County Council (3)

- |    |                              |
|----|------------------------------|
| 1. | Councillor Jeanette Gilasbey |
| 2. | Councillor Rob James         |
| 3. | Councillor Gareth Thomas     |

# AGENDA

1. APOLOGIES FOR ABSENCE.
2. DECLARATIONS OF PERSONAL INTEREST.
3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON THE 14TH FEBRUARY, 2020. 5 - 6
4. APPLICATION FOR DISPENSATION BY COUNCILLOR DOROTHY JONES. 7 - 16
5. APPLICATION FOR DISPENSATION BY COUNCILLOR KEN LLOYD. 17 - 26
6. ADJUDICATION PANEL DECISIONS 27 - 40
7. CODE OF CONDUCT CASEBOOK 41 - 48
8. OMBUDSMANS ANNUAL REPORT 49 - 186
9. ANY OTHER ITEMS OF BUSINESS THAT BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR DECIDES SHOULD BE CONSIDERED AS A MATTER OF URGENCY PURSUANT TO SECTION 100B(4)(B) OF THE LOCAL GOVERNMENT ACT 1972.

This page is intentionally left blank



## Standards Committee

Friday, 14 February 2020

**PRESENT:** M.A. Morgan (Chair);

**Independent Members:**

M. Dodd, D. Evans, J. James and A. Williams;

**Councillors:**

S.J.G. Gilasbey;

**The following Officers were in attendance:**

L.R. Jones, Head of Administration and Law;

R. Edgecombe, Legal Services Manager;

M.S. Davies, Democratic Services Officer.

**Chamber, County Hall, Carmarthen: 2.00 pm - 2.25 pm**

**1. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**2. DECLARATIONS OF PERSONAL INTEREST**

There were no declarations of personal interest.

**3. MINUTES - 21ST JANUARY 2020**

**UNANIMOUSLY RESOLVED** that the minutes of the meeting held on the 21st January, 2020, be signed as a correct record.

**4. APPLICATION FOR DISPENSATION BY COUNCILLOR DOROTHY JONES**

The Committee considered an application submitted by County Councillor Dorothy Louise Jones for the grant of a dispensation under the provisions of the Standards Committees (Grant of Dispensations) (Wales) Regulations to speak and vote on matters relating to home to school transport in the County of Carmarthenshire, in particular proceedings of the School Transport Review Advisory Panel recently established by the Executive Board to look into this issue which Cllr. Jones had been appointed to serve on.

It was reported that a dispensation was sought as Councillor Jones had a personal interest in this matter by virtue of paragraph 10(2)(b)(i) of the Members Code of Conduct in that she was the parent of school age children living in the County.

Councillor Jones' interest was also prejudicial in that a member of the public, with full knowledge of the facts, would reasonably regard that interest as being so significant that it would be likely to prejudice the Councillor's judgement of the public interest.

Councillor Jones had accordingly requested that a dispensation be granted under Regulations 2 (d) and (f) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001.

Following a discussion it was

**UNANIMOUSLY RESOLVED**

4.1 that dispensation be granted under Regulations 2 (d) and (f) of the Standards Committees (Grant of Dispensation) (Wales) Regulations 2001 to Councillor Dorothy Louise Jones to SPEAK AND VOTE on any council business relating to home to school transport in the County of Carmarthenshire and the dispensation be valid until, and including, the Council meeting on 8<sup>th</sup> July 2020;

4.2 that the Head of Administration and Law be authorised to determine any further applications for dispensation relating to the abovementioned School Transport Review Advisory Panel.

**5. ANY OTHER ITEMS OF URGENT BUSINESS**

There were no items of urgent business.

\_\_\_\_\_  
**CHAIR**

\_\_\_\_\_  
**DATE**

## STANDARDS COMMITTEE

14/09//20

### APPLICATION FOR DISPENSATION BY COUNCILLOR DOROTHY JONES

#### Recommendations / key decisions required:

To consider and determine the application

#### Reasons:

The subject matter of this report falls within the remit of the Committee

Scrutiny Committee recommendations / comments:

Not applicable

Exec Board Decision Required NO

Council Decision Required NO

#### EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)

Directorate		
Chief Executives		
Name of Head of Service:	Designations:	
Linda Rees-Jones	Head of Administration & Law	Tel Nos.
Report Author:		01267 224018
Robert Edgecombe	Acting Legal Services Manager	E Mail Addresses:
		RJEdgeco@carmarthenshire.gov.uk.

**EXECUTIVE SUMMARY**  
**STANDARDS COMMITTEE**  
**14/09/20**

**APPLICATION FOR DISPENSATION BY COUNCILLOR**  
**DOROTHY JONES**

A dispensation application has been received from County Councillor Dorothy Jones to speak and vote in respect of any council business relating to the provision of home to school transport, in particular proceedings of the advisory panel established by the Executive Board to look into this issue, of which Cllr. Jones is a member.

Councillor Jones would have a personal interest in such council business by virtue of paragraph 10(2)(b)(i) of the members code of conduct as she is the parent of school age children living in the County. This personal interest would also be prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard the interest as so significant that it would be likely to prejudice the Councillor's judgement of the public interest.

Councillor Jones has submitted her application on the basis of three grounds set out in the Standards Committees (Grant of Dispensations)(Wales) regulations 2011 (as amended) namely;

1. That the nature of her interest is such that her participation in the business to which the interest relates would not damage public confidence
2. That her interest is common to a significant proportion of the general public
3. That her participation is justified by her particular role or expertise.

Cllr Jones was granted a dispensation in respect of this interest on the 14<sup>th</sup> February 2020 but has not yet had an opportunity to make use of it.

If the committee is minded to grant Councillor Jones a dispensation in respect of this interest it has absolute discretion as to the duration of that dispensation.

**DETAILED REPORT ATTACHED ?**

**NO**

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees Jones

Head of Administration and Law

*(Please specify the outcomes of consultations undertaken where they arise against the following headings)*

**1. Scrutiny Committee**

Not applicable

**2. Local Member(s)**

Not applicable

**3. Community / Town Council**

Not applicable

**4. Relevant Partners**

Not applicable

**5. Staff Side Representatives and other Organisations**

*Not applicable*

**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-182	Legal Services, County Hall

**APPLICATION TO THE STANDARDS COMMITTEE  
FOR DISPENSATION**

Please note that each section MUST be completed. Please refer to the attached  
Guidance Notes when completing the form.

**1. YOUR DETAILS**

Your full name: Dorothy Louise Jones

Name of your Council: Carmarthenshire County Council

Your address and postcode: Highfield, Gors Road, Upper Tumble, Llanelli, Carmarthenshire,  
SA14 6BS

Contact telephone number(s): 01269 832153/07597 363524

Email address: dotjones@carmarthenshire.gov.uk

**2. DETAILS OF YOUR INTEREST**

What is the matter under consideration?

Home to school transport in the County of Carmarthenshire

What is your interest in the above matter?

I have children of school age

When will the above matter be considered?

At various times yet to be determined

Are you applying for dispensation to:

Speak only: ☐

Speak and vote: x ☐

Make written  
Representations ☐

Exercise Executive  
Powers ☐

### 3. GROUNDS FOR DISPENSATION

Regulations issued by the National Assembly for Wales prescribe the circumstances in which the Standards Committee may grant a dispensation. These grounds for granting a dispensation are summarised below and are set out in full in the attached guidance notes. On which of the following grounds do you believe that a dispensation should be granted in this case? Please tick the appropriate box(es).

• at least half of the members considering the business has an interest	<input type="checkbox"/>
• my inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected;	<input type="checkbox"/>
• my participation would not damage public confidence	x <input type="checkbox"/>
• the interest is common to me and a significant proportion of the general public;	x <input type="checkbox"/>
• my participation in the business is justified by my particular role or expertise;	x <input type="checkbox"/>
• the business is to be considered by an overview and scrutiny committee and my interest is not a pecuniary interest;	<input type="checkbox"/>
• the business relates to the finances or property of a voluntary organisation of whose management committee or board I am a member and I have no other interest	<input type="checkbox"/>
• it is appropriate to do so in all the circumstances where not otherwise possible to make reasonable adjustments to accommodate a person's disability	<input type="checkbox"/>



#### 4. INFORMATION IN SUPPORT OF YOUR APPLICATION

Please set out below the reasons why you consider that the Standards Committee should grant a dispensation in this case:

***(Please note that failure to complete this section will result in the application form being returned to you)***

The Council currently provides free home to school transport for circa 8,500 pupils each day. In addition, some pupils who were ineligible for free home to school transport were able to access such services on a fare paying basis provided through a number of channels, including;

- (1) via the general public transport network,
- (2) through services provided on a commercial basis by bus operators and
- (3) through spare seats on dedicated school transport vehicles.

In January 2020 the Public Service Vehicle Access Regulations came into force which primarily affect public transport services. However, the Department for Transport has confirmed that the regulations also apply to school transport services which are also registered to carry fare paying passengers.

Bus operators who provide school transport services in the County have reviewed the cost of complying with the new regulations and have determined that it is not viable to do so where fares are charged. 329 pupils across the County are directly affected.

On the 20<sup>th</sup> January 2020 the Executive Board resolved to adopt a number of measures to address this situation including the appointment of a politically balanced advisory panel made up of 6 county councillors to look at all issues relating to Home to School transport and thereafter report back to the Executive Board.

I have been nominated as one of the Labour Group members on this advisory panel. I believe that I should be granted dispensation to speak and vote both at meetings of the advisory panel and in any discussions at Full Council relating to Home to School Transport for the following reasons;

1. My participation would not damage public confidence

As the panel is an advisory body it does not have any formal decision making powers (which rest with the Executive Board). Therefore my role will purely be to help shape, any recommendations that the Panel puts to the Executive.

2. My interest is common to me and a significant proportion of the general public

With over 8000 pupils currently receiving home to school transport this issue is common to the majority of families in the County, either because they currently have children using these services or have children who will do so in the future. This issue does not just affect parents of school age children but also grandparents and other family members who help out with the daily 'school run'

3. My participation is justified by my particular role or expertise

As one of the few County Councillors with school age children I have insight into the current challenges of being a working parent and the importance of home to school transport to everyday family life. As such I can bring to the work of the panel a knowledge which my fellow members may no longer have.

I was granted a dispensation by the Standards Committee to speak and vote on this issue on the 14<sup>th</sup> February. This dispensation has now expired. I did not have any opportunity to use the dispensation granted due to council meetings being stopped by the Coronavirus pandemic. I still feel that I need a dispensation however as the pandemic has had a significant impact upon school bus operators and the need for social distancing and other safety measures on school buses means that the service is under increased pressure.

*(please continue on a separate sheet if necessary)*

I confirm that the information provided on this form is true to the best of my knowledge. I agree that this application and all the information contained within it may form part of a public report to the Standards Committee. I request a dispensation in respect of the above matter.

Signed: Cllr Dot Jones

Date: 20/08 /20

Please return this form to the Monitoring Officer, Chief Executive's Department, Carmarthenshire County Council, County Hall, Carmarthen, SA31 1JP.

**Guidance notes**

- (1) Please read through the Code of Conduct and decide which of the paragraphs is most appropriate to your case. Brief details of the relevant paragraphs are noted in the table below. If you are unsure, please contact the Monitoring Officer for advice.

Para.	Type of personal interest	
10(2)(a)	Council business which relates to or is likely to affect: <ul style="list-style-type: none"> <li>• your employment or business,</li> <li>• your employer, firm or company</li> <li>• a contract made between the Council and you</li> <li>• any land, lease or licence in which you have an interest</li> <li>• a public body or other association in which you have membership or hold a position of general control or management</li> </ul>	
10(2)(c)	Council business which affects your well-being or financial position, or the well-being, financial position or other interests of a person with whom you live or have a close personal association	
13	Council business which is being considered by an Overview and Scrutiny Committee and which relates to a decision of the Cabinet or another Committee of which you were a member at the time [County Council only]	

- (2) The Standards Committees (Grant of Dispensations)(Wales) Regulations 2001(as amended) state that a Standards Committee may grant dispensations where:

- (a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;
- (d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;
- (e) the interest is common to the member and a significant proportion of the general public;
- (f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
- (g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;
- (h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no

other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or

- (i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.
- (j) It is considered appropriate in all the circumstances to do so where not otherwise possible to make reasonable adjustments to accommodate a persons disability

## STANDARDS COMMITTEE

14/09/20

### APPLICATION FOR DISPENSATION BY COUNCILLOR KEN LLOYD

#### Recommendations / key decisions required:

To consider and determine the application

#### Reasons:

The subject matter of this report falls within the remit of the Committee

Scrutiny Committee recommendations / comments:

Not applicable

Exec Board Decision Required NO

Council Decision Required NO

#### EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)

Directorate

Chief Executives

Name of Head of Service:

Linda Rees-Jones

Report Author:

Robert Edgecombe

Designations:

Head of Administration & Law

Acting Legal Services Manager

Tel Nos.

01267 224018

E Mail Addresses:

RJEdgeco@carmarthenshire.gov.uk.

**EXECUTIVE SUMMARY  
STANDARDS COMMITTEE  
14/09/20**

**APPLICATION FOR DISPENSATION BY COUNCILLOR KEN  
LLOYD**

An application for dispensation has been received from County Councillor Ken Lloyd to speak and make written representations only in respect of council business relating to or likely to affect Carmarthenshire Energy Limited, which is a community benefit society operating in the County.

Councillor Lloyd would have a personal interest in any such council business by virtue of paragraphs (10)(2)(a) (ix)(bb) and (ee) and 10(2)(b)(v) of the members code as both Cllr Lloyd and close personal associates of his are members of and hold shares in that organisation.

This interest would be prejudicial as a member of the public with knowledge of the relevant facts would reasonably regard the interest is so significant that it is likely to prejudice his judgement of the public interest.

The application is made on 1 ground specified in the regulations, namely that his participation would not damage public confidence in the conduct of that Council business.

Councillor Lloyd's application is attached. Councillor Lloyd was previously granted a dispensation in respect of this interest on the 21<sup>st</sup> January 2020 which he has used in order to speak in meetings of the Full Council on issues such as climate change.

If the committee is minded to grant Councillor Lloyd a further dispensation in respect of this interest it has an absolute discretion as to the duration of that dispensation.

**DETAILED REPORT ATTACHED ?**

**YES**

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees Jones

Head of Administration and Law

*(Please specify the outcomes of consultations undertaken where they arise against the following headings)*

**1. Scrutiny Committee**

Not applicable

**2. Local Member(s)**

Not applicable

**3. Community / Town Council**

Not applicable

**4. Relevant Partners**

Not applicable

**5. Staff Side Representatives and other Organisations**

Not applicable

**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-182	Legal Services, County Hall



**APPLICATION TO THE STANDARDS COMMITTEE  
FOR DISPENSATION**

Please note that each section MUST be completed. Please refer to the attached  
Guidance Notes when completing the form.

**1. YOUR DETAILS**

Your full name: Ken Lloyd

Name of your Council: Carmarthenshire County Council

Your address and postcode: 50 Myrddin Crescent, Carmarthen. SA311DX

Contact telephone number(s): (01267) 222922 Mobile 07498 084 173

Email address: klloyd@carmarthenshire.gov.uk

**2. DETAILS OF YOUR INTEREST**

What is the matter under consideration?

Matters relating to Carmarthenshire Energy Limited, which is a Community Benefit Society.

What is your interest in the above matter?

On 1<sup>st</sup> December 2019 I became a share holding member of the Society, as did my two granddaughters.

When will the above matter be considered?

At any time during the current term of office.

Are you applying for dispensation to:

Speak only: X ☐

Speak and vote: ☐

Make written  
Representations X ☐

Exercise Executive  
Powers ☐

### 3. GROUNDS FOR DISPENSATION

Regulations issued by the National Assembly for Wales prescribe the circumstances in which the Standards Committee may grant a dispensation. These grounds for granting a dispensation are summarised below and are set out in full in the attached guidance notes. On which of the following grounds do you believe that a dispensation should be granted in this case? Please tick the appropriate box(es).

• at least half of the members considering the business has an interest	<input type="checkbox"/>
• my inability to participate would upset the political balance of the meeting to such an extent that the outcome would be likely to be affected;	<input type="checkbox"/>
• my participation would not damage public confidence	x <input type="checkbox"/>
• the interest is common to me and a significant proportion of the general public;	<input type="checkbox"/>
• my participation in the business is justified by my particular role or expertise;	<input type="checkbox"/>
• the business is to be considered by an overview and scrutiny committee and my interest is not a pecuniary interest;	<input type="checkbox"/>
• the business relates to the finances or property of a voluntary organisation of whose management committee or board I am a member and I have no other interest	<input type="checkbox"/>
• it is appropriate to do so in all the circumstances where not otherwise possible to make reasonable adjustments to accommodate a person's disability	<input type="checkbox"/>

#### 4. INFORMATION IN SUPPORT OF YOUR APPLICATION

Please set out below the reasons why you consider that the Standards Committee should grant a dispensation in this case:

***(Please note that failure to complete this section will result in the application form being returned to you)***

Carmarthenshire Energy Limited is a Community Benefit Society founded in 2012 following a year of consultation with communities, businesses, councillors and officers. The Society aims to support community groups and those suffering from fuel poverty and concerned about energy security and climate change; creating renewable energy projects run for people not profit, with any surplus generated reinvested in the local economy.

The Society has completed the installation of its first renewable energy project; a 500kW wind turbine that produces clean, low carbon energy. In October 2019 they issued a Share Offer of £100,000 to repay the final loan received for the cost of construction. People were encouraged to become a new member to increase the Society's voice in dealing with our climate emergency, and the Society is in a position to offer all members a fair return on funds.

The Society's structure is based on other successful renewable societies across the UK, including several community owned wind turbines and it has an excellent long standing relationship with the landowner at Salem, near Llandeilo in Carmarthenshire. Each subscriber, whatever the relevant stake, automatically becomes an equal member of the Society on a 'one member, one vote' basis.

The Society's purpose is to generate low-carbon electricity and to benefit the local community. Energy generated by this wind turbine goes into the local grid and it is estimated that the project displaces the equivalent of 820 tonnes of carbon dioxide every year.

I was granted dispensation by the Standards Committee in respect of this interest on the 21<sup>st</sup> January 2020 and I have used the dispensation to speak at meetings of the Full Council when issues such as climate change were discussed.

Owing to a successful year during which the society was able to generate more electricity than expected, it has been able to start repaying its shareholders and I have now received a part payment on my investment.

I still require dispensation to speak and make written representations in respect of this interest because these issues will continue to be discussed by the Council long into the future.

*(please continue on a separate sheet if necessary)*

I confirm that the information provided on this form is true to the best of my knowledge. I agree that this application and all the information contained within it may form part of a public report to the Standards Committee. I request a dispensation in respect of the above matter.

Signed: Ken Lloyd

Date: 22 / 08/ 2020

Please return this form to the Monitoring Officer, Chief Executive's Department, Carmarthenshire County Council, County Hall, Carmarthen, SA31 1JP.

## Guidance notes

- (1) Please read through the Code of Conduct and decide which of the paragraphs is most appropriate to your case. Brief details of the relevant paragraphs are noted in the table below. If you are unsure, please contact the Monitoring Officer for advice.

Para.	Type of personal interest	
10(2)(a)	Council business which relates to or is likely to affect: <ul style="list-style-type: none"> <li>• your employment or business,</li> <li>• your employer, firm or company</li> <li>• a contract made between the Council and you</li> <li>• any land, lease or licence in which you have an interest</li> <li>• a public body or other association in which you have membership or hold a position of general control or management</li> </ul>	
10(2)(c)	Council business which affects your well-being or financial position, or the well-being, financial position or other interests of a person with whom you live or have a close personal association	
13	Council business which is being considered by an Overview and Scrutiny Committee and which relates to a decision of the Cabinet or another Committee of which you were a member at the time [County Council only]	

- (2) The Standards Committees (Grant of Dispensations)(Wales) Regulations 2001(as amended) state that a Standards Committee may grant dispensations where:

- (a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;
- (b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- (c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;
- (d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;
- (e) the interest is common to the member and a significant proportion of the general public;
- (f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
- (g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;
- (h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member

otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or

- (i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.
- (j) It is considered appropriate in all the circumstances to do so where not otherwise possible to make reasonable adjustments to accommodate a persons disability

## STANDARDS COMMITTEE 14/09/20

ADJUDICATION PANEL DECISIONS		
<b>Recommendations / key decisions required:</b> To consider the report		
<b>Reasons:</b> The subject matter of this report falls within the remit of the Committee		
Scrutiny Committee recommendations / comments: Not applicable		
Exec Board Decision Required	NO	
Council Decision Required	NO	
EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)		
Directorate Chief Executives Name of Head of Service: Linda Rees-Jones Report Author: Robert Edgecombe	Designations: Head of Administration & Law Legal Services Manager	Tel Nos. 01267 224018 E Mail Addresses: RJEdgeco@carmarthenshire.gov.uk.

**EXECUTIVE SUMMARY  
STANDARDS COMMITTEE  
14/09/20**

**ADJUDICATION PANEL DECISIONS**

The Adjudication Panel for Wales determines the most serious of Code of Conduct cases following referral by the Public Services Ombudsman for Wales, as well as dealing with appeals against decisions by local Standards Committees.

The Panel has recently published two decisions following hearings in November 2019 and January 2020.

The cases are;

**1. Councillor Roderick – Powys County Council and Brecon Beacons National Park Authority**

Councillor Roderick was found to have failed to have shown consideration and respect to a female councillor and brought his office into disrepute and also to attempted to used his position improperly to confer an advantage to himself or a disadvantage to another. Councillor Roderick was suspended from both authorities for 4 months.

**2. Councillor Shotton – Flintshire County Council**

Councillor Shotton was found to have used his position improperly to confer an advantage to another person and to have brought his authority into disrepute by encouraging that person (an employee of the council) to behave inappropriately during office hours. Councillor Shotton was suspended from office for 3 months.

Copies of both decisions are attached to this report

**DETAILED REPORT ATTACHED ?**

**YES**



## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: **Linda Rees Jones**

Head of Administration and Law

*(Please specify the outcomes of consultations undertaken where they arise against the following headings)*

**1. Scrutiny Committee**

Not applicable

**2. Local Member(s)**

Not applicable

**3. Community / Town Council**

Not applicable

**4. Relevant Partners**

Not applicable

**5. Staff Side Representatives and other Organisations**

*Not applicable*

**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-182	Legal Services, County Hall

**NOTICE OF DECISION**

**TRIBUNAL REFERENCE NUMBER:** APW/001/2019-020/CT

**REFERENCE ABOUT ALLEGED BREACH OF THE CODE OF CONDUCT**

**RESPONDENT:** Councillor Aaron Shotton

**RELEVANT AUTHORITY:** Flintshire County Council

1. A Case Tribunal convened by the President of the Adjudication Panel for Wales has considered a reference in respect of the above Respondent.
2. At a hearing on 27, 28 and 29 January 2020 at Llandudno Magistrates Court, the Case Tribunal found by unanimous decision that Councillor Shotton failed to comply with the Authority's Code of Conduct as follows:-
  - 2.1 The Case Tribunal found that Cllr Shotton breached Paragraphs 6(1)(a) and 7(a) of the Code of Conduct by, in his official capacity, using or attempting to use his position improperly to confer on or secure for himself or his PA an advantage or create or avoid for himself or his PA a disadvantage by providing an opportunity to view questions before her interview for the permanent role of PA.
  - 2.2 The Case Tribunal found that Cllr Shotton breached Paragraph 6(1)(a) of the Code of Conduct by sending and/or encouraging his PA to send inappropriate messages, to include messages of a sexual nature, during office hours.
3. The Case Tribunal decided by unanimous decision that Councillor Shotton should be suspended from acting as a member of Flintshire County Council for a period of three (3) months or, if shorter, the remainder of his term of office with effect from the date of this notice.
4. The Respondent has the right to seek the leave of the High Court to appeal the above decision.
5. The Authority and its Standards Committee are notified accordingly. The full decision report will be published on the APW website in due course.

Signed  Date 29 January 2020

Tribunal Judge Jones  
Chairperson of the Case Tribunal

Ms Susan Hurds  
Panel Member

Mr Tom Mitchell  
Panel Member

## **DECISION REPORT**

**TRIBUNAL REFERENCE NUMBER:** APW/002/2018-019/CT

### **REFERENCE IN RELATION TO A POSSIBLE FAILURE TO FOLLOW THE CODE OF CONDUCT**

**RESPONDENT:** Councillor Roderick

**RELEVANT AUTHORITIES:** Powys County Council  
Brecon Beacons National Park Authority

## **1. INTRODUCTION**

- 1.1 A Case Tribunal convened by the President of the Adjudication Panel for Wales considered a reference in respect of the above Respondent.
- 1.2 A hearing was held by the Case Tribunal on 19 November 2019 at the Welshpool Magistrates Court. The hearing was open to the public.
- 1.3 The Public Services Ombudsman for Wales was represented by Mr Hughes, counsel and Councillor Roderick attended and was represented by Mr Daycock, counsel. The Monitoring Officers of both relevant authorities were also present.
- 1.4 References in square brackets within this Decision Report are to pages within the bundle of Tribunal Case Papers unless otherwise stated.

## **2. PRELIMINARY DOCUMENTS**

### **2.1 Reference from the Public Services Ombudsman for Wales**

- 2.1.1 In a letter dated 7 December 2018, the Adjudication Panel for Wales received a referral from the Public Services Ombudsman for Wales (“the Ombudsman”) in relation to allegations made against Councillor Roderick. The allegations were that Councillor Roderick had breached Codes of Conduct of the Council and the Authority by;
  - (i) Slapping the bottom of a female Councillor before a meeting of the Authority (alleged breaches of paragraphs 4 (b) and 6 (1)(a) of the Code); and
  - (ii) Threatening to divulge information about the Councillor if she pursued the complaint (alleged breaches of paragraphs 4 (b), 6 (1)(a) and 7 (a)).

- 2.1.2 The circumstances of the first complaint were that, shortly before the start of a meeting of the Brecon Beacons National Park Authority in the Meeting Committee Room in Plas Y Ffynon, Brecon on 8 December 2017, Councillor Roderick allegedly slapped the complainant's bottom as councillors were gathering at the start of the meeting. The complainant lodged a complaint on 5 January 2018 [B21].
- 2.1.3 The second complaint arose from two conversations which Councillor Roderick subsequently had with Ms Doel, the then Chairman of the Authority, and Ms Foxley, the then Monitoring Officer. During the first conversation on 15 January 2018, Councillor Roderick indicated that he had information about the complainant's behaviour which her husband would have been interested in. Ms Doel understood that he was threatening the disclosure of the information if the complaint was pursued. During the second conversation on 23 January, it was alleged that Councillor Roderick said that he would make public something that the complainant would not have liked and that he would "*hang her out to dry*". Ms Doel's complaint was dated 4 April 2018 [B23-4].

## **2.2 The Councillor's responses to the Complaints and Reference**

- 2.2.1 Councillor Roderick responded to the complaints on a number of separate occasions;

(i) In respect of the first complaint;

- On 17 January 2018, Councillor Roderick emailed the Ombudsman and stated that he had given the complainant a "*friendly tap on the backside*"..*"with the back of [his] hand"* [B196-7];
- On 16 October 2018, during an interview, Councillor Roderick further stated that he had "*just tapped her with the back of [his] hand, on the bottom*". He denied that the contact had been a slap and described it as a '*flick*'. He stated that she had reacted by turning around sharply and saying "*oi don't do that*" [B159-177];
- In the Councillor's solicitors' letter of 22 November 2018, the contact was described as a "*light tap with the back of his hand*" [B200-2];
- In the Reply to the Notice of Reference dated 23 January 2019, the Councillor restated his position and denied breaches of the Code of Conduct ([C3-16] and [C33-38]).

(ii) In respect of the second complaint;

- Councillor Roderick emailed the Ombudsman on 14 May 2018 and stated that he did not accept that Ms Doel's complaint accurately reflected the words which she had used. He nevertheless accepted the 'thrust' of the account and accepted that he may have inadvertently breached paragraph 4 (b) of the Code of Conduct [B198-9];
- During the further interview which took place on 16 October 2018, the Councillor stated that he had been "*looking for payback*" when

he had spoken to Ms Doel and Ms Foxley on 15 and 23 January because he felt that the complaint had been defamatory [B176-192];

- In his Reply to the Notice of Reference dated 22 March 2019, no further details of the response were put forward [C19-32].

## **2.3 The Ombudsman's Written Representations**

- 2.3.1 The Ombudsman responded to the Councillor's representations on 10 April 2019 [D3-7].

## **2.4 The Councillor's further representations**

- 2.4.1 By a letter dated 12 November 2019, Councillor Roderick's solicitors wrote to indicate a significant change of stance to the allegations;

*"Having reviewed matters with our client, our client has instructed us that he will not seek to contest the facts as presented to the Tribunal and accepts that he has breached the code in relation to the two complaints that the panel will be considering."*

## **3. EVIDENCE**

- 3.1. The Case Tribunal received a bundle comprising the Tribunal Case Papers and a DVD.
- 3.2 In light of the change of stance to the allegations referred to in paragraph 2.4.1 above, the Case Tribunal heard no oral evidence from the witnesses to the complaints who had been identified within the Ombudsman's report.
- 3.3 The Tribunal did, however, hear evidence from two character witnesses (see further below).

## **4. FINDINGS OF FACT**

- 4.1 In light of Councillor Roderick's solicitors' letter of 12 November, the Case Tribunal found the following material facts. Where there were discrepancies between the witnesses' accounts within the Ombudsman's Report, the Tribunal made findings on the balance of those accounts as follows, although those discrepancies were not considered material to the issues:

### First complaint

- 4.1.1 The Respondent and the complainant to the first complaint are Councillors. They are members of the Brecon Beacons National Park Authority and of the Powys County Council.
- 4.1.2 The Respondent received training on the National Park Authority's Code of Conduct on 16 June 2017 and signed an undertaking to observe it on that date too ([B40] and [B43]). He signed a similar declaration in relation to the Powys County Council Code on 9 May 2017 [B42].

- 4.1.3 There was a meeting of the National Park Authority on 8 December 2017 in the Meeting Committee Room, on the first floor of Plas Y Ffynnon, Brecon. A plan and photographs of the room were produced [F10-18]. The distances shown on the plan were set out within paragraphs 10-12 of Mr O'Connor's witness statement [F6-7].
- 4.1.4 The Respondent and a female Councillor, ('the complainant'), were both present. In total, approximately 21 people were present.
- 4.1.5 At the beginning of the meeting, some members were moving around the room and gaining access to the register of gift declarations. The complainant was signing the register when there was physical contact between the Respondent's hand and her bottom. She described the Respondent as having used the open palm of his hand to make contact with the force of a smack or slap. She reacted by saying "*I could have you struck off for that*" and some others in the room, but certainly not all, recalled her reacting, either by saying the words she maintained, or by exclaiming with surprise and/or by standing up and looking around. One Councillor remembered her appearing to have been close to tears at the start of the meeting (Ms Perkin [B130]).
- 4.1.6 On 5 January 2018, Councillor Durrant made a complaint to the Ombudsman about the Respondent's conduct on 8 December 2017. The Respondent was informed of the complaint on 8 January.

#### Second complaint

- 4.1.7 There was a conversation between the Respondent and Ms Doel, the Chairman of the National Park Authority, on 15 January 2018 during which he asked if a roundtable discussion could have been arranged to resolve the complaint which he then knew was being investigated by the Ombudsman. He then indicated that, if the complaint was pursued, he had information about the complainant's conduct or behaviour that her husband would have been interested in.
- 4.1.8 There was a subsequent conversation between the Respondent and Ms Foxley, the Monitoring Officer of the National Park Authority, on 23 January 2018 during which he said that, if the matter (i.e. the complaint) went against him, he would make something public that the complainant would not have liked and/or that he would '*hang her out to dry*' and involve his lawyer.
- 4.1.9 During the interview which took place on 16 October 2018, the Respondent stated that he had been "*looking for payback*" when he had spoken to Ms Doel and Ms Foxley because he felt that the complaint had been defamatory [B176-192].

## **5. FINDINGS OF WHETHER MATERIAL FACTS DISCLOSED A FAILURE TO COMPLY WITH THE CODE OF CONDUCT**

### **5.1 The Code of Conduct**

- 5.1.1 The relevant parts of the Code of conduct were as follows;



Paragraph 4 (b);

*“You must-  
(b) show respect and consideration for others;”*

Paragraph 6 (1)(a);

*“(1) You must –  
(a) not conduct yourself in a manner which could reasonably be  
regarded as bringing your office or authority into disrepute;”*

Paragraph 7 (a);

*“You must not –  
(a) in your official capacity or otherwise, use or attempt to use your  
position improperly to confer on or secure yourself, or any other  
person, an advantage or create or avoid for yourself, or any other  
person, a disadvantage;”*

## **5.2 Case Tribunal’s Decision**

5.2.1 In light of the contents of the Respondent’s solicitor’s letter of 12 November 2019 and the evidence set out above, the Tribunal confirmed their unanimous view that breaches occurred as follows;

- (i) In respect of the first complaint; breaches of paragraphs 4 (b) and 6 (1)(a);
- (ii) In respect of the second complaint; breaches of paragraphs 4 (b), 6 (1)(a) and 7 (a).

## **6. ACTION TO BE TAKEN**

### **6.1 The Respondent’s Evidence and Submissions**

6.1.1 Councillor Roderick called evidence as to his character from;

- Councillor Pritchard [C51];
- County Councillor Van-Rees [C45].

6.1.2 He also relied upon a number of written character references which the Case Tribunal read and considered;

- County Councillor Harris [C40];
- Councillor Weale [C41];
- Mrs Lynette Thomas [C42];
- Councillor Alexander [C43];
- Councillor Price [C44];
- Mr Chris Davies MP [C46];
- Mrs Janet Watkins [C48-9];
- Mrs Ann Webb [C50];
- Councillor Pugh [C56].

6.1.3 Lengthy submissions were made on his behalf by Mr Daycock, in which it was contended that Councillor Roderick was apologetic and contrite. Mr Daycock alluded to his lack of experience as a councillor, having

been elected in 2017, but he also referred to his extensive work for his ward and community over many years.

6.1.4 In relation to the first complaint, it was important to note that the Respondent had accepted that his actions had not been appropriate and/or intended as disrespectful with hindsight and that he offered to apologise [B174-5].

6.1.5 In relation to the second complaint, it was noteworthy that the Respondent had accepted that he had not expressed himself as thoughtfully as he would have liked and had admitted an inadvertent breach of paragraph 4 (b) of the Code at an early stage [B198-9].

## **6.2 Case Tribunal's Decision**

6.2.1 The Case Tribunal considered all of the facts of the case and the Respondent's submissions in mitigation (see above). It applied The Guidance issued by the President under s. 75 (10) of the Local Government Act 2000, it considered the Nolan Committee's Principles for Public Life from which the National Assembly for Wales' core principles were derived.

6.2.2 First, the Case Tribunal had to assess the seriousness of the breaches and their consequences. It considered that the Respondent's conduct on 8 December had degraded and humiliated the complainant and had long been considered wholly unacceptable in any public arena. It was described by Mr Hughes on behalf of the Ombudsman as '*shocking and extraordinary*'.

6.2.3 In relation to the second complaint, however, the Case Tribunal considered that the threats that the Respondent made could have been described as akin to blackmail. It was not clear to the Tribunal on what basis the Respondent had denied breaches of the Code, despite admitting the thrust of the allegations in relation to the complaint. Mr Daycock realistically accepted that it was the more serious complaint, an issue with which the Tribunal readily agreed, not only because his conduct had been repeated on 15 and 23 January, but also because the conduct itself was more likely to have brought his office as a Councillor and/or the Authority into disrepute. It was short sighted and naive for him to have believed that two similar conversations with the Chair and Monitoring Officer would not have resulted in action having been taken against him.

6.2.4 In terms of the broad sanction that was appropriate in the circumstances, the Tribunal considered that the option of suspension was most applicable. The Tribunal started its considerations by considering whether it could take no action and then a partial suspension but, in the case of the former, it considered the conduct to have been too serious and, in the case of the latter, there was no particular aspect of the Respondent's conduct which made a partial suspension appropriate. The Tribunal was also conscious that the Respondent's role on the Authority had been derived from his role as a County Councillor.

- 6.2.5 The Tribunal then considered both mitigating and aggravating features of the breaches.
- 6.2.6 In the Respondent's mitigation in relation to the first complaint, the Tribunal noted that a degree of contrition had been expressed at a relatively early stage in interview and that it had been a one-off incident. There was no systemic conduct or protracted harassment.
- 6.2.7 Mr Daycock informed us that Councillor Roderick was inexperienced and was described by Councillor Van Rees as '*not a sophisticate*'. He was not familiar with the heightened level of formality and the ethos of committee environment. He accepted that he had made an error of judgment but that no malice had been meant. The Tribunal accepted as much.
- 6.2.8 Unfortunately, the Respondent had denied the gravity and nature of the incident until recently, thereby potentially extending the period of upset to the complainant. It was a concession nevertheless which had to stand to his credit. Mr Daycock informed the Tribunal that the delay was attributable to the fact that the Councillor's representatives did not have a good understanding of the code of conduct.
- 6.2.9 In relation to the second complaint, the Tribunal noted the Respondent's degree of insight; that he '*didn't express himself as thoughtfully as he would have liked and accepted and inadvertent code breach*'. Nevertheless, the conduct had been repeated and, by its very nature, there had been an attempt to use his position for gain.
- 6.2.10 In more general terms, the Tribunal considered a strong set of character references. The Respondent clearly commanded a broad range of respect and trust, which made his conduct all the more surprising and out of character. His level of dedication to his community was impressive. He had no prior record of misconduct with the Ombudsman.
- 6.2.11 The Case Tribunal considered whether and how to adjust the sanction in order to achieve an appropriate deterrent effect and to maintain public confidence in the standards expected in public life. It concluded by unanimous decision that **Councillor Roderick should be suspended from acting as a member of authorities for a period of 4 months.**
- 6.2.12 The sanction applied to both positions held by the Councillor. The Tribunal could discern nothing in the nature of the conduct and/or the breaches which suggested that the Respondent's behaviour was peculiar to, or specifically arose from, his work with the Authority. His position on the Authority was derived from his role with the Council and both the Council and Authority were relevant authorities under ss. 69 and 79 for these purposes.
- 6.2.13 The authorities and their Standards Committees have been notified accordingly.

6.2.14 The Respondent has the right to seek the permission of the High Court to appeal the above decision. Any person considering an appeal was advised to take independent legal advice about how to appeal.

## **7. CASE TRIBUNAL RECOMMENDATIONS**

7.1 The Case Tribunal made the following recommendation to the authorities;

7.1.1 That Councillor Roderick receive further training in relation to his duties under the code of conduct from or on behalf of the Monitoring Officer of the Brecon Beacons National Parks Authority by 31 January 2020.



Signed.....  
John Livesey  
Chairperson of the Case Tribunal

Date...20 November 2019.....

Ms C Jones  
Panel Member

Dr G Jones  
Panel Member

## STANDARDS COMMITTEE 14/09/20

CODE OF CONDUCT CASEBOOK		
<b>Recommendations / key decisions required:</b> To consider the report		
<b>Reasons:</b> The subject matter of this report falls within the remit of the Committee		
Scrutiny Committee recommendations / comments: Not applicable		
Exec Board Decision Required	NO	
Council Decision Required	NO	
EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)		
Directorate Chief Executives Name of Head of Service: Linda Rees-Jones Report Author: Robert Edgecombe	Designations: Head of Administration & Law Legal Services Manager	Tel Nos. 01267 224018 E Mail Addresses: RJEdgeco@carmarthenshire.gov.uk.

**EXECUTIVE SUMMARY  
STANDARDS COMMITTEE  
14/09/20**

**CODE OF CONDUCT CASEBOOK**

The Public Services Ombudsman for Wales (PSOW) publishes the Code of Conduct Casebook to help guide councillors regarding the implementation of the Code. The most recent casebook was published on the 23<sup>rd</sup> January 2020 and is attached. The casebook refers to 2 cases, neither involving councillors from Carmarthenshire.

**DETAILED REPORT ATTACHED ?**

**NO**

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: *Linda Rees Jones*

Head of Administration and Law

*(Please specify the outcomes of consultations undertaken where they arise against the following headings)*

**1. Scrutiny Committee**

Not applicable

**2. Local Member(s)**

Not applicable

**3. Community / Town Council**

Not applicable

**4. Relevant Partners**

Not applicable

**5. Staff Side Representatives and other Organisations**

*Not applicable*

## Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-182	Legal Services, County Hall



# The Code of Conduct Casebook

Issue 23 January 2020

## Introduction

The Public Services Ombudsman for Wales considers complaints that members of local authorities in Wales have broken the Code of Conduct. The Ombudsman investigates such complaints under the provisions of Part III of the Local Government Act 2000 and the relevant Orders made by the National Assembly for Wales under that Act.

Where the Ombudsman decides that a complaint should be investigated, there are four findings, set out under section 69 of the Local Government Act 2000, which the Ombudsman can arrive at:

- a) that there is no evidence that there has been a breach of the authority's code of conduct;
- b) that no action needs to be taken in respect of the matters that were subject to the investigation;
- c) that the matter be referred to the authority's monitoring officer for consideration by the standards committee;
- d) that the matter be referred to the President of the Adjudication Panel for Wales for adjudication by a tribunal (this generally happens in more serious cases).

In the circumstances of (c) and (d) above, the Ombudsman is required to submit the investigation report to the standards committee or a tribunal of the Adjudication Panel for Wales and it is for them to consider the evidence found by the Ombudsman, together with any defense put forward by the member concerned. It is also for them to determine whether a breach has occurred and, if so, what penalty (if any) should be imposed.

The Code of Conduct Casebook contains summaries of reports issued by this office for which the findings were one of the four set out above. However, in reference to (c) and (d) findings, The Code of Conduct Casebook only contains the summaries of those cases for which the hearings by the standards committee or Adjudication Panel for Wales have been concluded and the outcome of the hearing is known. This edition covers October to December 2019.

# The Code of Conduct Casebook

Issue 23 January 2020

## Contents

No evidence of breach .....	3
No action necessary .....	3
Referred to Standards Committee .....	4
Referred to Adjudication Panel for Wales.....	4

## Case summaries

### No evidence of breach

There are no summaries in relation to this finding.

### No action necessary

**Merthyr Tydfil County Borough Council – Duty to uphold the law**  
**Case Number: 201805269 - Report issued in December 2019**

The Ombudsman received a complaint that a Member ("the Member") of Merthyr Tydfil County Borough Council ("the Council") had breached the Code of Conduct by voting on the setting of the rate of council tax at a meeting of Full Council in March 2018 when he was in arrears of council tax for a former home. It is an offence under s106 of the Local Government Finance Act 1992 for a member to vote on setting the rate of council tax when they are themselves in arrears.

The relevant parts of the Code in this case are paragraphs 6(1)(a) relating to bring the authority into disrepute and paragraphs 10(1), 11(1) and 14(1)(a), (b) and (c) about the actions a member should take if they have a personal and prejudicial interest in a matter the authority is considering.

The Ombudsman obtained relevant documentary evidence, including copies of the council tax records for the property involved. He also viewed the webcast for the meeting of Full Council and interviewed the Council's Monitoring Officer and the Member.

The Ombudsman considered that the evidence suggested that the Member had breached the Code as he accepted that he had not declared an interest and had voted on setting the council tax rate. The Member also accepted that at the time of that meeting he was in arrears of council tax for the former property. However, the Ombudsman decided that it would not be in the public interest to pursue the matter given the significant mitigating circumstances in this particular case. These included the personal circumstances that had led to the Member incurring the original debt and the fact that the member was inexperienced. He had apologised, paid off the arrears and said that it would not happen again. In view of the mitigating circumstances, the Ombudsman concluded that no further action needed to be taken.

**Merthyr Tydfil County Borough Council – Disclosure and registration of interests**  
**Case Number: 201807334 – Report issued in December 2019**

The Ombudsman received a complaint that a Member ("the Member") of Merthyr Tydfil County Borough Council ("the Council") had breached the Code of Conduct. It was alleged that, contrary to the Monitoring Officer's advice that a conflict of interest existed, the Member accepted a specific cabinet position. It was also alleged that the Member had failed to declare an interest in such matters.

During the investigation, information was sought on the Monitoring Officer's advice, and the Member was interviewed. The Member explained that he had considered the advice of the Monitoring Officer and was confident that an appropriate strategy had been formulated to manage and mitigate any potential conflicts of interest. The Member said that he and the Leader of the Council had undertaken research to identify where similar scenarios had occurred in other councils and the impact it had on those authorities. The Member also produced evidence of declarations of interest that he had made.

Although the Ombudsman was satisfied that the Member had regard to the Monitoring Officer's advice, the lack of transparency in relation to aspects of the appointment (including the timing of

the Member's resignation from employment which would have conflicted with the appointment) was of concern and caused others to reasonably question the appointment. As the Member had eventually resigned from his former employment and taken up his role the Ombudsman found that it was not in the public interest to pursue the matter further and found that no further action needed to be taken. Given the potential for a conflict of interest to arise, the Member was reminded of the need to seek advice from the Monitoring Officer in future matters.

## **Referred to Standards Committee**

There are no summaries in relation to this finding.

## **Referred to Adjudication Panel for Wales**

There are no summaries in relation to this finding.

## STANDARDS COMMITTEE

14/09/20

OMBUDSMANS ANNUAL REPORT		
<b>Recommendations / key decisions required:</b> To consider the report		
<b>Reasons:</b> The subject matter of this report falls within the remit of the Committee		
Scrutiny Committee recommendations / comments: Not applicable		
Exec Board Decision Required	NO	
Council Decision Required	NO	
EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr E Dole (Leader)		
Directorate Chief Executives Name of Head of Service: Linda Rees-Jones Report Author: Robert Edgecombe	Designations: Head of Administration & Law  Legal Services Manager	Tel Nos. 01267 224018 E Mail Addresses: RJEdgeco@carmarthenshire.gov.uk.

**EXECUTIVE SUMMARY  
STANDARDS COMMITTEE  
13/09/19**

**OMBUDSMANS ANNUAL REPORT**

The Public Services Ombudsman for Wales (PSOW) is required to publish an annual report setting out the activities of his office during the previous 12 months. The attached report (and statement of accounts) covers the financial year 2019-2020. The key points relating to the Members Code of conduct are:

- 231 code complaints were received, down from 282 the previous year (an 18% reduction)
- A reduction in the number of cases referred to the Adjudication Panel for Wales (from 4 to 1)
- A reduction in the percentage of code complaints closed (23.7% less than in the previous year)
- Most code complaints are however still closed at an early stage

**DETAILED REPORT ATTACHED ?**

**YES**

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees Jones

Head of Administration and Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: **Linda Rees Jones**

Head of Administration and Law

*(Please specify the outcomes of consultations undertaken where they arise against the following headings)*

**1. Scrutiny Committee**

Not applicable

**2. Local Member(s)**

Not applicable

**3. Community / Town Council**

Not applicable

**4. Relevant Partners**

Not applicable

**5. Staff Side Representatives and other Organisations**

*Not applicable*

## Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

**THESE ARE DETAILED BELOW**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legal file	DPSC-182	Legal Services, County Hall



## Delivering Justice

The Public Services Ombudsman for Wales

### ANNUAL REPORT AND ACCOUNTS

2019/20



## COVID-19

This Report was produced in April and May 2020, against the backdrop of the Covid-19 outbreak. Most of the data in this Report relates to the period before the rapid escalation in Covid-19 spread and before restrictions on economic and social activity had been introduced. However, Covid-19 has affected our activity towards the end of the year and this is acknowledged, where appropriate, in the Report.

The Annual Report was produced while staff were working at home. Whilst staff had access to our systems and to our data, working remotely has been challenging and this may be reflected in the final Report.

## THE WELSH PARLIAMENT

On 6 May 2020 the National Assembly for Wales became ‘the Welsh Parliament’ or ‘Senedd Cymru’. This report refers to the period prior to this change, therefore for correctness we still use the name ‘National Assembly for Wales’ in the relevant sections.

## **Annual Report and Accounts 2019/2020**

of the Public Services Ombudsman for Wales  
for the year ended 31 March 2020

Laid before the Welsh Parliament under paragraphs 15, 17 and 18 of Schedule 1 of the Public Services Ombudsman (Wales) Act 2019.



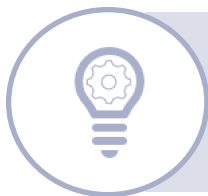
## Contents

	Page
Key messages	5
Foreword	6
About us	8
Snapshot of the year	10
Key Performance Indicators	12
Strategic aim 1: Deliver Justice	14
Strategic aim 2: Promote Learning	50
Strategic aim 3: Use Resources Wisely	65
Accountability Report	81
Annual Accounts	106

## Key messages



We deliver for those who have suffered injustice.



We innovate and drive improvement across the public sector.



We embrace learning and welcome feedback.



We strive to ensure and promote equality and diversity.



We care for and invest in our staff.



We are accountable and transparent about our performance and use of resources.

## Foreword

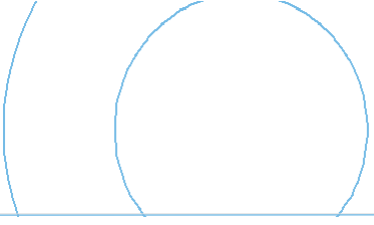


This document was prepared during the Covid-19 global pandemic. Never have Welsh public services, particularly health and social care, experienced such pressures or levels of appreciation. It is pleasing, in that context, that the level of complaints, received by my office in 2019/20, about public bodies was similar to that in the previous year (an increase of only 1.6%). The proportion of our interventions – cases where we find maladministration or service failure – was also lower (20%, compared to 24% last year).

Our most serious cases, on which we publish public interest reports, totalled only 4, compared to 14 the previous year - a reduction of 71%. These related to Flintshire Council, Swansea Bay University Health Board, the Student Loan Company and a joint report involving Betsi Cadwaladr University Health Board, Gwynedd County Council and Cartrefi Cymru. We saw this year a very welcome drop in complaints about breaches of the Code of Conduct (-18%). We also referred fewer investigations of likely breaches of the Code of Conduct to the Adjudication Panel for Wales or Standards Committees, though there were several high profile cases which demonstrated why the ethical standards regime is required to maintain high standards of conduct in public office in Wales.

This Annual Report covers the first year of the implementation of our new Corporate Plan, 'Delivering Justice', and I am delighted to report excellent progress. In one of the key developments during the year, in 2019 the National Assembly for Wales passed our new Act (the 'PSOW Act 2019'), which received Royal Assent in May. We created a new Improvement team with talent from inside and outside the organisation to lead the new work streams on own initiative investigations and Complaints Standards, as well as enhancing policy and communication resources and increasing our emphasis on internal and external complaints handling and service quality. The team wasted no time in getting key stakeholders up to speed, explaining the changes to the bodies in our jurisdiction, public service leaders from across Wales, senior civil servants and key third sector bodies. In October, we laid the criteria for exercising the new powers of Complaints Standards and own initiative investigations before the National Assembly.

Both powers are now operational and in March 2020 we commenced consultation on the proposal for our first own initiative investigation. The Complaints Standards team has begun the ground-breaking work of collecting and analysing data about complaint handling in the public sector.



This work is still at an early stage, but it already begins to indicate that my caseload represents the tip of the iceberg in terms of the volume of complaints handled by local authorities alone.

In addition to launching the new powers, we continued our other efforts to promote the improvement of public services in Wales. I met key bodies in jurisdiction, including the leaders of Betsi Cadwaladr, Hywel Dda, Swansea Bay and Aneurin Bevan University Health Boards. I also met local government chief executives to discuss the new PSOW Act. We published our fourth thematic report 'Justice Mislaid' and our first ever Equality and Human Rights casebook. We also continued to inform the public policy process where appropriate.

As we do every year, we welcomed scrutiny by the Assembly's Finance Committee and the Equality, Local Government and Communities Committee.

Although I stood down as Chair of the Ombudsman Association in May, we sustained excellent relationships with the ombudsman community in the UK, Europe and across the world. We celebrated the new Act with a seminar in Aberystwyth University addressed by representatives of leading ombudsman schemes. The office also participated fully in the development of the 'Venice Principles', a new global standard of excellence for ombudsman schemes approved by the Council of Europe.

We have continued to liaise with stakeholders in Wales. Amongst many other engagements, I was pleased to attend the National Eisteddfod in Llanrwst and to meet the new Welsh Language Commissioner, Aled Roberts. In March, I was delighted to meet Sir Wyn Williams, President of Welsh Tribunals, following the launch of the report of the Thomas Commission on the future of justice in Wales.

None of this work would have happened without my dedicated staff. I was delighted with the results of our annual staff survey which found that 99% of respondents felt proud to work for PSOW. I was also pleased with the results of an external assessment by Chwarae Teg which demonstrated an excellent working culture. My thanks to my staff for the excellent work that they have done in delivering justice in Wales.

**Nick Bennett**

Public Services Ombudsman for Wales

## About us

We have three main roles:

handling complaints about public service providers; considering complaints about breaches of the Code of Conduct by elected members; and driving systemic improvement of public services. We are independent of all government bodies and the service we provide is free of charge.

### Complaints about public service providers

Our first role is to consider complaints about bodies providing public services where responsibility for their provision has been devolved to Wales. These bodies include:

- local government (both county and community councils)
- the National Health Service (including GPs and dentists)
- registered social landlords (housing associations)
- the Welsh Government, together with its sponsored bodies

We are also able to consider complaints about privately arranged or funded social care and palliative care services and, in certain specific circumstances, aspects of privately funded healthcare.

We consider complaints about maladministration, service failure, or failure to provide a service. This means that we look to see whether people have been treated unfairly or inconsiderately or have received a bad service through some fault on the part of the service provider. If a complaint is upheld, we can recommend redress, or changes in process to ensure that mistakes are not repeated.

### Code of Conduct complaints

Our second role is to consider complaints that elected members of local authorities have breached their Codes of Conduct, which set out the recognised principles of behaviour that members should follow in public life. These local authorities include:

- county and county borough councils
- community councils
- fire authorities
- national park authorities



We are also a “prescribed person” under the Public Interest Disclosure Act for raising whistleblowing concerns about breaches of the Code of Conduct by members of local authorities. Further explanation of our duties in this respect can be found on page 34 of the Report.

### **Systemic improvement of public services**

Our third role is to drive broader improvement of public services. Whilst we have always tried to ensure that lessons from complaints are learned and that public bodies adopt good practice in complaint handling, our office was equipped with new powers to drive systemic improvement under the Public Services Ombudsman (Wales) Act 2019.

Under the Act, we are now empowered to undertake investigations on our own initiative. This means that, where we believe that there is maladministration resulting in personal injustice, we can start an investigation even if we have not received a complaint. More information about our work on the proposed first own initiative investigation can be found on page 55 of this Report.

We are also now empowered to set complaints standards for public bodies in Wales. This means that we can publish a statement of principles concerning complaints handling procedures for bodies in jurisdiction, as well as setting model complaints handling procedures for these bodies. We can also monitor the performance of public bodies in complaint handling, including by reviewing their complaint handling data. Page 52 of this Report details how we have taken forward this role to date.

**The first UK ombudsman office equipped with full and operational powers to drive systemic improvement**

# Snapshot of the Year

## 2019/20

### April

We delivered a TPAS Cymru seminar on effective complaints handling in social housing sector.



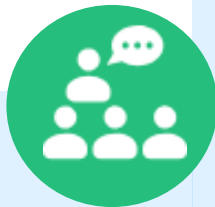
### May

Public Services Ombudsman (Wales) Bill was given Royal Assent.



### June

We hosted International Ombudsman Seminar at Aberystwyth University.



### July

We met the Welsh Language Commissioner to discuss Welsh Language Standards.



### August

We participated in a Youth Rights Panel at the National Eisteddfod in Llanrwst.



### September

We gave evidence to the Assembly's Health Committee on the Health and Social Care (Quality and Engagement) (Wales) Bill.



# Snapshot of the Year

## 2019/20

### October

Sitemore 'State of the Nation' report named website [ombudsman.wales](https://ombudsman.wales) in its top 10.



### November

We published our first ever human rights-focused casebook.



### December

We attended the International Ombudsman Institute seminar on the Venice Principles.



### January

Our new powers of Complaints Standards and investigations on own initiative became operational.



### February

We issued three public interest reports, two covering health matters and one regarding student loan finance.



### March

We published thematic report entitled 'Justice Mislaidd: Lost Records and Lost Opportunities'.



## Our Key Performance Indicators

Like all public bodies, we measure our performance against a set of Key Performance Indicators (KPIs). The table below presents an overview of our KPIs. We discuss these figures in more detail throughout this Report. You can navigate easily to the relevant sections of the Report by clicking on the KPI title in the table below.

	2018/19	Target 2019/20	2019/20	Target 2020/21
<b>KPI 1: Complaints about public bodies - decision times</b>				
Decision that a complaint is not within jurisdiction < 3 weeks	83%	90%	95%	90%
Decision taken not to investigate a complaint (after making initial enquiries) < 6 weeks	84%	90%	92%	90%
Where we seek early resolution, decision within 9 weeks	85%	90%	94%	90%
Decision to investigate and start investigation within 6 weeks of the date sufficient information is received	55%	80%	67%	80%
<b>KPI 2: Complaints about public bodies which are investigated - cases closed</b>				
Cases closed within 12 months	82%	85%	81%	85%
<b>KPI 3: Code of Conduct complaints - decision times</b>				
Decision taken not to investigate within 6 weeks	92%	95%	93%	90%
Decision to investigate and start investigation within 6 weeks of the date sufficient information is received	76%	80%	86%	90%
<b>KPI 4: Code of Conduct complaints which are investigated - cases closed</b>				
Cases closed within 12 months	88%	90%	88%	90%
<b>KPI 5: Customer satisfaction*</b>				
Easy to find PSOW	84%	90%	91 / 98%	91 / 98%
Service received helpful	51%	70%	63 / 83%	63 / 83%
Clear explanation of process and decision	71%	80%	65 / 89%	65 / 89%

\* In 2019/20 we changed the way we measure our customer satisfaction, which makes it difficult to assess our performance against the 2019/20 targets. The 2019/20 results are presented for all respondents as well as those satisfied with the outcome.

	2018/19	Target 2019/20	2019/20	Target 2020/21
<b>KPI 6: Compliance</b>				
% of recommendations made due and complied with by public service providers in the year	N/A	N/A	72%	N/A
Number of compliance visits	1	3	4	6
<b>KPI 7: HR</b>				
Completion of PRDP (appraisal) reviews	100%	100%	100%	100%
Employee response to staff survey	86%	85%	92%	N/A
<b>KPI 8: Staff training</b>				
% of staff achieving target number of days of continuing professional development	77%	90%	93%	95%
<b>KPI 9: Staff attendance</b>				
Average number of days lost through sickness per member of staff	3.3	< 6	9.0	6.5
% of working days lost through staff sickness	1.2%	2.0%	3.4%	2.5%
% of working days lost through short term sickness	N/A	N/A	1.0%	1%
% of working days lost through long term sickness	N/A	N/A	2.4%	1.5%
<b>KPI 10: Financial</b>				
Cash repaid to Welsh Consolidated Fund	0.5%	< 3%	1.0%	< 3%
Unit cost per case	£599	£700	£669	£700
Support costs as percentage of budget	3.5%	< 5%	4.3%	< 5%
External Audit Opinion on Accounts	Unqualified accounts	Unqualified accounts	Unqualified accounts	Unqualified accounts
Internal Audit Opinion on internal controls	Substantial Assurance	Substantial Assurance	Substantial Assurance	Substantial Assurance
<b>KPI 11: Complaints about us</b>				
Number of complaints received	30	N/A	36	N/A
Number of complaints upheld	9	N/A	7	N/A
<b>KPI 12: Sustainability</b>				
Waste (kg)	31,110	<30,000	26,996	26,000
Electricity (kWh)	106,701	<100,000	104,521	104,000

# Deliver Justice

## Strategic aim 1

We strive to be a fair, independent, inclusive and responsive complaints service. We continue to deliver justice to the people of Wales by handling complaints about maladministration by public service providers and allegations of breaches of the Code of Conduct by elected members. When we intervene after considering a complaint, we want to ensure that we remedy injustice and drive systemic improvement.

## A short guide to terminology

**Caseload:** all cases handled by the office.

**Case:** any engagement with our office by a member of the public.

**Enquiry:** a case where a member of the public contacts us with a general query, does not have the required information to submit a complaint, or the matter in question clearly falls into the remit of another body. In such circumstances we offer advice or signpost people as necessary.

**Complaint:** a case that proceeds past the enquiry stage to assessment and/or investigation. Complaints can relate either to service providers or to alleged breaches of the Code of Conduct by elected members of local authorities.

**Outcome:** our decision after we have considered a complaint.

**Intervention:** a complaint outcome when we decided that it is appropriate to take an action - uphold a complaint, or propose an alternative remedy or voluntary settlement.

**Referral:** a type of intervention in the Code of Conduct cases where we refer a matter to a Standards Committee or the Adjudication Panel for Wales for consideration. This may be because the matter cannot be concluded in any other way or because it features serious breaches of the Code.

Our casework trends help to highlight some possible changes in performance of public bodies and conduct of elected members. Compared to 2018/19, this year:

**1.6%**

**we received 1.6% more new complaints about public bodies.** This could indicate a drop in their performance—but could also be attributed to increasing awareness of our service.

**18%**

**we received 18% fewer allegations of breaches of the Code of Conduct,** due to a significant and welcome drop in frivolous complaints made against members of Town and Community Councils.

**3%**

**we saw a 3% fall in new complaints about Health Boards,** suggesting that our work with these bodies may be helping to support improvement.

**20%**

**we intervened in a smaller proportion of complaints about public bodies —20%,** compared to 24% last year. We also referred a smaller proportion of complaints about breaches of the Code of Conduct — 2%, compared to 3% last year. When we intervene after considering a complaint, we want to ensure that we remedy injustice and drive systemic improvement. Information on our recommendations can be found on page 37 of this Report.

We also work to ensure that we offer the best possible service and that we are accessible to all people who need us. In 2019/20:

**48%**

**48% of respondents to a national survey were aware of us —** compared to 35% in 2012.

**57%**

**98%**

57% of respondents to our customer satisfaction survey were **satisfied with the service received**—rising to 98% amongst those satisfied with the outcome of their complaint.

**2%**

using our new powers, **we accepted 2% of all new complaints orally,** helping those with additional needs to access justice.



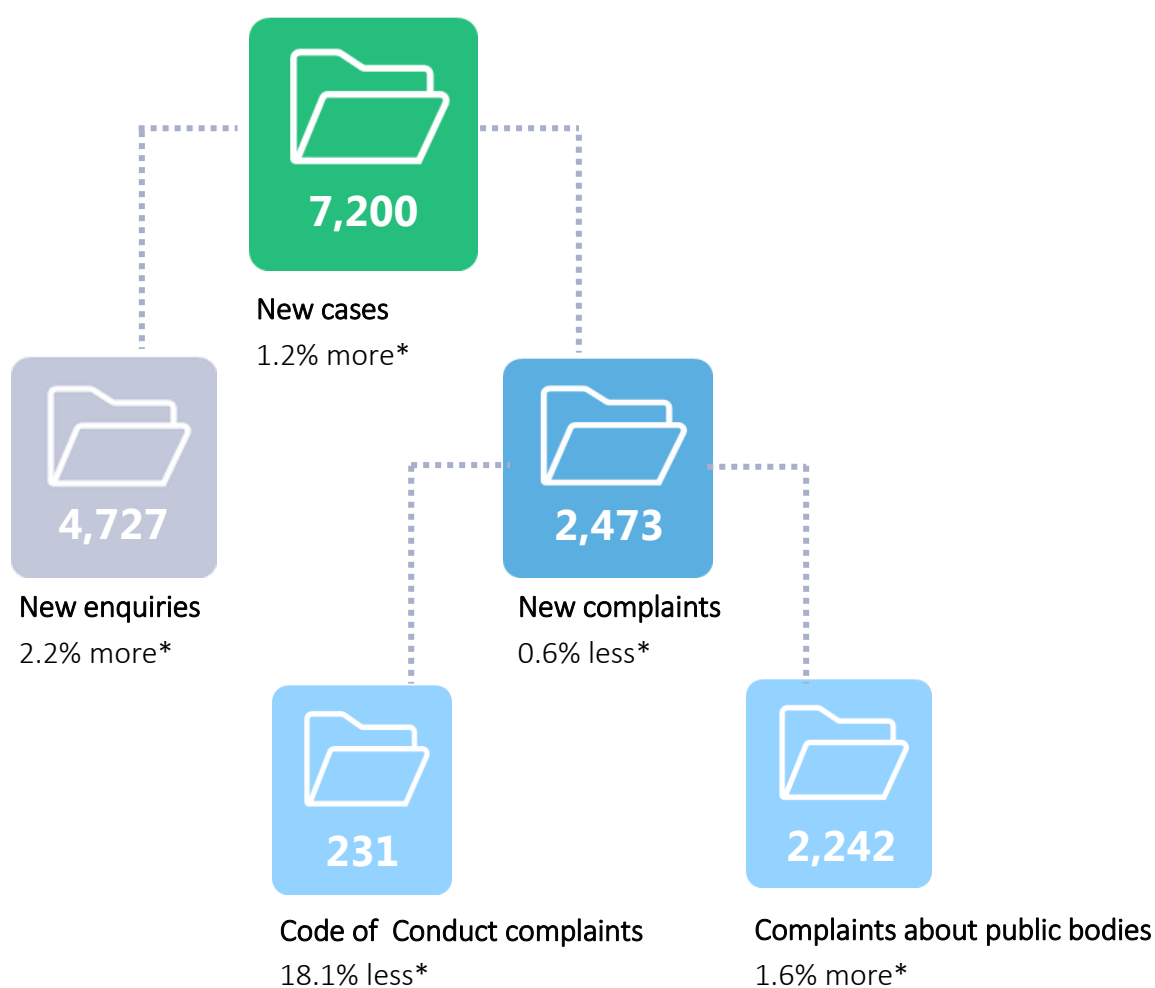
## Our caseload volumes and trends

### Caseload overview

#### (a) New caseload

Every year, we are contacted by thousands of individuals. Continuing the trend over recent years, in 2019/20 the number of contacts with our office increased by 1.2% to 7200—the highest since the establishment of the office.

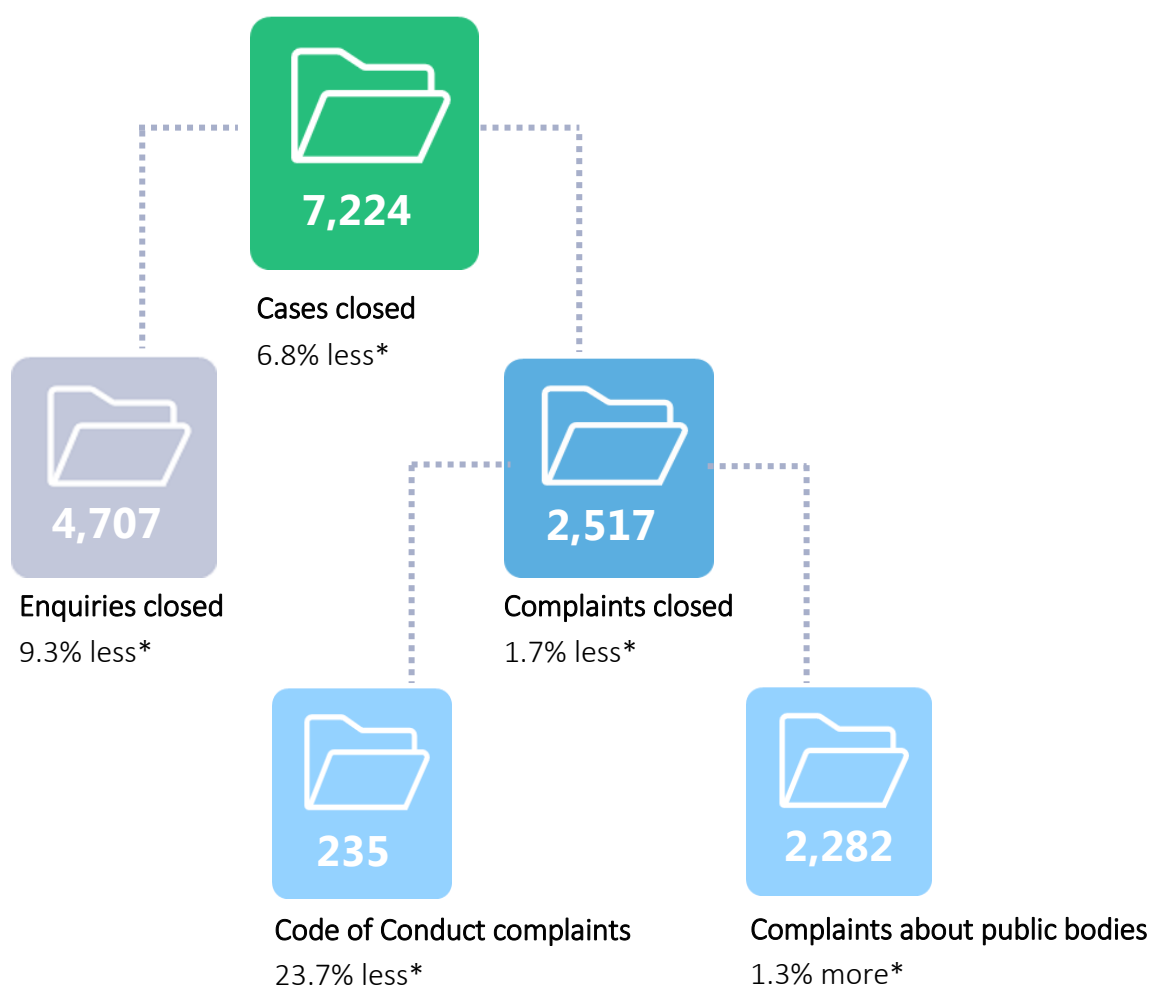
As in previous years, around 65% of new cases involved enquiries rather than complaints. Whilst we welcome all contacts with our office, we continue to work to raise awareness of our role and powers to help people understand when and how we can help.



\* compared to 2018/19

## (b) Closed caseload

This year, we closed 6.8% fewer cases overall and 1.7% fewer complaints than in 2018/19. The number of closed complaints about public bodies increased slightly. However, we saw a drop in the number of closed complaints about breaches of the Code of Conduct—although we still closed more Code complaints than we received. **Overall, we still managed to reduce the number of cases open at year end**, from 489 in 2018/19 to 453 in 2019/20.



\* compared to 2018/19

The number of cases that we close differs from the number of cases received. This is because some of the cases closed in 2019/20 were received in the previous year, and some cases received in 2019/20 will be closed in 2020/21.

## Complaints about public bodies

### (a) New complaints about public bodies

**1.6%**

#### General trends

In 2019/20, we received 2242 new complaints about public bodies - 1.6% more than last year.

We categorise our complaints based on their primary subject. The chart shows the main subjects of new complaints about public bodies reaching our office and changes compared to 2018/19:

Subject	2019/20	2018/19
Health	41%	41%
Housing	15%	12%
Complaint handling	9%	11%
Social services	8%	9%
Planning and building control	7%	9%
Other	20%	18%

We also record our complaints by the type of public body complained about. Our new complaints related to the following groups of bodies:

Body	2019/20	2018/19	% change
NHS Bodies (including Health Boards, NHS Trusts, Dentist, GPs, Opticians and Pharmacists)	1020	1007	+1.3%
Local Authorities (including County/ County Borough Councils and School Appeal Panels)	890	912	-2.4%
Social Housing sector (housing associations)	202	168	+20.2%
Welsh Government and its sponsored bodies	68	68	-
Community Councils	27	23	+17.4%
Other	35	29	+20.7%
<b>Total</b>	<b>2242</b>	<b>2207</b>	<b>+1.6%</b>

This data points towards three main trends:

- **Healthcare concerns continue to constitute the main subject of new complaints reaching our office** with no significant change since 2018/19.
- **The proportion of new complaints about housing matters in our new complaints overall has increased from 12% to 15%.** This has contributed to a **20% increase in complaints about housing associations.** This may reflect our efforts over the year to raise awareness of our role within the sector, but we will be monitoring these complaints in the year ahead. More details of this work can be found on page 64 of this Report.
- The proportion of new complaints about **complaint handling has decreased from 11% to 9%.** We welcome this trend, as we consider the volume of complaints about complaint handling as an important indicator of the overall standard of complaint handling in the public sector.

On its own, the number of new complaints reaching our office does not tell the whole story about the performance of public services.

This year, we have started to use our new power of Complaints Standards to begin to build a picture of the broader number of complaints handled by public service providers.

This work spells a step-change in our ability not only to promote systemic improvement in complaint handling in Wales, but also to contextualise the number of complaints reaching our office.

In due course, the information collected from public bodies will allow us to better understand how the numbers of complaints that we receive relate to the numbers considered through internal complaint handling procedures of the bodies in our jurisdiction.

More details about our Complaints Standards work can be found on page 52 of this Report.

The next sections discuss in more detail the trends in our new complaints by the main groups of bodies complained about - NHS bodies and Local Authorities.

**1020****New complaints: NHS bodies**

Of all new complaints about public bodies, 1020 or 45% related to NHS bodies—an increase of 1.3% compared to 2018/19.

Complaints about NHS bodies related predominantly to health (88%). However, as in previous years, a significant proportion of these complaints related to complaint handling (8%). We will continue to work with NHS bodies on reducing the number of these complaints, including as part of our new Complaints Standards role.

As in previous years, Health Boards accounted for the highest number of complaints about NHS bodies. The table below presents a detailed breakdown of new complaints about these bodies compared to 2018/19:

Health Board	2019/20	2018/19	% change
Aneurin Bevan University Health Board	140	134	+4.5%
Betsi Cadwaladr University Health Board	227	194	+17.0%
Cardiff and Vale University Health Board	100	102	-2.0%
Cwm Taf Morgannwg University Health Board*	80	75	+6.7%
Hywel Dda University Health Board	92	109	-15.6%
Powys Teaching Health Board	23	26	-11.5%
Swansea Bay University Health Board*	91	139	-34.5%
<b>Total</b>	<b>753</b>	<b>779</b>	<b>-3.3%</b>

\* formerly Cwm Taf UHB and Abertawe Bro Morgannwg UHB— there were changes to names and boundaries on 1 April 2019.

During the year, we worked with all the Health Boards promoting improvements to their service delivery.

More details of this work with the Health Boards, as well as with other public service providers in our jurisdiction, can be found on pages 60-64 of this Report.

Overall, **the number of new complaints about Health Boards has decreased by 3.3%** compared to 2018/19. We saw a significant drop in new complaints received about the new Swansea Bay UHB (-34.5%), Hywel Dda UHB (-15.6%) and Powys Teaching Health Board (-11.5%).

On the other hand, as in previous years, **Betsi Cadwaladr UHB continued to account for the highest number of complaints about Local Health Boards reaching our office.** Betsi Cadwaladr UHB now accounts for 30% of all our new complaints against Health Boards. The second most complained about Health Board is now Aneurin Bevan UHB – showing a 4.5% increase on last year.

The overall increase in complaints about NHS bodies this year appears to be due to an increase in complaints about GPs. Compared to 2018/19, we saw a 24% increase in the number of new complaints about GPs. These complaints are widely spread, with no disproportionate focus on particular GPs or practices.

890

**New complaints: Local Authorities**

Of all new complaints about public bodies, 890 or 40% were about Local Authorities—a decrease of 2.4% compared to last year.

These complaints relate to a variety of subjects. The main subjects in 2019/20 were:

- Social services: 18%
- Housing: 16.9%
- Planning and building control: 15.4%
- Environment and environmental health: 10.6%
- Complaint handling: 9%

Complaint handling persists as one of the main subjects of our new complaints about Local Authorities. **This year, we have engaged intensively with Local Authorities on this issue, starting to exercise our new Complaints Standards powers.**

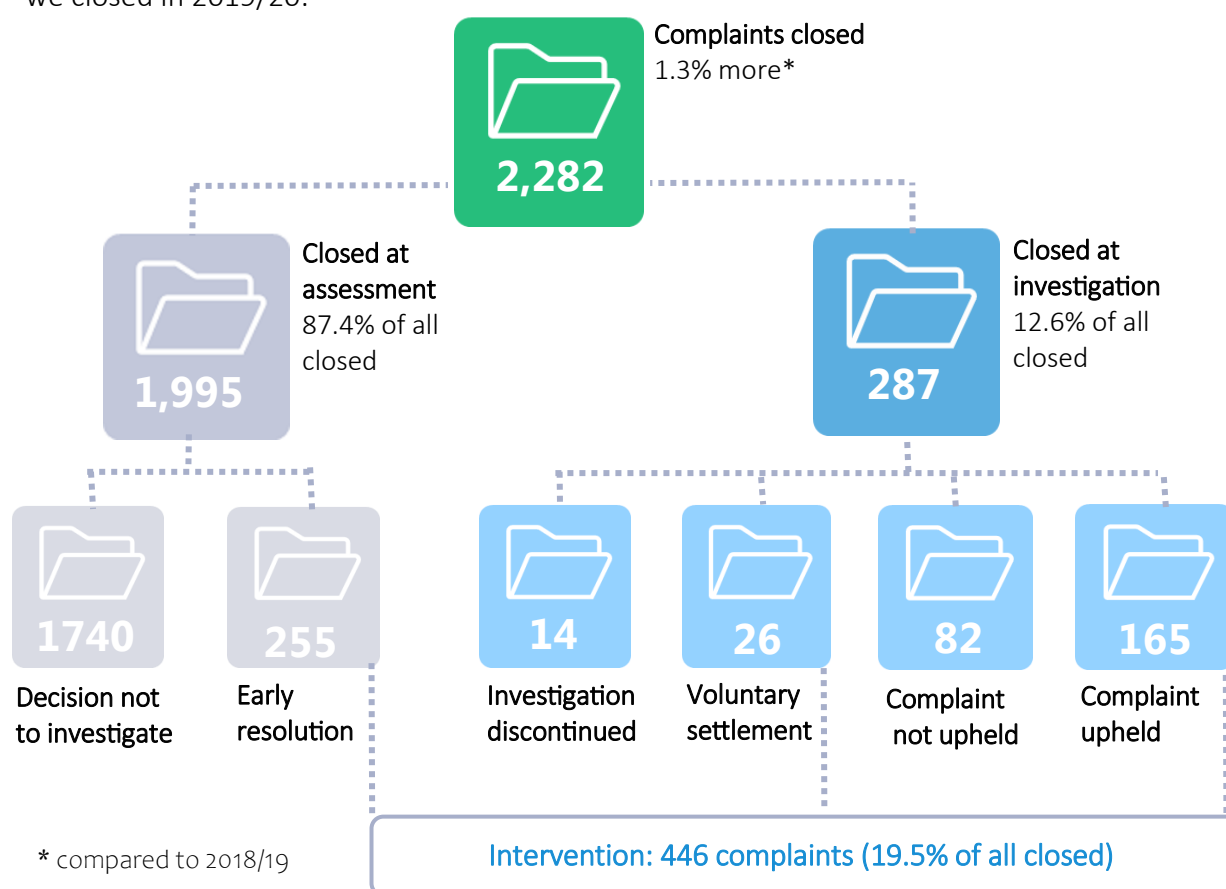
Our Complaints Standards work will allow us to report on all complaints handled by Local Authorities.

## (b) Closed complaints about public bodies

**2282****General trends**

In 2019/20, we closed 2282 complaints about public bodies - 1.3% more compared to the previous year. This performance contributed to us reducing the number of complaints carried over at the end of the year.

The graphic below presents an overview of outcomes of complaints about public bodies that we closed in 2019/20:



When we receive a new complaint we undertake an initial assessment to determine whether we can and whether we should investigate.

The Public Services Ombudsman (Wales) Acts 2005 and 2019 set out key criteria that must be considered before we investigate. These include a requirement that the body complained about has had a reasonable opportunity to resolve the complaint and that the complaint is made to us within 12 months of the events complained about. If these criteria are not met, the complaint will generally be closed at assessment stage.

In 2019/20, **we closed 87.4% complaints about public bodies at assessment stage - a slightly higher proportion than last year (84.7%)**. This increase reflects the number of complaints relating to matters outside our jurisdiction, and those made to us prematurely, generally, where the service provider had not had the opportunity to resolve the matter. **This underlines the importance of good complaint handling by public bodies**. Our Complaints Standards powers should support our work to address this. However, it also suggests that there is more work for us to do to make potential complainants aware of our role and our powers.

Compared to 2018/19, in 2019/20 **we investigated a smaller proportion of complaints about public bodies - 12.6% compared to 15.3%**. Almost identically to last year, **most of our investigations - 82% - related to health**. This trend reflects the complexity and seriousness of health cases.

A key measure of performance of public services is the proportion of cases where we intervened – that is, where we decided that there was evidence of maladministration or service failure which required action.

In 2019/20, **we found grounds to intervene in 446 or 19.5% of our closed complaints—compared to 23.7% last year**. We will monitor this trend in the coming years.

Also, **our rate of interventions in health cases specifically dropped from 32% to 26%**. This means that we found maladministration and service failure in a smaller proportion of health cases that we closed.

More information on the recommendations we make in cases that we intervene in can be found on page 37 of this Report.

Our interventions also include early resolution of a complaint at assessment stage. **We continue to use early resolution where possible** as this provides a timely and positive outcome for all parties. This year, early resolutions accounted for approximately 57% of our interventions overall—the same as last year.



1052

### Closed complaints: NHS bodies

In 2019/20, we closed 1052 complaints against NHS bodies - 1.2% more compared to the previous year.

This is positive in terms of the output of the office, given that most of these complaints would have been complex and therefore take longer to investigate. In 2019/20, 97 out of 124 (78%) of our most challenging and complex cases related to NHS bodies.

Of the closed complaints about NHS bodies, 782 related to Health Boards. The table below presents our intervention rate in complaints about individual Health Boards compared to last year:

Health Board	2019/20	2018/19
<b>Current Health Boards</b>	<b>Intervention rate</b>	
Aneurin Bevan University Health Board	33%	38%
Betsi Cadwaladr University Health Board	31%	41%
Cardiff and Vale University Health Board	28%	35%
Cwm Taf Morgannwg University Health Board	15%	-
Hywel Dda University Health Board	32%	42%
Powys Teaching Health Board	54%	59%
Powys Teaching Health Board - All Wales Continuing Health Care cases	31%	44%
Swansea Bay University Health Board	11%	-
<b>Former Health Boards</b>		
Abertawe Bro Morgannwg University Health Board	72%	39%
Cwm Taf University Health Board	43%	33%
<b>All Health Boards</b>	<b>31%</b>	<b>39%</b>

This year we handled some complaints about two former Health Boards — Abertawe Bro Morgannwg UHB and Cwm Taf UHB. These Health Boards accounted for some of the highest intervention rates by us this year—72% and 43% respectively.

However, these intervention rates are skewed by the fact that the closed complaints against these Health Boards comprised predominantly cases carried over from the previous year that required investigation - with those not requiring investigation generally closed in 2018/19.

We recorded a high intervention rate for Powys Teaching Health Board (excluding All Wales Continuing Health Care cases)—54%. However, it is important to note that the overall number of complaints about this Health Board that we closed this year was very small (13).

In an overall positive trend, we saw that, compared to last year, our [rate of intervention in complaints against all Health Boards decreased from 39% to 31%](#).

This decrease was the highest for:

- Powys Teaching Health Board - All Wales Continuing Health Care cases— reduced from 44% to 31%
- Betsi Cadwaladr UHB —reduced from 41% to 31%
- Hywel Dda UHB - reduced from 42% to 32%

902

### Closed complaints: Local Authorities

In 2019/20, we closed 902 complaints against Local Authority bodies—2.9% fewer than last year. Of these, 879 related to County Councils and County Borough Councils.

Our intervention rate in complaints about the Councils decreased this year from 15% to 13%.

The Councils where [we intervened in the highest proportion of cases](#) were:

- Pembrokeshire County Council—24%
- Powys County Council—20%
- Torfaen County Borough Council—20%

Torfaen also saw a significant increase in the rate of our interventions—from 8% in 2018/19 to 20% in 2019/20. However, we saw the highest such increase for Merthyr Tydfil County Borough Council and Monmouthshire County Council. Both these Councils had 0% intervention rate last year, increasing to 13% in 2019/20.

The Councils for which [we recorded the highest decrease in intervention rates](#) were:

- Cardiff Council - Rent Smart Wales— reduced from 33% to 0%
- Blaenau Gwent County Borough Council - reduced from 29% to 6%
- Flintshire County Council— reduced from 29% to 14%

During the year we engaged intensely with Local Authorities as part of our new Complaints Standards role to drive improvement in public services. We will continue this work in 2020/21.

## Code of Conduct complaints

### (a) New Code of Conduct complaints

This year we received **231** new Code of Conduct complaints - a decrease of 18% compared to 2018/19:

Body	2019/20	2018/19
Town and Community Councils	135	190
County and County Borough Councils	96	91
National Parks	0	1
<b>Total</b>	<b>231</b>	<b>282</b>

This decrease relates entirely to complaints made against members of Town and Community Councils. This is encouraging and suggests that standards of conduct of members of these bodies may be improving and/or that local resolution of issues may be taking place with good effect.

Nevertheless, within a small number of Town and Community Councils we are still seeing complaints which appear to border on frivolity or are motivated by political rivalry or clashes of personalities, rather than being true Code of Conduct issues.

In fact, 18% of the Town and Community Council complaints received related to members of just one body and were, in effect, 'tit for tat' complaints. In those cases, we were very grateful to the Monitoring Officer of the principal authority who agreed to visit the Council to remind its members of their obligations under the Code and their democratic responsibilities to the communities they serve.

We take a very dim view of complaints of this nature and have, where appropriate, advised members that making frivolous and/or vexatious complaints is a breach of the Code of Conduct in itself.

We categorise the subject of the Code of Conduct complaints based on [the Nolan Principles](#), which are designed to promote high standards in public life.

The table below shows the proportion of complaints received under each principle when compared to 2018/19:

Subject	2019/20	2018/19
Accountability and openness	11%	7%
Disclosure and registration of interests	17%	17%
Duty to uphold the law	7%	9%
Integrity	10%	13%
Objectivity and propriety	2%	2%
Promotion of equality and respect	49%	51%
Selflessness and stewardship	3%	1%

As in previous years, the majority of the Code of Conduct complaints that we received during 2019/20 related to [matters of 'promotion of equality and respect' \(49%\)](#) and ['disclosure and registration of interests' \(17%\)](#).

We are concerned that these themes continue to dominate. In fact, we have seen year on year an increase in the number of complaints where bullying behaviour is being alleged, particularly from Clerks or employees/contractors of Local Authorities or Town and Community Councils.

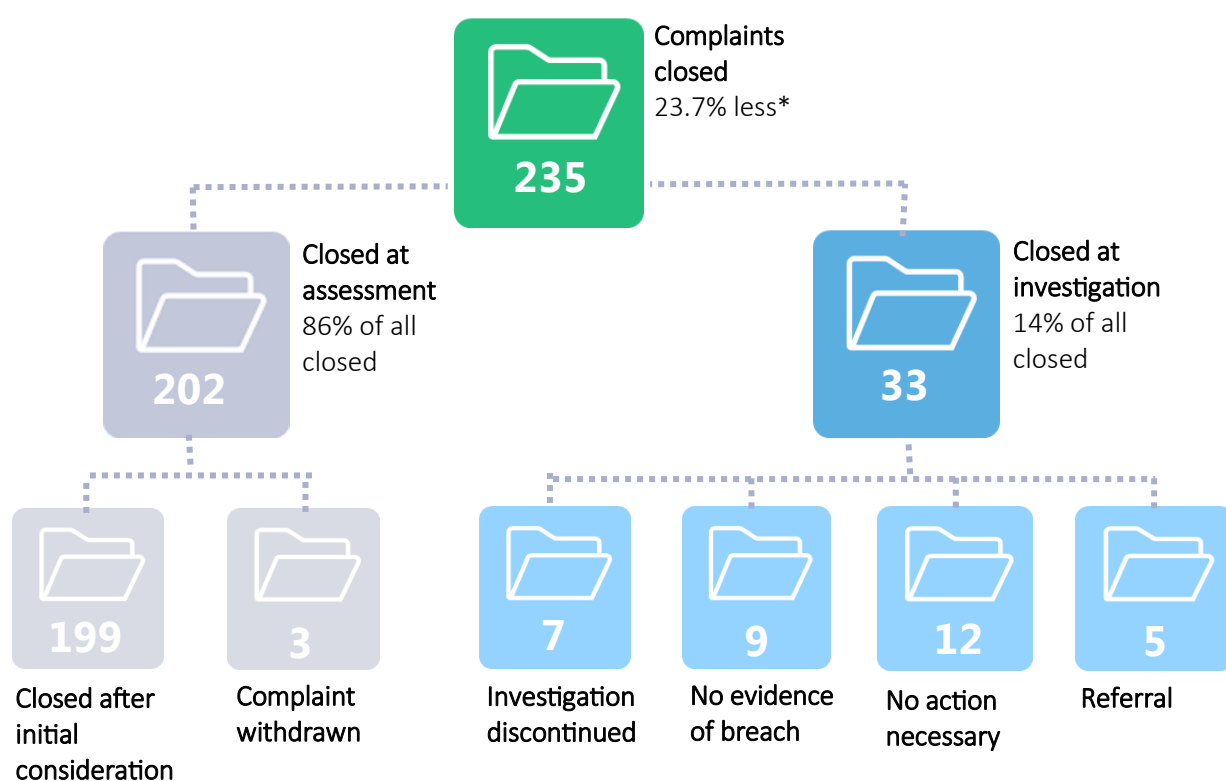
This suggests that members could benefit from training or refresher training on these subjects. However, our impression from investigations is that many members of Town and Community Councils often do not take up opportunities offered to them to receive training on the Code of Conduct.

Our view is that Code of Conduct training is essential to becoming a 'good councillor'. We believe that members should embrace this training as soon as they become elected/co-opted and refresh themselves on the provisions regularly. Whilst there is no statutory obligation for members of Town and Community Councils to complete such training, we and the Monitoring Officers across Wales strongly advise them to do so.

## (b) Closed Code of Conduct complaints

This year we closed 235 Code of Conduct complaints. This represented a 23.7% decrease compared to the previous year. The rate of closures was also inevitably affected by the number of new complaints received. However, we are glad that we still closed more complaints this year than we received.

The graphic below presents an overview of outcomes of the Code of Conduct complaints that we closed in 2019/20:



\* compared to 2018/19

All the Code of Conduct complaints received by our office are assessed against our two-stage test. We consider whether:

- a complaint is supported by direct evidence that is suggestive that a breach has taken place
- it is in the public interest to investigate that matter.

**Public interest can be described as “something which is of serious concern and benefit to the public”**

In 2019/20, **we closed 202 or approximately 86% of all Code of Conduct complaints after assessment against our two-stage test or after a complaint was withdrawn at the assessment stage**. This proportion is only marginally higher compared to the previous year (83%).

The remaining complaints taken forward to investigation represented the most serious of the complaints received.

During the life cycle of an investigation, we review the evidence gathered to assess whether it remains in the public interest to continue. Where it appears that investigating a matter is no longer in the public interest, we will make the decision to discontinue that investigation. Also, sometimes when we investigate we find no evidence of a breach. Finally, when an investigation is concluded, we can determine that 'no action needs to be taken' in respect of the matters investigated. This will often be the case if the member has acknowledged the behaviour (which may be suggestive of a breach of the Code) and has expressed remorse or taken corrective or reparatory action to minimise the impact of it on the individual, the public or the authority concerned.

We made one of these determinations in 85% of the Code of Conduct investigations this year.

In cases which cannot be concluded in this manner or feature serious breaches of the Code, it is necessary for us to refer these matters to a Standards Committee or the Adjudication Panel for Wales for consideration. In 2019/20 **we made 5 referrals - that is, we referred 2% of all the Code complaints that we closed, compared to 8 or 3% last year**.

The subjects of the Code of Conduct complaints that we closed this year largely mirrored the subjects of the new complaints received. The majority related to 'disclosure and registration of interests' and 'promotion of equality and respect'. We did, however, investigate a higher proportion of cases related to 'disclosure and registration of interests' than the proportion of this theme in the closed Code of Conduct complaints overall:

Subject	All closed	Closed at assessment	Closed at investigation
Disclosure and registration of interests	17%	15%	30%
Promotion of equality and respect	49%	50%	42%

### (c) Referrals

In 2019/20 we made:

- 4 referrals to the Standards Committees
- 1 referral to the Adjudication Panel for Wales

The Adjudication Panel for Wales and the Standards Committees consider the evidence we prepare, together with any defence put forward by the member concerned. They then determine whether a breach has occurred and if so, what penalty, if any, should be imposed.

The referrals to the Standards Committees this year featured behaviour which was considered to be disrespectful, capable of being perceived as bullying and/or disreputable behaviour. One of the cases referred involved conduct suggestive of bullying behaviour towards an employee of a contractor of the authority. At the time of writing, the Adjudication Panel for Wales was considering an appeal, on the issue of sanction only, in this case. Two of the referrals featured behaviour which suggested that the members had used their positions improperly to create an advantage or disadvantage for themselves or others. At the time of writing, these two referrals were awaiting determination.

The referral to the Adjudication Panel for Wales concerned the conduct and behaviour of a member in their private life and considered whether the behaviour complained about was capable of impacting on and bringing the authority into disrepute. It also concerned whether that member had used their position improperly for the advantage of another. In the case of this referral, the Panel determined there were serious breaches of the Code. As a result, a member of Flintshire County Council was suspended from holding office for 3 months.

**Between 2016/17 and 2018/19, the Adjudication Panel for Wales and the Standards Committees upheld and found breaches in 88% of our referrals**

This year Standards Committees and the Adjudication Panel for Wales also determined 5 cases referred by us in 2018/19. In all these cases, the Standards Committees and the Panel found serious breaches of the Code. Some of the breaches found included serious examples of disrespectful, disreputable and improper behaviour on the part of members towards other members and members of the public. In one case, the member was found to have been in breach of the Code for attempting to interfere with and prejudice our investigation of a complaint made about them. In all cases, the members, or former member, concerned were suspended for a period of 4 months.



#### (d) Lessons

As is clear from the above, we make referrals only in a very small number of cases. We do not believe that the cases that we do refer are indicative of a wider decline in member conduct. Nevertheless, outcomes of these referrals demonstrate the importance of standards of conduct in public life and provide a helpful indication to members of all authorities as to the behaviours expected of them.

However, even when we do not refer a case, we try to use our investigation as an opportunity to promote good practice. We usually remind the members investigated of their obligations under the Code and, where possible include instruction on further training or engagement with the authority to prevent further possible breaches. We may also make the members aware that the matter could be taken into consideration in the event of any future complaints of a similar nature.

We think that it is important that we continue to look for innovative and pragmatic ways to resolve matters to ensure a timelier outcome for all concerned. Where appropriate, we also want to give members the opportunity to account for their own actions and for further development.

**We plan to revise our Guidance to Members to include analysis of recent cases determined by Standards Committees and the Adjudication Panel for Wales.**

### (e) Whistleblowing disclosure report

Since 1 April 2017, the Ombudsman is a 'prescribed person' under the Public Interest Disclosure Act 1998. The Act provides protection for employees who pass on information concerning wrongdoing in certain circumstances.

The protection only applies where the person who makes the disclosure reasonably believes:

1. that they are acting in the public interest, which means that protection is not normally given for personal grievances
2. that the disclosure is about one of the following:
  - criminal offences (this includes financial improprieties, such as fraud)
  - failure to comply with duties set out in law
  - miscarriages of justice
  - endangering someone's health and safety
  - damage to the environment
  - covering up wrongdoing in any of the above categories.

As a 'prescribed person' we are required to report annually on whistleblowing disclosures made in the context of Code of Conduct complaints only.

In 2019/20 we received 5 Code of Conduct complaints that would potentially meet the statutory definition of disclosure from employees or former employees of a council. The disclosures mostly related to allegations that the members concerned had 'failed to comply with duties set out in law'. Of these:

- we closed 2 after an investigation did not identify evidence of a breach of the Code
- we concluded in 1 case that no further action was required
- at the time of writing, investigation into 2 cases is continuing.

In addition, 3 cases which were ongoing in 2018/19 have now been concluded.

These cases have been referred to the Standards Committees of the respective councils for further consideration.

## Timeliness

We are conscious of the need to consider complaints in a timely manner. The length of our process reflects the need to investigate thoroughly and diligently, to consider carefully the views and comments of complainants and public bodies and to draw on professional advice when needed. Whilst there is still more work for us to do, the timeliness of our service in 2019/20 has improved in most areas compared to the previous year.

The table below presents our performance this year against our Key Performance Indicators:

	Target	2019/20	2018/19
<b>Complaints about public bodies - decision times</b>			
Decision that a complaint is not within jurisdiction < 3 weeks	90%	95%	83%
Decision taken not to investigate a complaint (after making initial enquiries) < 6 weeks	90%	92%	84%
Where we seek early resolution, decision within 9 weeks	90%	94%	85%
Decision to investigate and start investigation within 6 weeks of the date sufficient information is received	80%	67%	55%
<b>Complaints about public bodies which are investigated - cases closed</b>			
Cases closed within 12 months	85%	81%	82%
<b>Code of Conduct complaints - decision times</b>			
Decision taken not to investigate within 6 weeks	95%	93%	92%
Decision to investigate and start investigation within 6 weeks of the date sufficient information is received	80%	86%	76%
<b>Code of Conduct complaints which are investigated - cases closed</b>			
Cases closed within 12 months	90%	88%	88%

Whilst we have made progress in improving the proportion of investigated cases where the investigation is started within 6 weeks, we have not yet reached our target of 80%. However, we have been working on this aspect of our service and have been doing better as the year progressed.

We reported last year that an increased number of complex complaints about health services would affect our ability to complete investigations within 12 months. We also reported that performance was likely to be worse in 2019/20 as more older cases were closed. We actually completed investigations within 12 months in 81% of cases (82% in 2018/19). We continue to consider some cases against public bodies brought forward from 2018/19. These will unfortunately continue to affect our ability in 2020/21 to meet our target of 85% cases closed within 12 months.

We measure timeliness from the point at which we have sufficient information from the complainant to decide how to proceed. This is so that our reported performance reflects the experience of complainants. However it also means that our performance is affected by any delays on the part of public bodies, or our clinical advisers to respond to us, as well as the

timeliness of our own work.

We are working hard to focus on completing investigations and issuing reports, but Covid-19 related pressures and restrictions are understandably limiting the ability of GPs, Health Boards and Local Authorities to engage with our investigations. We are avoiding putting additional pressures on these organisations during these challenging times.

Our performance regarding Code of Conduct complaints is broadly consistent with the previous year, with work ongoing to improve our performance against Key Performance Indicators.

## Recommendations

When we find fault, we make recommendations to put any injustice right. In 2019/20:

**1222**

we issued 1222 recommendations to public bodies

**£80k**

we recommended just under £80,000 of financial redress

This year, for the first time, we are publishing information about the recommendations that we make in cases concerning public bodies.

In 2019/20, we intervened in 446 cases. Across these cases, [we made 1222 recommendations](#) - an average of 2.7 recommendations per case.

The most common recommendation that we make is that a body should issue an apology to the person or persons who suffered injustice (23%). This reflects the importance to complainants of receiving an acknowledgement that things have gone wrong and an apology for the failings identified.

We also commonly recommend that a body fully explains its actions to the complainant (8%) or simply responds to their initial complaint (7%).

This highlights the importance of good complaint handling by public bodies.

The next most common group of recommendations concerns procedure change or process review (10%) as well as feedback to staff (10%). These recommendations are particularly important: we aim not only to put right any injustice but also to help public bodies to learn from what went wrong and improve for the future.

Our key contribution is securing justice for individuals and broader improvement of public services. However, where appropriate we can recommend financial redress. In 2019/20, we recommended this in 15% of cases we intervened in.

[The total amount of financial redress we recommended was £78,951.](#)

## Compliance

Our recommendations aim to put things right, secure justice and improve services for the benefit of the public - not just for those who complain. In 2019/20:



This year, we are also highlighting the impact our recommendations have made on public services.

Although we are aware of how important it is that an individual failing or injustice is put right, we are conscious that the greatest impact we can have is through ensuring that there is learning and improvement as a result of our recommendations.

We always seek the agreement of public bodies to our recommendations. Where public bodies do not agree with our recommendations or settlements, or do not implement the recommendations or settlements agreed, we are able to publish special reports. No such reports were needed in 2019/20.

However, in many cases public bodies

implement our recommendations later than agreed with us.

This year, we received evidence of compliance with 72% of the recommendations due to be implemented during 2019/20. For the remaining 28%, evidence of compliance is outstanding and we will be pursuing this, subject to Covid-19 limitations, in the coming months.

In 2019/2020, we completed 4 compliance visits—compared to 1 last year. The purpose of these visits was to follow up on the recommendations made in public

**20% of our recommendations highlighted retraining or process reviews. This can lead to significant improvement in public services.**

interest reports. The visits also allow us to see the changes that have been made and to share these with other public bodies who might benefit from the improvements made.

Below we refer to 3 cases which demonstrate how our interventions and recommendations can make a difference:

- In one example, we intervened this year in a complaint about a housing association that was trying to charge a group of elderly tenants for roof repairs—leading to the risk of financial hardship for many. Our involvement at an early stage of this complaint led the housing association to reconsider its approach and withdraw its demands for payment, as well as reimbursing those who had already paid.
- We also investigated this year a complaint brought to us by the family of someone who had sadly died. The family was concerned about the care given by the Health Board in question, including intravenous (IV) fluid management. We recommended that the Health Board review its procedures. As a result, the Health Board recognised that it did not have an up to date IV fluid management policy. The Health

Board also appointed a clinical lead to co-ordinate new guidelines and, in December 2019, published new guidance on this issue.

- Our recommendations will not always have immediate effects. This year we saw the long-term effects of one of our investigations concluded in 2017. The investigation concerned a complaint about a Local Authority and savings for young people in care. We upheld the complaint and, as well as putting things right for the individual involved, we shared our findings with Welsh Government as we considered that national guidance should be improved. We were glad to see that our report was subsequently referenced in the Welsh Government consultation on changes to statutory guidance—including the addition of two new requirements under ‘The Regulated Fostering Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019’.

**We will continue working with public bodies and reviewing the impact which our recommendations have on services, procedures and outcomes.**

## Review and Quality Assurance

We have in place fair and transparent processes for handling review requests on casework-related decisions and for regularly assessing the quality of our casework to ensure it meets our service standards. We share any learning points from these reviews with staff to support organisational learning. In 2019/20:

**232**

we handled  
232 review  
cases

**227**

we  
completed  
227 reviews

**83%**

we closed  
83% reviews  
within  
20 days

**11%**

we identified that we could do more in 11% of the cases reviewed, often where additional evidence was provided by the complainant

### Case review requests

We have confidence in our investigation process. However, we may decide to re-open a case or carry out some further action where complainants either provide new evidence that was not previously available to us, or where we recognise that we may not have properly considered some aspect of their case or adequately explained our decision.

Case reviews are undertaken by staff who are independent of the previous decision-making process on the case.

The table below presents our review caseload in comparison with 2018/19:

Review cases	2019/20	2018/19
Cases carried over from previous year	16	20
New cases	216	209
<b>Total</b>	<b>232</b>	<b>229</b>
Completed	227	<sup>†</sup> 213
Carried over to next year	5	16

<sup>†</sup> In 2018/19, we mistakenly reported this figure as cases received.

In 2019/20, we completed 6.6% more reviews than in the previous year.



We appreciate the need to consider reviews in a timely manner. We aim to complete all requested reviews of casework decisions and respond within 20 working days.

Response time	2019/20	2018/19
Response within 20 days	83%	89%
Average number of days taken to respond	15.5	13.9

We may decide to uphold or partially uphold a review for a range of reasons—for example, if the complainant provided additional evidence, information or clarification, or when we considered that we could have done more.

We decided that 23 cases reviewed in 2019/20 should be either re-opened or that some further action should be taken. This constituted 11% of the cases reviewed - the same as the previous year.

Whilst not all of our reviews this year would have related to cases closed during 2019/20, to put these 23 cases in context, they represent less than 1% of all cases closed this year.

## Quality Assurance

In addition to undertaking the review of cases upon request, we also have in place a Quality Assurance (QA) process. This process is based on an audit of a random selection of 30 complaints closed per quarter, split equally between complaints closed at assessment and investigation stage. These cases are examined to see if the way we dealt with them was in line with our service standards, policies and procedures, and to identify examples of good or poor practice we can learn from.

We also undertake Quality Assurance reviews, involving health professionals, of a sample of the clinical advice we receive to help us in our casework.

**During 2020/21 we intend to review and improve our Quality Assurance process, to make sure it provides timely and representative information, and assurance that we are meeting our Service Standards.**

## Learning lessons

Whether based on reviews or the QA process, we aim to ensure that we consider what lessons can be learned and identify areas for improvement.

Our senior managers regularly consider samples of cases where we consider lessons can be learned. Our Review and Service Quality Officer also makes casework staff and managers aware of any issues that arise from reviews or quality assurance checks.

Any learning points identified are then cascaded to our staff through team meetings and a designated learning area on our Intranet. We also consider whether any individual or organisational training needs have been highlighted, and whether any changes to our policies and procedures are necessary.

An example of learning identified from these processes is where a complainant's request for communication in a specific format was not apparent to all staff, so correspondence was issued in the wrong format. We have now updated our case management system to record these requests clearly and ensure that this information is highlighted when new correspondence is prepared.

**During 2020/21, we intend to develop the learning area on our Intranet to ensure that the lessons are shared more effectively and that they are clear to all casework staff.**

## Service user feedback

We are dedicated to delivering excellent service. We seek and welcome feedback from our service users and strive to learn from our mistakes. In 2019/20:

57%

57% of all complainants questioned were satisfied with our customer service...

36

we received 36 new complaints about us

91%

we responded to 91% complaints about us in 20 days

98%

... rising to 98% amongst those satisfied with the outcome of their complaint

22%

we upheld or partially upheld 22% complaints about us

### Customer satisfaction research

In previous years, we relied on the customer feedback submitted to us via an online satisfaction form, open to complainants at any stage of the process. However, the response rate was low and the sample of respondents was not representative. Therefore, during 2019/20 we commissioned a telephone survey of a representative sample of our complainants whose cases were closed during the year.

When analysing the findings, we saw that our handling of complaints about public bodies consistently received a higher positive score than our handling of complaints about breaches of the Code of Conduct. Also, positive scores

were higher for cases that we closed at the investigation stage, rather than those we closed after assessment. However, [the main theme was a very strong correlation between the positive perception of our service and complaint outcome](#). This is perhaps inevitable, given that many of our service users feel very strongly about their cases.

Some scores from the survey, including our score by 4 of our [Service Standards](#), are presented in the table overleaf. In respect of our fifth Service Standard, “We will operate in a transparent way”, we will next year consider expanding the questionnaire to capture perceptions of transparency among our service users. [For transparency and fairness, we are reporting the results for all respondents, and results for those respondents satisfied with the outcome.](#)

Positive scores from all respondents were highest in relation to our accessibility and communication, but lower in relation to our handling of their complaints and their perceptions of the fairness of our decisions.

This said, the accessibility score was low in respect of awareness of the option to request reasonable adjustments. This was probably because respondents not needing reasonable adjustments were less likely to remember being asked about this.

Questions about reasonable adjustments are included in hard copy and online complaint forms and in letters

acknowledging the receipt of new complaints.

When asked about how we could improve our service, respondents most commonly suggested improving personal contact (9%), improving timeliness of communication (8%) and of the service overall (5%), increasing our understanding of their cases (6%), and explaining clearly our role, process and decisions (5%).

5% of respondents stated that our service would be improved if their outcome was

Aspect of our service	All respondents	Respondents satisfied with the outcome
Overall satisfaction with the customer service received	57%	98%
It was easy to find us	91%	98%
Our service was helpful	63%	83%
We clearly explained our process and decision	65%	89%

Our Service Standards	All respondents	Respondents satisfied with the outcome
1. We will ensure that our service is accessible to all.	65%	77%
2. We will communicate effectively with you.	64%	82%
3. We will ensure that you receive a professional service from us.	57%	89%
4. We will be fair in our dealings with you.	49%	86%

positive or if we investigated their case and 5% felt that we were biased or not impartial. This again, shows the very strong link made by our service users between the quality of our service and the complaint outcome.

**In 2020/21, we will be investigating the reasons for some of the trends identified and looking to improve our service, based on the research findings.**

## Complaints about us

**In 2019/20, we received 36 new complaints about our service.** Together with 3 complaints carried over from the previous year, there were 39 complaints to be considered in total. However, 5 complaints were withdrawn or suspended during the year. These were cases where the complainant:

- had a change of heart (for example, when they understood that their complaint about our service would not change the outcome of their complaint about a public body that we handled)
- said they would submit a full complaint but did not
- did not provide any details of what they thought had gone wrong.

This means that the total number of complaints about us that we concluded in 2019/20 was 32—similar to the previous year.

**In 91% of cases, we responded within the timescale we set – 20 days:**

Response time	2019/20	2018/19
Within 20 days	29 (91%)	29 (94%)
Outside 20 days	3 (9%)	2 (6%)

However, we did not manage to do so in 3 cases. This was as a result of annual leave over the Christmas period, delays in securing Easy Read translations (i.e. versions using a

combination of words and pictures to aid understanding) and complaints that intertwined objections about our service with objections to casework decisions. This year, we changed our supplier of Easy Read translation and we trust that this action will eliminate those delays.

We upheld or partially upheld 7 (22%) complaints about our service. This is a reduction from 9 (28%) complaints last year. The complaints upheld this year related to matters such as:

- clarity and timeliness of our communication with service users (including insufficient updates)
- timeliness of our investigations overall
- incorrect method of contact despite agreeing reasonable adjustments
- delays in identifying and securing clinical advice required
- delays in Easy Read correspondence.

Complaints about us	2019/20	2018/19
Brought forward from the previous year	3	5
Received during the year	36	30
<b>Total</b>	<b>39</b>	<b>35</b>
Withdrawn / suspended	5	1
Closed	32	31
Open at year-end	2	3
<b>Total</b>	<b>39</b>	<b>35</b>
Fully or partially upheld	7	9
Not upheld	25	22
<b>Total closed</b>	<b>32</b>	<b>31</b>

To ensure that we are open and accountable, if a service user is unhappy about how we responded to their complaint about our service, they may ask for their case to be considered by an external Independent Review Service for Customer Complaints (IRSCC). The IRSCC does not review our case decisions – it will only review complaints about the quality of service that we provided.

During 2019/20, 7 cases referred to the IRSCC were concluded. All concerned, to some extent, our decision-making, over which the IRSCC has no jurisdiction. One of the complaints that was externally reviewed was upheld in part. In that case, the IRSCC recommended that we consider providing guidelines for our staff about audio/video evidence obtained without the knowledge or consent of the people recorded. The IRSCC recommended that we review the way that decisions about the use of such evidence in investigations is communicated to people. This has been done.

During the year, the IRSCC commended our staff for their responsiveness to service complaints, in particular for their efforts to ensure that people with disabilities have full access to our services. Whilst we understand that there is always room for improvement, we are pleased to note the positive comments about the standard of our complaints handling and our efforts to provide reasonable adjustments. Learning points from cases reviewed by the IRSCC have been shared with staff.

## Accessibility, awareness and outreach

We strive to provide an inclusive and responsive complaints service. We want to make sure that people are aware of and trust our service and that we are accessible to all who need us. In 2019/20:

**91%**

91% of our customers questioned found it easy to contact us

**48%**

48% of respondents to a national survey knew about us



we engaged with the Welsh Language Commissioner and received his draft standards Compliance Notice

**2%**

we received 2% of complaints orally and planned for more outreach around this power in 2020/21

### Equality profile of our service users

We invite all our complainants to share with us their equality information. This enables us to analyse the profile of our service users and identify under-represented groups. A full equality profile of our service users and our analysis can be found in our Annual Equality Report, published alongside this Report, as well as on our website.

### Accessibility

We strive to be accessible to all those who contact us, and we offer a range of services to support accessibility.

The information we produce can be provided in a number of formats.

Key documents can be provided in formats such as CD and Braille. Our website features a 'BrowseAloud' service, which assists the user by providing text-to-speech functionality on our website. A British Sign Language (BSL) video and a link to the 'SignVideo' (interpreting service for BSL users) are also available on the website. We ask complainants to identify any adjustments they need and we consider and respond to all requests.

This year, **91%** of respondents to our telephone survey stated that they found it easy or very easy to contact us. This opinion was even higher among those respondents who were also satisfied with the outcome of their complaint (98%).

## Welsh language

We are committed to ensuring that the Welsh language is welcomed and treated no less favourably than English in all aspects of our work and that we meet the needs of Welsh speakers. We currently operate in accordance with our [Welsh Language Policy](#) which was reviewed in 2018. Under the 2019 Act, we are required to comply with Welsh Language Standards, which will replace this policy in due course.

We already have arrangements in place to ensure that we can offer a comprehensive bilingual service to people who come into contact with the office.

During 2019/20, we engaged with the office of the Welsh Language Commissioner to discuss the extent of our envisaged Welsh language duties. In November 2019 we received our draft Compliance Notice. We were pleased to accept almost all the suggested standards, but made a few detailed suggestions about internal arrangements. However, given the ongoing public emergency related to the Covid-19 outbreak we have asked the Commissioner to delay the imposition of standards.



## Awareness and outreach

We are conscious that a lack of awareness of our office or negative attitudes towards us might reduce access to our service. This year we commissioned research about awareness of our office and attitude towards it as part of a national survey run by Beaufort Research.

**48%** of respondents to the survey were aware of us. This result has improved since 2012 when we last commissioned similar research – with 35% of respondents stating at that time that they were aware of our office.

We also believe that it is important to capture public attitudes towards our work. We were glad to see a generally positive perception of our office:



However, it is important to maintain and increase public awareness and confidence in our office and better engage with groups under-represented among our complainants.



In one example of our outreach activities, in August 2019 we held a joint event with the Children's Commissioner for Wales at the National Eisteddfod to raise awareness of the difficulties faced by young people in accessing administrative justice.

Also, in February 2020 we were delighted to discuss awareness of our office and experience of submitting complaints with the Age Cymru Consultative Forum. We are grateful to Age Cymru for facilitating this opportunity and to the members of the Forum for a lively and insightful discussion.



We will be looking to organise similar events with other under-represented groups next year.

## Oral complaints

Under the PSOW Act 2019, we can now accept complaints other than in writing, including oral complaints. We trust that in due course this new power will facilitate access to the service by individuals who, for a range of reasons, are unable to submit their complaint in writing.

The power to accept oral complaints came into force in July 2019, and during 2019/20 this option was used by about 2% of our complainants.

We were pleased to see that 77% of respondents to the national survey knew that they could submit a complaint to us orally.

Whilst we want this service to be used primarily by the individuals who cannot submit complaints in writing, we also want to make sure that all who need this service are aware of it.

**During the next year we will finalise and launch an outreach campaign to promote our power to receive oral complaints.**




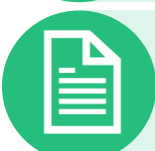



# Promote Learning

## Strategic aim 2

We aim to promote learning from complaints and stimulate improvements on a wider scale. This year, we are breaking new ground in this work. We are the first ombudsman in the UK to be equipped with full and operational powers to establish a Complaints Standards role and to undertake investigations on our own initiative.

In 2019/20, we made large strides in launching our new powers to drive systemic improvement:

-  we engaged extensively about our new powers with stakeholders across Wales
-  we finalised our Complaint Handling Principles, Model Complaints Handling Policy and accompanying guidance
-  we started to gather data from Local Authorities on their complaint handling, finding much divergence in practices across Wales
-  we issued criteria and a process for undertaking own initiative investigations
-  we launched a consultation on our proposal to focus our first own initiative investigation on homelessness

We continued to inform the policy process in Wales by sharing insights from our work, responding to public consultations and participating in evidence sessions with the National Assembly for Wales.

We also continued to use a variety of traditional and new formats to communicate lessons from our casework. In 2019/20:

-  we issued 4 public interest reports
-  we published our first Equality and Human Rights Casebook
-  we issued 1 thematic report, 'Justice Mislaidd'
-  we issued annual letters to bodies in our jurisdiction
-  we continued to engage directly with the bodies in our jurisdiction and to share intelligence with other scrutiny and regulatory bodies

## Complaints Standards

The 2019 Act equipped our office with new powers to drive systemic improvement of public services. The first of these powers is our new Complaints Standards role. It allows us to set model complaint handling procedures for bodies in our jurisdiction. It also allows us to monitor complaint handling by these bodies. In 2019/20:



we engaged extensively about this new power with stakeholders across Wales



we finalised our Complaint Handling Principles, Model Complaints Handling Policy and accompanying guidance



we began to build a better picture of complaint handling by Local Authorities, discovering much divergence in how they record and handle complaints

### Background

Good complaint handling is an essential element of good administration.

Over the years, we have seen consistently that a noticeable proportion of complaints reaching our office relates to complaint handling by public bodies. In 2019/20, this subject accounted for 9% of all the new complaints about public bodies that we received.

In this year's Wales Omnibus Survey, we asked respondents about their experience of complaining to the main public service providers in our jurisdiction.

Of those who complained over the last 2 years:

35%

found it very difficult or fairly difficult to complain

57%

were not happy with how their complaint was resolved.

**Our Complaints Standards work aims to drive improvement throughout public services.**

Improvement in public service complaint handling practice would be likely to reduce the number of complaints reaching our office. However, the main beneficiary would be the Welsh public—with less time, effort and frustration being expended on 'putting things right' directly with the bodies concerned.

This is why, as part of the reform of our office, we called for strengthening of our powers to drive improvement in complaint handling.

## Engagement

Once the 2019 Act received Royal Assent in May 2019, we immediately worked to establish our Complaints Standards team, which was fully in place by August. We embarked on a widespread programme of engagement, meeting with 21 Local Authorities and 5 Health Boards—as well as various other stakeholders including the Healthcare Inspectorate Wales and the Wales Audit Office.

The purpose of this programme was to understand the challenges faced by different public bodies, to highlight and share existing good practice, and to identify any barriers to improving performance. During these visits, the Complaints Standards team also explored the appetite for bespoke complaint handling training.

Following a public consultation, we were able to lay before the Senedd our proposed Complaint Handling Principles, Model Complaints Handling Policy and accompanying guidance. These documents were approved in January 2020.


The Complaints Standards team planned to launch these documents formally in March 2020 and then deliver over 30 days of training to Local Authorities—free of charge. However, due to Covid-19 restrictions and pressures, it was decided to delay the launch and postpone the training. This means that, whilst the Complaint Handling Principles, Model Policy and guidance have been finalised, Local Authorities are not yet required to comply with them.

## Complaints data

Although the activities planned for March could not go ahead as intended, we now have a better understanding of the complaints landscape in Wales. As soon as it became operational, the Complaints Standards team requested quarterly data on the complaints handled from Local Authorities.

**Our work with Local Authorities suggests that the data received so far is not complete and that complaint handling practices in different authorities have developed independently from each other, diverging from complaint handling guidance issued by the Welsh Government in 2011.**

However, the data we have\* suggests that:



around 16,000 complaints were logged by Local Authorities in 2019/20 — amounting to 2.5 complaints per 1000 residents



40% of the complaints logged related to 'Environment and Environmental Health' (mostly waste)



nearly half of all complaints were upheld



80% were closed within 20 working days



6% were referred to us

The number of complaints about Local Authority services in Wales is considerably lower than those in Scotland, where the ombudsman has had Complaints Standards powers for 10 years. This appears to be the result of inconsistent and incomplete recording of complaints.

\* Data was submitted quarterly by Local Authorities throughout 2019/20. However, some submissions in quarters 3 and 4 were incomplete or missing. The numbers displayed here are an approximation of a full year's results using information known.

## Looking forward

In 2020/21 we will aim to secure more consistent complaint handling and drive service improvements for the benefit of the Welsh public.

Whilst uncertainty about the duration and extent of Covid-19 restrictions makes planning difficult, we intend to:

- formally issue the Complaints Standards documents
- publish information on complaint handling performance of public bodies via a new webpage, increasing transparency and allowing comparisons between different public bodies
- complete at least 26 visits to stakeholders
- deliver at least 50 days of training (with a notional value of approximately £150,000) free of charge to public bodies
- achieve a high level of satisfaction with this training.

## Own initiative investigations

The 2019 Act also equipped our office with another tool to drive systemic improvement of public services - the power to undertake own initiative investigations. This means that we can start an investigation even when we have not received a complaint. We are using the new power responsibly and engaging as broadly as possible to ensure that the work we do adds value. In 2019/20:



we engaged extensively about this power with stakeholders, including representatives from public bodies across Wales



we issued criteria and a process for selecting and undertaking own initiative investigations



we launched a consultation on our proposal to focus the first own initiative investigation on homelessness

### Background

Equipping the Ombudsman with the power to undertake own initiative investigations is a new development in Wales. However, these powers have been widely and successfully used by ombudsmen throughout the world, for example, by the European Ombudsman and the Ontario Ombudsman. Using the power of an own initiative investigation, these ombudsmen have been able to respond to current issues and significantly affect service provision.

With the 2019 Act, we have become only the second ombudsman's office in the UK to be granted this power (the Northern Ireland Public Services Ombudsman has had this power since 2016).

**This power will help us provide a citizen-focused service. It will also aid us in the delivery of social justice and in the drive towards continued improvement in public services for the benefit of all citizens in Wales.**

## Doing the groundwork

Investigations undertaken on own initiative can be a powerful tool for improvement. However, for such investigations to lead to tangible benefits we must ensure that we are using them wisely, proportionately and based on solid evidence. We must also make sure that we add value to the work of other bodies overseeing or scrutinising service delivery in Wales. Finally, we must develop internal expertise to undertake such investigations, drawing on all good practice available.

Reflecting this, in April 2019 [we created a small Own Initiative \(OI\) team](#). In preparation for the commencement of the 2019 Act, the OI team met with those responsible for similar work at other ombudsman offices to discuss good practice and to learn from their experiences.

The OI team also took steps to engage with broader stakeholders, providing a number of briefings in June 2019. These sessions provided an opportunity to raise awareness of the concept of own initiative investigations, to explain how such investigations could affect stakeholder organisations and to identify any potential barriers to the new process.

The 2019 Act requires that we consult Welsh Ministers, bodies in our jurisdiction and any other relevant bodies on criteria for undertaking own initiative

investigations. In September 2019, we consulted on the draft criteria, along with a draft process for undertaking these investigations. Responses were largely positive, with many organisations welcoming this additional power.

In October 2019, we laid the proposed criteria and process before the Assembly. Our powers to investigate on own initiative were approved in January 2020. Details of the criteria and process, as approved, are available on our website.



## Our first own initiative investigation

The OI team continued its engagement with various stakeholders and began research to draw up proposals for the first own initiative investigation. This work led to a proposal that our first such investigation should focus on [homelessness in Wales](#).

Welsh Government statistics show that the number of Welsh households being assessed as homeless is increasing. Homelessness has a range of well-documented negative impacts.



Amongst others, it can aggravate people's existing vulnerabilities (for example due to their age, race, sexuality or physical or mental health difficulties) and restrict their ability to access the support and assistance they require. Ensuring that vulnerable people are treated fairly by public service providers is central to the role of the Ombudsman.

Homelessness is a broad and multi-faceted problem. In order to better define the focus of the proposed investigation, the OI team met representatives of third sector and research organisations in Wales to discuss homelessness, and, in particular, the assessment process and the common difficulties experienced by homeless people. These discussions helped to narrow the focus of the proposed investigation to the administration of the homelessness assessment and review process by Local Authorities.

**The initial consultation on this proposal was launched on 13 March 2020. However, as a result of the Covid-19 pandemic, the closing date for the consultation process and the forward work plan will be revised.**

**In 2019/20, the OI team met representatives of:**

- Northern Ireland Public Services Ombudsman
- European Ombudsman
- Wales Audit Office
- Future Generations Commissioner for Wales
- Older People's Commissioner for Wales
- Children's Commissioner for Wales
- Citizens Advice Wales
- Shelter Cymru
- Llamau
- Wales Institute of Social and Economic Research and Data (WISERD)

## Policy work

We continue to inform the policy process by sharing insights from our work. In 2019/20:

9

**we responded to 9 public consultations**

2

**we participated in 2 oral evidence sessions with the National Assembly for Wales on policy developments**

### Focus of our policy work

We contribute to the development of public policy only when we feel we have the information and expertise to justify interventions.

Many of our contributions in 2019/20 related to [health and social care](#) – the focus of 49% of our complaints this year. For example, we responded to the inquiry by the Assembly's Health, Social Care and Sport Committee into provision of health and social care in the adult prison estate. We also contributed to a review of the national framework for continuing NHS healthcare, both as members of the working group convened for this purpose, and by responding to public consultation on the subject.

We were delighted to be invited by the Assembly's Public Accounts Committee to contribute to its inquiry into the effectiveness of local planning authorities in Wales.

[Planning and building control](#) complaints represented 7% of our complaints this year and we valued the opportunity to share with the Committee some issues consistently raised by complainants, for example, in relation to information sharing and engagement by planning authorities and delays in planning enforcement action.

Another significant focus of our work is [local government](#), including the investigation of allegations of breaches of the Code of Conduct by elected members. This year we commented on the Local Government and Elections (Wales) Bill. We welcomed the Bill, but also identified the potential to strengthen and clarify some provisions. In particular, we considered that the Bill should place more emphasis on the need to maintain clear lines of accountability in the event of collaborative working or joint service provision by principal councils.

We also sometimes comment on the organisation of [complaint handling and administrative justice in Wales](#) as well as on the [broader frameworks that ensure effective public accountability](#). For example, in 2019/20 we submitted comments on the commencement, by the Welsh Government, of the Equality Act socio-economic duty, as well as on the proposals to strengthen the duties of certain public bodies to promote fair work and social partnerships. We also shared our comments on the recommendations of the Commission on Justice in Wales with the Welsh Government and other stakeholders, such as the President of the Welsh tribunals.

Most of our policy work is focused on Wales. However, we were delighted to contribute to the proposals for the [establishment of the Jersey Ombudsman](#). Our comments received much attention in the summary of responses published by the Government of Jersey and we were glad to see that our suggestions were broadly reflected in the revised proposals.

All our policy responses can be found [on our website](#).

## **Health and Social Care (Quality and Engagement) (Wales) Bill**

Our main policy intervention in this area related to the progress of the Health and Social Care (Quality and Engagement) (Wales) Bill. We submitted a response to the inquiry on the subject by the Assembly's Health, Social Care and Sport Committee and also appeared before that Committee to share our comments.

Whilst we welcomed the aspirations of the Bill, we drew attention to a number of areas where it could be more detailed or more ambitious. Amongst others, we expressed concerns over provisions to ensure the independence of the proposed Citizen Voice Body, we underlined the need for it to be locally accessible, and we called for provision to strengthen its power to make representations. More generally, we were disappointed that the Bill does not address the need for better alignment of the NHS and Social Services complaints procedures.

We were glad to see some of our comments reflected in the [report by the Committee](#) at Stage 1 of the scrutiny of the Bill, and addressed through some amendments adopted since. Even if the lack of alignment between health and social care complaints procedures is not addressed as part of the Bill, we look forward to engaging with the Assembly and the Welsh Government on this subject in the months to come.

## Sharing our findings

We use a variety of formats to communicate lessons from our casework and are constantly looking for new ways to share information more widely and make it more accessible. In 2019/20:

4

we issued 4 public interest reports

1

we published 1 thematic report, 'Justice Mislaid'



we published our first Equality and Human Rights Casebook



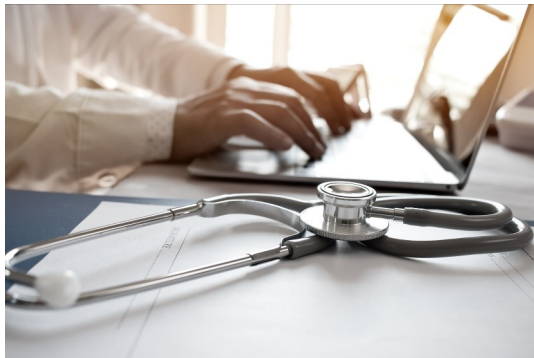
we continued to engage directly with the bodies in our jurisdiction, especially Health Boards

### Public interest reports

Issuing a public interest report remains one of the key tools available to me to highlight systemic problems, promote learning from complaints and ensure that listed authorities are accountable for the services they provide.

This year, [we issued 4 public interest reports](#) - compared to 14 in 2018/19. However, the number of these reports in 2018/19 was unusually high—we would normally expect to issue up to 6 public interest reports each year. One possible explanation for the overall smaller number of these reports this year is the apparent reduction in the incidence of maladministration and service failure in the cases we investigated.

[Two of our public interest reports this year related to healthcare.](#)



The [first report](#) related to a package of care, funded jointly by Gwynedd Council and Betsi Cadwaladr UHB and provided by Cartrefi Cymru, a registered domiciliary care provider. In this case, Mr N sadly choked to death after a care provider failed to undertake an appropriate risk assessment and produce an acceptable plan for his care.

We were extremely concerned about the multiple failings in communication and in the proper commissioning and contracting of care for Mr N, on the part of the 3 bodies involved. We found maladministration on the part of the Council and the Health Board in relation to their management of contractual arrangements and failure on the part of Cartrefi Cymru to conduct a comprehensive risk assessment and keep appropriate documentation.



Our [second report](#) related to the case of Mrs T, an 87-year-old woman, who died after Swansea Bay UHB failed to take prompt and appropriate action to assess and treat her symptoms of a stroke. We found that the Health Board failed to undertake an appropriate assessment of Mrs T's risk of a stroke, even when her family raised concerns that she appeared to have left-sided weakness, facial droop and slurred speech. We also found that, when doctors were asked to review Mrs T's condition in light of her family's concerns, several clinicians failed to appropriately record their findings. Finally, we found that there were further shortcomings in record keeping throughout the period of care.

### Two further public interest reports issued by our office this year related to other services.



Our [third report](#) concerned maladministration on the part of Flintshire County Council which resulted in years of "persistent and intrusive" disruption to a resident from an unlicensed car wash. Mr R suffered "significant injustice" after being exposed to unacceptable levels of noise and water spray over a 5-year period. We also concluded that the Council failed to give due consideration to Mr R's right to the quiet and peaceful enjoyment of his home, as set out in the Human Rights Act 1998.



Our [final public interest report](#) concerned a complaint by Mr X about the Student Loans Company (the SLC). Our investigation found that the SLC failed to inform Mr X that he was not eligible for a tuition fee loan for 2014-15 in a reasonable way.

This was not properly communicated to Mr X until after he had incurred fees for the full academic year, leaving him in considerable debt. We also found that, even when the SLC knew that Mr X would never be entitled to additional funding due to his personal circumstances, it continued to ask for information about Mr X's personal circumstances and even (wrongly) granted his application for additional funding almost 18 months later. This, on top of the debt burden Mr X had already incurred, caused him considerable stress. We also found that the SLC and the Welsh Government's complaint handling process was confusing and had taken almost 2 years to complete.

Whilst in all these cases we recommended an apology and, in 2 cases, also financial redress, all these cases led us to issue detailed recommendations for wider action, including reviews of existing policies and procedures and improved training arrangements. We will be monitoring compliance with these recommendations and the impact of the changes instituted in the coming months.

## Thematic report



Alongside our new powers to drive systemic improvement, we also intend to continue to publish thematic reports. These reports are based on the analysis of the cases investigated by our office and are a useful way of highlighting and emphasising the key issues being identified by us on a daily basis.

This year, we published [Justice Mislaidd: Lost Records and Lost Opportunities](#) (also in [Easy Read](#)). The report highlighted a sample of cases considered where health and social care records have been mislaid or lost.

Lost or inadequate records held by bodies significantly affect the thoroughness of complaint investigations and the responses provided. The consequences of lost records can include a prolonged complaints process, a delay in justice, unreliable findings and a breakdown in the relationship between the service provider and the service user. Robust information governance and records management on the part of providers of public services in Wales would prevent these unnecessary and avoidable outcomes.



The 'Justice Mislaidd' report concludes with several recommendations in respect of effective and up to date records management policies and processes; training for staff; communication between service providers and complainants; and governance arrangements to ensure that lessons are learned from incidents of lost or misplaced records.

## Casebook

We also continue to publish information about our casework in casebooks. [The Ombudsman's Casebook](#), currently published on a quarterly basis, contains the summaries of all reports issued in cases relating to public service providers during the quarter, as well as a selection of summaries relating to 'quick fixes' and voluntary settlements. Next year, we intend to implement a new approach to producing closed case summaries. Instead of publishing the cases per quarter, we intend to move to 'live' case records, whereby we publish summaries of all cases closed on an ongoing basis.

This year we also published for the first time [an Equality and Human Rights Casebook](#) (also in [Easy Read](#)). It is not our function to make definitive findings about whether a public body has breached an individual's human rights. However, where we identify evidence of maladministration which has caused injustice, we consider whether a person's human rights may have been engaged and comment on a public body's regard for these rights. We work

with all casework staff to develop and support the consideration of equality and human rights in our casework. The Equality and Human Rights Casebook assembles a selection of cases where human rights matters have either been expressly raised as part of the complaint or have been pivotal to our findings. It has been well received by our stakeholders and we intend to repeat this publication on an annual basis.



"The new Human Rights Casebook by the Public Services Ombudsman for Wales is an excellent resource for ensuring that public bodies remain committed to their equality and human rights obligations".

Equality and Human Rights Commission

We also produce a [Code of Conduct Casebook](#). This is also published quarterly and contains the summaries of all reports issued.

## Annual letters

We continue to send letters on an annual basis to Health Boards and Local Authorities concerning the complaints we have received and considered during the year. The annual letters aim to provide these bodies with information to help them improve both their complaint handling and the services that they provide. All annual letters are published [on our website](#). Given the developments in relation to the Covid-19 outbreak, in 2020/21 we intend to publish the letters in the second quarter of the year.

## Engagement

An important aspect of our improvement work is direct engagement with the bodies in our jurisdiction and liaison with other stakeholders operating in the sectors which account for most of our complaints.

In one example, [we stepped up this year our efforts to engage with the housing sector](#). We hosted a visit from Pobl Housing Group complaints team. We also delivered 2 workshops in TPAS Cymru seminars 'Effective complaints in the housing sector' in April and May 2019. It is possible that this work helped to raise awareness of our role resulting in more complaints about social housing this year.

However, [we continue to focus our main improvement efforts on Health Boards](#).

We have a small number of investigation officers who also have an improvement officer role. These staff spend a proportion of their time working to challenge and support Betsi Cadwaladr, Aneurin Bevan, Swansea Bay and Hywel Dda University Health Boards. As part of this work, during 2019/20, we:

- held quarterly meetings with Hywel Dda UHB complaints staff and attended its Improving Patient Experience Committee
- attended Cwm Taf Morgannwg UHB Complaints Scrutiny Panel
- held quarterly meetings with Aneurin Bevan UHB to discuss

complaint handling and liaison issues, alongside regular telephone contact with the contact officer

- held 5 meetings with Betsi Cadwaladr UHB officers, including the former Chief Executive
- undertook an intense programme of engagement with Swansea Bay UHB, including quarterly meetings with the Health Board's Internal Audit team, a meeting with the Chief Executive and Director of Nursing & Patient Experience, delivery of training to newly qualified consultants and regular 'catch up' meetings with the Concerns Team.

We are delighted that some of this work appears to bear fruit. In particular, we were glad to see this year the decrease in new complaints about Swansea Bay and Hywel Dda UHBs. For all the Health Boards that we engaged with, we welcome the drop in the number of interventions that we had to make this year, which may be indicative of systemic improvements.

We also endeavour to share information and insights with other key stakeholders responsible for the scrutiny of the health sector.

We regularly exchange intelligence with Healthcare Inspectorate Wales, Care and Social Services Inspectorate Wales, General Medical Council, Community Health Councils and Audit Wales, as well as the Welsh Commissioners.





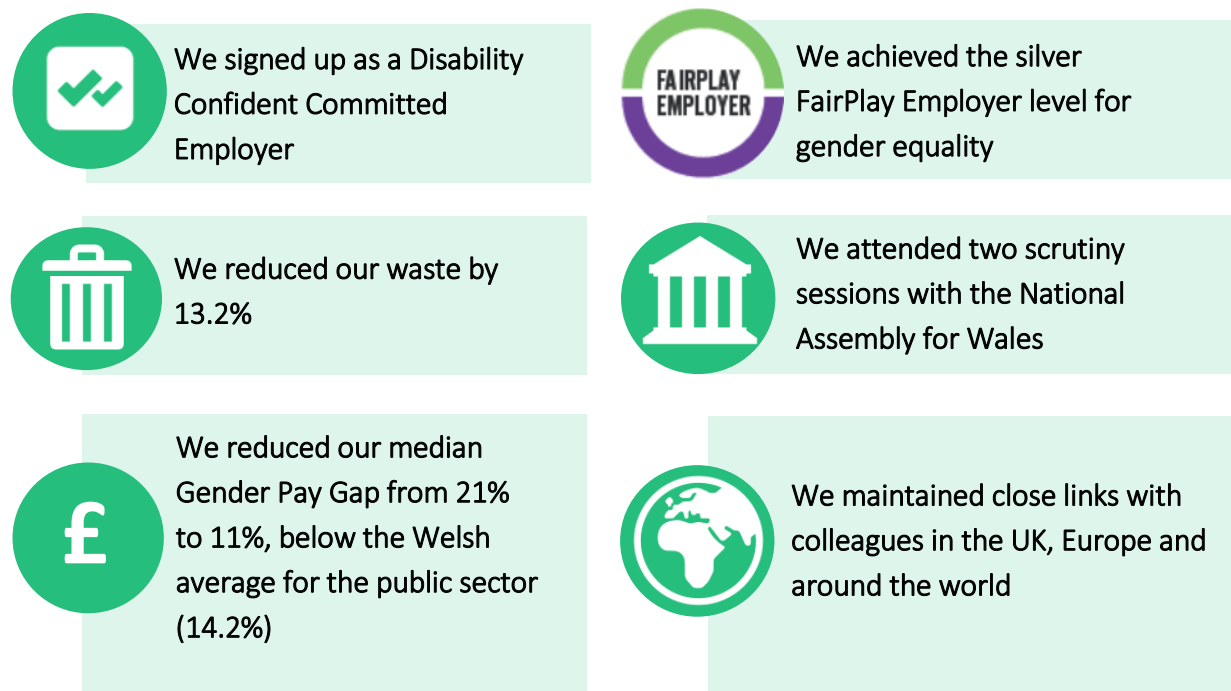
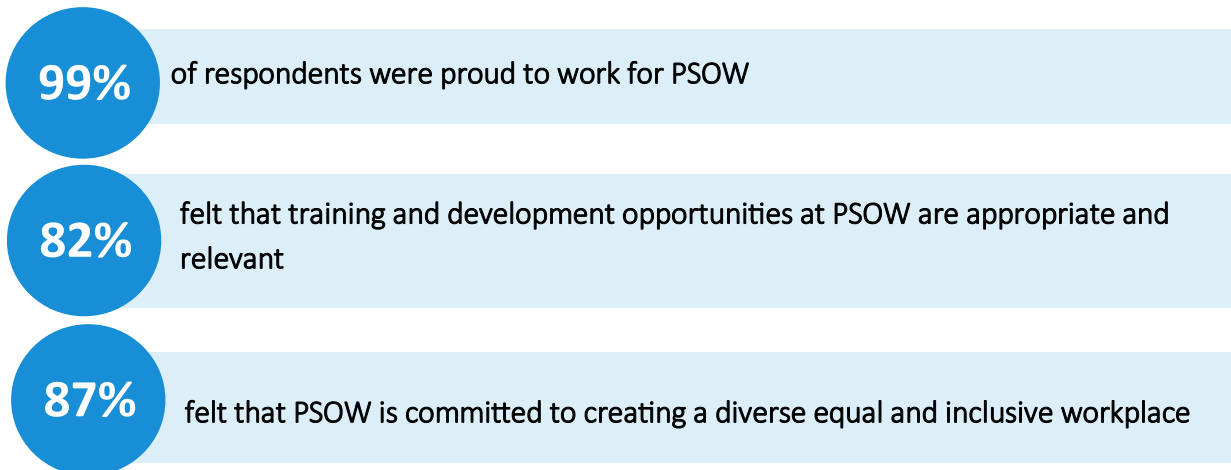
# Use Resources Wisely

## Strategic aim 3

We value and support our staff and are committed to creating an equal, diverse and inclusive workplace. We strive to ensure good governance which supports and challenges us and we benchmark our work against best practice in the UK and internationally. We also secure value for money and ensure that our services are fit for the future.



We conducted a staff survey which found that:



## Training and development

We support our staff to develop the knowledge and skills essential for their work. In 2019/20:

100%

all staff completed their annual Performance Review and Development Process

93%

93% of all staff completed 28 hours or more of continuing professional development

82%

82% of staff felt that training and development opportunities at PSOW are appropriate and relevant

Our staff are key to our service provision. That means that we actively encourage training and development and make sure that staff are clear about their objectives and priorities. We also work hard to involve staff in important decisions about our approaches and ways of working, for example, through workshop sessions at all-staff meetings.

We operate a Performance Review and Development Process for each member of staff, which involves:

- a review of the previous year's achievements and the setting of objectives at the start of the year
- a mid-year review of progress.

New staff, during their induction and probation periods, have a separate process for this, with more immediate objectives and priorities set. Staff returning from maternity/adoption leave or long-term sickness have objectives agreed at a point on their return. For all other staff, **it is pleasing to note that both formal reviews were completed as planned.**

Our emphasis on staff training and development is reflected in an annual assessment of training and development needs for each member of staff, a comprehensive induction programme for new staff, online training for key topics such as equality and in-house training and Good Practice Seminars on specific public services and legislative changes. We also provide skills training appropriate to staff roles.

Our focus on the importance of training and development of staff means that we have set a target that all staff achieve at least 28 hours of training and development each year. This year (excluding staff on maternity/adoption leave or long-term sickness) **93% of staff achieved this**. We will continue to focus on this in 2020/21.

As part of our annual Performance Review and Development Process, we consider the effectiveness of the training and development activity completed and we are working to improve the ongoing assessment of training.

We were glad to see that **82%** of staff who responded to our staff survey this year felt that training and development opportunities at PSOW are appropriate and relevant.

## Health and wellbeing

We care for our staff and are pro-active in promoting wellbeing in the workplace. In 2019/20:

**3.4%**

we saw the average percentage of working days lost through staff sickness increase to 3.4%...



... but we launched our new Wellbeing Strategy and a number of actions to support staff wellbeing



we trained and introduced Mental Health First Aiders

**99%**

99% of staff responding to our staff survey said they were proud to work for PSOW

We recognise that our staff are key to the service we provide and indeed to supporting access to justice for complainants and prompting public service improvement. It is important, therefore, that as well as training and developing staff, we make sure that we support their health and well-being.

Our sickness absence figures for 2019/20 are disappointing, with staff absence averaging 3.4%, substantially more than in previous years. Most of this figure (70%) relates to long-term absence, with some staff receiving planned medical treatment requiring recuperation time. Short-term absences were similar to previous years, at 1%.

Anxiety and stress accounted for 43% of days lost to sickness which emphasises the need to look after our staff's mental, as well as physical, wellbeing.

Recognising this, we have developed and launched a new Wellbeing Strategy. Under the Strategy, we have put in place a number of new actions, as well as continuing existing arrangements. Staff have access to counselling and can self-refer to our Occupational Health advisers. We offer subsidised yoga to staff during lunchbreaks, and we have responded to staff experiencing discomfort and musculoskeletal problems by providing standing desks, as needed.

We provide annual health checks to staff, to help them to stay healthy. We have also trained a number of staff as Mental Health First Aiders who can provide support to staff and signpost to other support services.

Our staff have been instrumental in the development of the Well-being Strategy and actions. An internal staff Wellbeing Group oversees the implementation of activities such as lunchtime mindfulness sessions for staff and lunchtime walks.

Roughly every 2 years, we undertake a detailed survey of staff to gather their views and to obtain feedback on how the organisation is doing. 92% of staff responded to this year's survey.

Responses to the survey were overwhelmingly positive. Amongst other highlights:

- 99% of staff stated that they were proud to work for PSOW
- 97% of staff considered that PSOW is a good place to work
- 94% of staff considered that their managers communicate effectively with them.

However, in some areas, we received less positive responses. These related to matters such as the amount of pressure on staff and the timescales staff are expected to work to.

We will be looking to address these and other aspects of the survey next year and improve some of the ways we work.

## Staff equality, diversity and inclusion

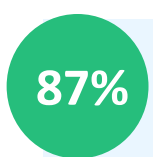
This year, we stepped up our efforts to ensure that as an employer we promote equality and tackle any barriers to inclusion:



we signed up as a Disability  
Confident Committed Employer



we achieved the silver FairPlay  
Employer level for gender  
equality



87% of respondents to our staff  
survey felt that PSOW is  
committed to creating a diverse,  
equal and inclusive workplace



we reduced our median Gender  
Pay Gap from 21% to 11%,  
below the Welsh average for  
the public sector in 2019

### Diversity of our workforce

We are proud to be an equal opportunities employer. We were glad to see that **87%** of staff who responded to our staff survey this year felt that PSOW is committed to creating a diverse, equal and inclusive workplace — and **86%** felt they were treated fairly at work.

We invite our staff and job applicants to participate in voluntary equality monitoring and, in 2019/20, extended our work on this to analyse the equality profile of our successful applicants.

During 2019/20, we acted to address the under-representation of disabled people within our workforce and amongst our job applicants. To help us in this work, we signed up as a Disability Confident Committed employer.



The scheme supports employers to make the most of the talents disabled people can bring to the workplace. During the year, we revised the recruitment packs, confirming our commitment to offer interviews to disabled candidates if they meet essential criteria. We also reviewed our recruitment advertising strategy to ensure that our job offers reach disabled candidates.

This work has not yet affected the equality profile of our workforce and job applicants in 2019/20, which showed that disabled people remain an under-represented group. However, further actions to attempt to overturn this trend are planned for 2020/21.

This year, we also measured in more detail the Welsh language skills of our workforce.

Whilst 15.9% of people stated that Welsh was their main language (an increase of 3.9% since last year), the proportion of people with fairly good or fluent skills was higher:

- Speaking: 23.8%
- Reading: 27%
- Writing: 27%
- Understanding: 27%

## Our work on gender equality

This year, our median Gender Pay Gap decreased from 21% at March 2019 to 11% at March 2020.

	2020	2019
% of staff female	75%	73%
Median Pay Gap	11%	21%
Mean Pay Gap	19%	23%

We are aware that, in a relatively small organisation, individual recruitment outcomes can make apparently large differences. Women among our job applicants consistently outnumber men by a significant margin. We also have in place a range of policies and training opportunities to remove barriers to employment or career progression by female staff.

However, the extent of our Gender Pay Gap at March 2019 prompted us to seek an external specialist opinion on our performance on gender equality.

As a result, we engaged with Chwarae Teg to work towards accreditation as a FairPlay Employer.

Chwarae Teg is a Welsh charity leading on



gender equality,

including in the workplace. Its FairPlay Employer scheme benchmarks organizations in terms of gender equality across 4 levels: bronze, silver, gold and platinum. We were delighted to [achieve the FairPlay Employer Award at silver level](#), having scored above the Welsh public sector average across all the categories assessed.

We were also pleased that our median Pay Gap decreased by 10 percentage points and our mean Pay Gap decreased by 4 percentage points compared to the previous year. Our Median Gender Pay Gap is now below the Welsh average (13.5%) and below the Welsh average in the public sector (14.2%) (Chwarae Teg, 2019).

Whilst we are pleased with these results, there are clearly areas in which we can seek improvements. We have now received recommendations for actions from Chwarae Teg and will be working on the implementation of these actions in 2020/21.

**Find more information about our work to promote equality in our Annual Equality Report 2019/20**



## Sustainability

We understand that we need to play our part in protecting the environment. We are continuing to develop sustainable practices throughout the organisation. In 2019/20:

we reduced our waste by 13.2%



we reduced our energy usage by 2%



0%

0% of our general waste was sent to landfill

41%

we avoided 41% more commuting mileage per day



we published our report under the Biodiversity and Resilience of Ecosystems Duty (section 6 duty)

Where possible, we make changes to reduce the impact of the office on the environment and operate in a sustainable manner.

### Waste management

In 2019/20, [we reduced our waste by 13.2%](#) compared to the previous year.

In the past 12 months we have removed all desk bins to encourage staff to recycle as much waste as possible and added recycling points throughout the office.

We also reduced by 40% the number of sub files (sent to our professional advisers for them to advise on cases) being produced in paper format.

This reduces printing and paper use but also reduces mileage covered by our courier company.

	2019/20	2018/19
Confidential waste (kg)	8,650	8,860
Mixed recycling (kg)	2,346	2,250
General waste (kg)	16,000	20,000
<b>Total waste (kg)</b>	<b>26,996</b>	<b>31,110</b>

Since April 2019, [we have sent 0% of our general waste to landfill](#).

## Lighting and energy

Total electricity usage has **fallen by 2%** from the previous year.

	2019/20	2018/19
Energy usage (Kwh)	104,521	106,701

We achieved this by installing LED lighting and providing signage throughout the office to encourage staff and visitors to turn off lights and equipment when not in use.

## Emissions

The number of staff who work at home as part of their normal working pattern, as well as those working compressed hours over fewer days, has increased this year by 175%.

We calculate that this increase has resulted this year in a reduction of our carbon footprint:

**41%**

more commuting mileage avoided per day

**175%**

more average kgs of CO<sup>2</sup> in emissions avoided annually

These figures relate to the period before the COVID-19 lockdown. At the time of writing this Report, all our staff were working from home. Whilst this will clearly have a very strong effect on our emissions result in the short term, in the longer term it is also likely to increase working at home on a more regular and permanent basis.

## Biodiversity and Resilience of Ecosystems Duty (section 6 duty) report

In December 2019 we published our [report under biodiversity and resilience of ecosystems duty](#), in compliance with the Environment (Wales) Act 2016.

This report outlines our work to support sustainability since 2016 and contains detailed data on our actions and performance in this respect. It also contains an appendix with up to date detailed information on our performance on sustainability in 2019/20.



## Formal accountability

We are accountable to the National Assembly for Wales for the work done and the office's use of resources.

### **The National Assembly for Wales**

The Finance Committee has established a set of principles to guide the preparation of budget submissions and each year we make a formal submission, taking account of these principles, seeking funding for the following year. The submission is scrutinised by the Finance Committee, which makes a recommendation on the funding to be provided. The Committee also makes comments and recommendations on the submission and these are taken into account in subsequent years.

The Annual Report and Accounts document reports on the use of resources and on the work done during the year. It is laid before the National Assembly for Wales and published. The report is scrutinised by the Equality, Local Government & Communities Committee each year. In addition, the Public Accounts Committee periodically scrutinises our use of resources and makes observations and recommendations. We work to implement recommendations made by these Committees in our Estimates submission and our Annual Report and Accounts.

### **Judicial review**

As a Corporation Sole, and to reflect the principles of ombudsman schemes internationally, the Ombudsman and his staff are fully responsible for casework decisions. Whilst complainants can request an internal review of a casework decision they are unhappy with (and this is undertaken by a senior member of staff who has not previously been involved in the case), the appropriate route to challenge our decision is through judicial review.

It is rare for our decisions to be challenged legally and very few cases are subject to judicial review proceedings. However, during 2019/20, we faced one legal challenge in the High Court. A complainant sought permission from the Court to judicially review our findings on his complaints about the relevant Health Board and Council's handling of his late mother's care. We had fully investigated the complaints, which we partially upheld.

On 19 March 2020, the Court refused the application for permission because no arguable grounds for judicial review that had a realistic prospect of success had been presented. An award of costs was made in our favour.

## Benchmarking

We develop our work by benchmarking against best practice across the ombudsman sector. In 2019/20:



we maintained close links with colleagues in the UK, Europe and around the world

### The ombudsman community

We continued to be closely involved in the work of the Ombudsman Association (OA). In 2019/20, we attended (and in some cases chaired) a number of the OA interest groups, considering legal matters, human resources, first contact, casework, communications and policy. We participated and assisted in the OA Annual Conference, 'Driving improvements: collaboration and peer learning' held in Belfast in May 2019. We also continue to meet members of the Public Services Ombudsman Group which this year convened on 3 occasions in Belfast, Edinburgh and Manchester.

We sustained relationships with European colleagues, attending the European Network of Ombudsmen, hosted by Emily O'Reilly, the European Ombudsman and addressed by the European Commission's chief negotiator, Michel Barnier.

We also participated in conferences and good practice seminars organised by the International Ombudsman Institute (IOI).

In one of the highlights of the year, in May 2019, the Committee of Ministers of the Council of Europe endorsed 25 'Principles on the Protection and Promotion of the Ombudsman Institution', subsequently also adopted by the Venice Commission. These so-called '[Venice Principles](#)' represent a set of internationally accepted standards for the proper functioning and independence of public services ombudsman offices. We participated fully in the development of the Venice Principles and we view them as a new global standard of excellence for ombudsman schemes.

2019/20 has also been a year of change for our role in many of these networks. In May 2019, Nick Bennett, the PSOW, stood down as Chair of the OA, handing over the position to Anthony Arter, the Pensions Ombudsman.

2020 was also the final year for Nick Bennett to represent the UK on the IOI's world and European Boards. These roles have now passed to the Parliamentary and Health Service Ombudsman, Rob Behrens, and we wish him every success.

With the 2019 Act, we became the first ombudsman in the UK to hold active powers to undertake investigations on our own initiative and to set complaints standards for public bodies (our colleagues in Northern Ireland also expect to have the latter power in due course.) From the earliest day of calling for these powers, we were eager to avoid 'reinventing the wheel' and to draw on the good practice available.

In June 2019, we held a seminar on the new powers in Aberystwyth University, addressed by the leading ombudsmen from schemes in Ireland, Scotland and Northern Ireland, and the Catalan Ombudsman as well as the president of the European IOI.

Later in the year, our Complaints Standards team visited colleagues in Edinburgh to learn about the steps taken by the Scottish Public Services Ombudsman to establish a Complaints Standards service. The Own Initiative team liaised with the Northern Ireland Public Services Ombudsman and the European Ombudsman to discuss good practice in own initiative investigations.

We were also glad to support colleagues with our expertise. In January and February

this year, we hosted visits from colleagues in Northern Ireland and England to discuss our progress in the implementation of the Complaints Standards role. We also participated in a peer review seminar in the UK Parliament where we shared our experiences with other UK and international offices.

### **The Welsh Commissioners and the Auditor General**

Nick Bennett continued to meet the Welsh Commissioners and the Auditor General for Wales on a quarterly basis to discuss issues of mutual interest. On the back of these meetings, we were delighted to co-operate with the Children's Commissioner for Wales on a joint event in the Eisteddfod Genedlaethol 2019 in Llanrwst, as well as holding discussions during the year on the use of our new power to undertake investigations on our own initiative.

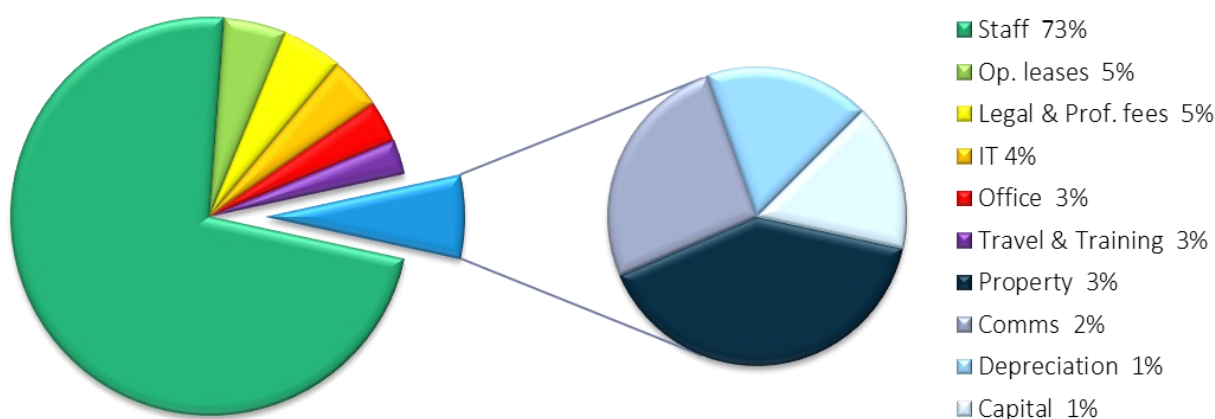
Our staff also met separately on several occasions representatives of these offices, as well as the Equality and Human Rights Commission, to discuss issues such as our approaches to casework, policy work and IT systems. We value these opportunities for sharing experiences, good practice and challenges with our colleagues. They are more important than ever in the context of the challenges that the Covid-19 outbreak is setting for public services in Wales.

## Financial Management

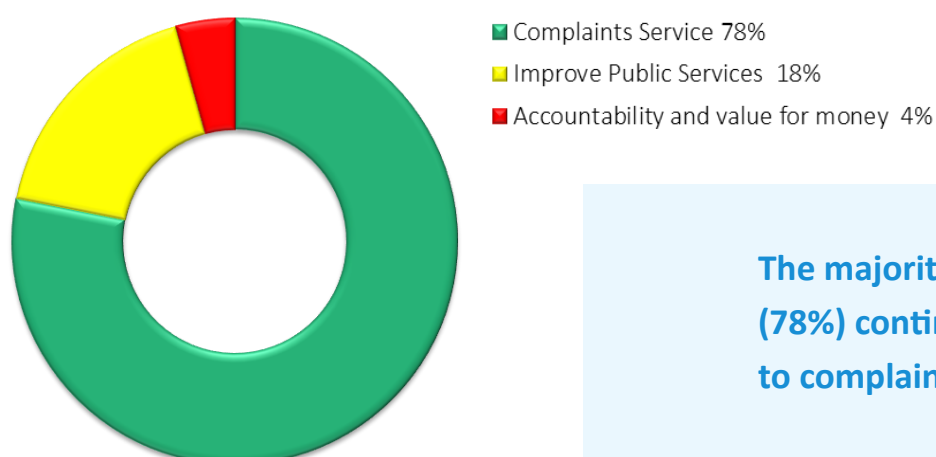
Overall resource and cash expenditure has increased compared to the same period last year. This is due to the commencement of the new Public Services Ombudsman (Wales) Act and a significant, national increase in employer pension contributions.

Resource Out-turn	2019/20	2018/19	Change
	£000s	£000s	£000s
Total Resource	4,871	4,445	+426
Cash Requirement	4,836	4,390	+446

### Gross Resource Expenditure 2019/20



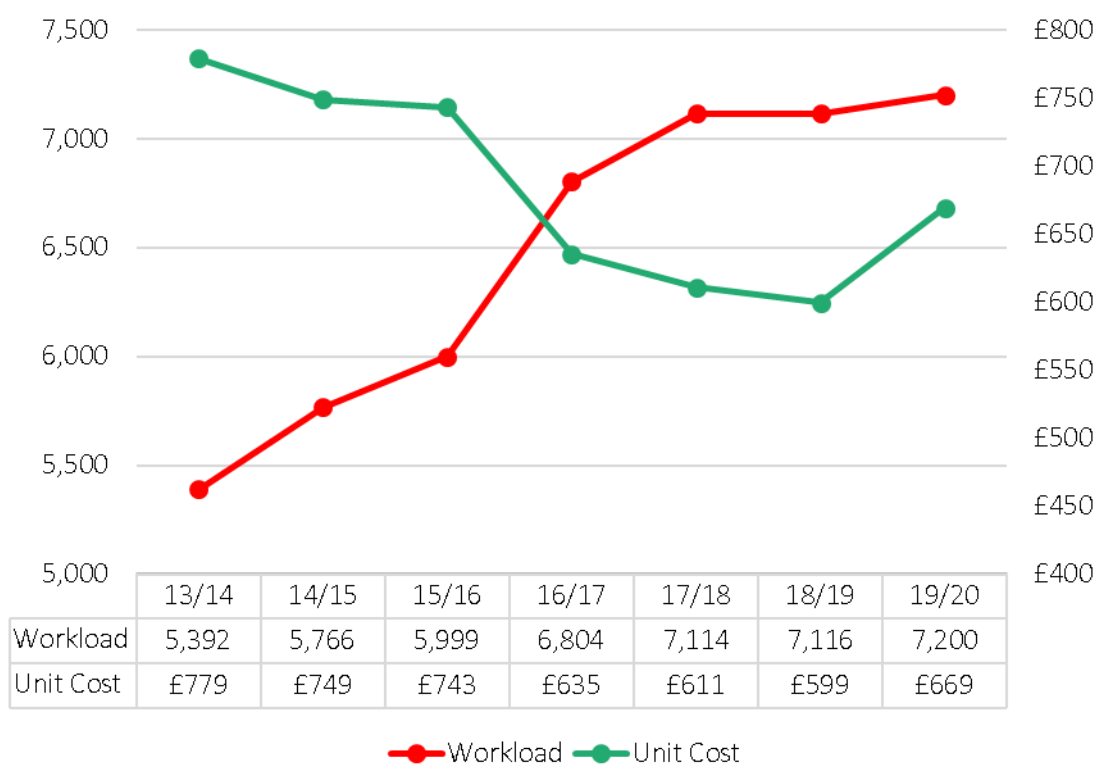
### Analysis of spending by Strategic Aims



**The majority of our resources (78%) continue to be applied to complaints handling**

## Workload Compared to Unit Cost

Prior year costs have been inflated by CPI.



**We've seen a 34% rise in workload over the last 7 years and a 14% fall, in real terms, in unit cost**

**We spent 92% of our budgeted funding (£231k) on implementing the new PSOW Act**

### PSOW Act 2019 expenditure

	£000s
Staff costs	171
Communications	25
Office costs	9
Capital	8
Training & Recruitment	5
Computer services	5
Premises	4
Travel & Subsistence	4
<b>Total spent on New Powers</b>	<b>231</b>
Budget	251
<b>Variance</b>	<b>20</b>

## Expenditure to 31 March 2020 compared to previous year

	2019/20	2018/19	Reasons for significant changes
	£000	£000	
Salaries	2,582	2,389	Increase in staff numbers due to new PSOW Act
Social Security costs	252	221	
Pension costs	685	480	National increase in employer contributions
Pension fund charges	33	42	
<b>Total Pay</b>	<b>3,552</b>	<b>3,132</b>	
Rentals under operating leases	237	264	End of photocopier lease - December 2019
External Audit fee	15	18	Efficiencies in carrying out 2018/19 audit
Legal and professional fees	230	261	Improved management of professional advice
Other property costs	135	135	
Computer services	209	182	Full cloud back-up introduced in 2019/20
Office costs	169	103	Investment in Wellbeing & purchase of photocopiers
Travel and Subsistence	45	31	Costs to launch new PSOW Act
Training and Recruitment	93	55	Additional professional investigation training for staff
Communications	87	41	Outreach work to launch new PSOW Act
Depreciation	60	31	Large IT capital investment in 2018/19
<b>Total other Administration Costs</b>	<b>1,280</b>	<b>1,121</b>	
<b>Gross Costs</b>	<b>4,832</b>	<b>4,253</b>	
Income	(14)	(61)	End of staff secondment to HIW
<b>Net Expenditure</b>	<b>4,818</b>	<b>4,192</b>	
Capital	53	253	IT infrastructure investment in 2018/19
<b>Net Resource</b>	<b>4,871</b>	<b>4,445</b>	

More detailed financial information can be found in the financial statements and notes that support the accounts.

**Nick Bennett**  
Accounting Officer  
Public Services Ombudsman for Wales


N Bennett  
  
1 July 2020





# Accountability Report

2019/20



## Corporate Governance Report

### Ombudsman's Report

Under the Government of Wales Act 2006, the office is financed through the Welsh Consolidated Fund (WCF) with any unspent cash balances repaid into the WCF after a certified copy of the accounts has been laid before the National Assembly for Wales. This creates a further control in that there is a need to effectively manage the budget on both a cash and a resource basis. The salary of the office holder of the Public Services Ombudsman for Wales and the related costs are a direct charge on the WCF and are administered through the National Assembly for Wales.

As at 31 March 2020, the Office comprised 73 full and part-time staff based in Pencoed, Bridgend including the Ombudsman, Chief Operating Officer & Director of Improvement, Chief Legal Adviser & Director of Investigations, as well as investigation and support staff.

The National Assembly for Wales provided cash of £4.9 million for the funding of the Office, with £251k being budgeted funding for the implementation of the new PSOW Act 2019. £48k of this overall funding is due to be returned to the WCF being the unused cash balance at the year end. The expenditure of the office was kept within the Estimate agreed in November 2018 and amended by Supplementary Budgets during 2019/20.

The table below shows that, over the past 7 years, the Office has seen an increase of over 34% in all contacts (that is, in enquiries, complaints about the conduct of members of local authorities and public body complaints), whilst unit costs have reduced by 14% when adjusted for CPI inflation, despite additional funding in 2019/20 for New Powers and the effect of a 6% increase in employer pension contributions.

Workload	Enquiries	Code	Public Body	Total Complaints	Unit cost
13/14	3,234	226	1,932	5,392	£779
14/15	3,470	231	2,065	5,766	£749
15/16	3,731	276	1,992	5,999	£743
16/17	4,512	236	2,056	6,804	£635
17/18	4,861	270	1,983	7,114	£611
18/19	4,627	282	2,207	7,116	£599
19/20	4,726	365	2,109	7,200	£669
Change	46%	62%	9%	34%	-14%

## **Remuneration and Pension Liabilities**

Details of the pay and related costs of the Ombudsman and the Office are shown in the Remuneration Report.

Pension obligations to present and past employees are discharged through the Principal Civil Service Pension Scheme (PCSPS), the Local Government Pension Scheme administered through the Cardiff and Vale of Glamorgan Pension Scheme and the pensions paid directly to former Commissioners or their dependants.

Further details are given in the Pensions Disclosures.

## **Corporate Governance**

The office holder of the Public Services Ombudsman for Wales is a Corporation Sole. In addition, upon taking up my role as Ombudsman, I was appointed by the Treasury as the Accounting Officer for the public funds with which the National Assembly entrusts me to undertake my functions. The Audit & Risk Assurance Committee supports the Ombudsman by reviewing the comprehensiveness and reliability of assurances on governance, risk management, the control environment and on the integrity of financial statements and the annual report. Further details are set out in the Annual Governance Statement.

## **Register of Interests**

A register of interests is maintained for the Ombudsman, Directors and members of the Advisory Panel and Audit & Risk Assurance Committee.

## **Accounts Direction**

Under the Accounts Direction issued by HM Treasury dated 21 December 2006, I was required to prepare accounts for the financial year ended 31 March 2020 in compliance with the accounting principles and disclosure requirements of the edition of the Government Financial Reporting Manual (the FReM) issued by HM Treasury which was in force for 2019/20.

The accounts have been prepared to:

- give a true and fair view of the state of affairs at 31 March 2020 and of the net resource outturn, resources applied to objectives, recognised gains and losses and cash flows for the financial year then ended
- provide disclosure of any material expenditure or income that has not been applied for the purposes intended by the National Assembly for Wales or material transactions that have not conformed to the authorities that govern them.

## **Auditors**

The Auditor General for Wales is the External Auditor of the accounts of the PSOW as laid down in paragraph 18 of Schedule 1 to the Public Services Ombudsman (Wales) Act 2019.

The cost of the audit for 2019/20 was £15k (2018-19: £18k).

As far as I am aware, I have taken all the steps necessary to make the auditors aware of any relevant audit information.

N Bennett

**Nick Bennett**

Accounting Officer

Public Services Ombudsman for Wales

1 July 2020

## Statement of Accounting Officer's Responsibilities

Under the Public Services Ombudsman (Wales) Act 2019, as Public Services Ombudsman for Wales I am required to prepare, for each financial year, resource accounts detailing the resources acquired, held or disposed of during the year and the use of resources by the PSOW during the year.

The accounts are prepared on an accruals basis and must give a true and fair view of the state of affairs of the PSOW and its net resource outturn, Statement of Financial Position and cash flows for the financial year.

In preparing the accounts, as the Accounting Officer, I am required to comply with the requirements of the 'Government Financial Reporting Manual' and in particular to:

- observe the Accounts Direction issued by the Treasury including the relevant accounting and disclosure requirements and apply suitable accounting policies on a consistent basis
- make judgements and estimates on a reasonable basis
- state whether applicable accounting standards as set out in the Government Financial Reporting Manual have been followed and disclose and explain any material departures in the accounts
- prepare the accounts on a going

concern basis

- confirm that the Annual Report and Accounts as a whole is fair, balanced and understandable, and
- take personal responsibility for the Annual Report and Accounts and the judgements required for determining that it is fair, balanced and understandable.

My relevant responsibilities as Accounting Officer include the propriety and regularity of the public finances for which the Accounting Officer is answerable, for keeping proper records and for safeguarding the PSOW's assets, as set out in Managing Welsh Public Money and the Public Services Ombudsman (Wales) Act 2019.

As the Accounting Officer, I have taken all the steps that I ought to have taken to make myself aware of any relevant audit information and to establish that PSOW's auditors are aware of that information. So far as I am aware, there is no relevant audit information of which the auditors are unaware.

## Annual Governance Statement 2019/20

### Status of the Public Services Ombudsman for Wales

As laid down in Schedule 1 paragraph 2 of the Public Services Ombudsman (Wales) Act 2019, the Ombudsman is a Corporation Sole holding office under Her Majesty and he discharges his function on behalf of the Crown. Schedule 1 paragraph 19 states that the Ombudsman is the Accounting Officer for the Office of the Ombudsman.

### Scope of Responsibility

In undertaking the role of Accounting Officer, I ensure that the Office operates effectively and to a high standard of probity. In addition, I have responsibility for maintaining a sound system of internal control that supports the achievement of PSOW's policies, aims and objectives, whilst safeguarding the public funds and assets for which I am personally responsible, in accordance with the responsibilities assigned to me in 'Managing Welsh Public Money'.

I am independent of the National Assembly for Wales, but am accountable to its Public Accounts Committee for the use of resources made available to support my statutory functions. In determining the level of resources

available to the Office, the PSOW's budget proposals are considered by the Finance Committee of the National Assembly for Wales in accordance with the process laid down in the Act. I produce a combined Annual Report and Accounts for consideration by the Equality, Local Government and Communities Committee and the Finance Committee.

I am required to include this Governance Statement with my annual report and accounts to explain how the governance of my Office works and to ensure it meets the requirements of the Corporate Governance Code and [The Orange Book: Management of Risk](#). To enable me to satisfy these requirements, I have established appropriate structures, systems and procedures that are comprehensive and provide me with evidence that the governance arrangements are working as intended across the whole organisation and its activities. Such arrangements include my Governance Framework, a comprehensive internal control environment, effective internal and external audit arrangements and robust financial management, risk planning and monitoring procedures.

## Strategic Planning and Performance Monitoring

In my [Strategic Plan](#) for the 3 years 2019/20 to 2021/22, I set the following for the Office:

### Our Vision for public services in Wales:

Services that actively listen and learn from complaints.

### Our Mission:

To uphold justice and improve public services.

### Our Strategic Aims:

- **Strategic Aim 1: Deliver Justice**  
A fair, independent, inclusive and responsive complaints service.
- **Strategic Aim 2: Promote Learning, Work to Improve Public Services**  
Promote learning from complaints and stimulate improvements on a wider scale.
- **Strategic Aim 3: Use Resources Wisely and Future-proof the Organisation**  
Identify and adopt best practice. Secure value for money and services that are fit for the future. Support staff and ensure good governance which supports and challenges us.

Whilst individual teams within the Office are charged with implementing the actions identified, the Management Team monitors progress made against targets and the outcomes achieved via monthly reports.

### System of Internal Control

The system of internal control is designed to manage risk to a reasonable level rather than eliminate all risk of failure to achieve policies, aims and objectives; it can therefore only provide reasonable, and not absolute, assurance of effectiveness. It is based on an ongoing process designed to identify and prioritise the risks to the achievement of my policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically.

The system has been in place in the Office of the PSOW for the year ended 31 March 2020 and up to the date of approval of these accounts and accords with HM Treasury guidance. No significant areas of internal control weaknesses have been identified from audit work and steps to improve controls further are implemented promptly and monitored by the Audit & Risk Assurance Committee.

## Corporate Governance arrangements: Audit & Risk Assurance Committee

Governance arrangements include an Audit & Risk Assurance Committee (ARAC). The Committee's responsibilities are:

### (a) Terms of Reference

The Committee supports the Ombudsman by reviewing the comprehensiveness and reliability of assurances on governance, risk management, the control environment and the integrity of financial statements and the annual report.

### (b) Membership

Membership comprises up to 6 independent external members. The 2018/19 membership of Mr Jim Martin, former Scottish Public Services Ombudsman, Dr Tom Frawley CBE, former Assembly Ombudsman and Northern Ireland Commissioner for Complaints, Mr Jonathan Morgan, former Assembly Member and previously Chair of the National Assembly's Public Accounts Committee, Mrs Anne Jones, former Assistant Information Commissioner, Mr Trevor Coxon, former Monitoring Officer of Wrexham County Borough Council and Mr Ian Williams, former Group Chief Executive of Hendre Limited remained unchanged in 2019/2020. Mr Morgan's initial term of office was due to conclude in December 2019. However, for continuity

particularly in light of the new PSOW Act 2019, the Ombudsman invited Mr Morgan to continue in his role as Independent Member and Chair of the ARAC for a further 12-month period.

### (c) Training

Members of the Committee are invited to assess their training needs annually. An induction programme is provided for all new members of the ARAC.

### (d) Meetings

The Committee sets itself an annual work programme. There are generally 4 meetings of the Committee during the year.

The Ombudsman attends ARAC Meetings and the Chief Operating Officer acts as Secretary to the Committee. The meetings were also regularly attended by internal and external auditors and appropriate members of the PSOW's Management Team.

At each meeting, the Committee received a number of standing agenda items. These include declarations of any identified fraud or losses, including any data losses. At each meeting, the Committee received a copy of the latest Budget Monitoring report considered by the Management Team. This is intended to provide the Committee with an assurance that there is regular scrutiny of the financial position within the Office.



During the year, the Committee also received reports on a number of other appropriate matters within its Terms of Reference. They included the 9 and 12-month accounts, internal audit plans, a review of the Whistleblowing Policy, a review of governance arrangements, updates on major IT developments, progress on the implementation of the Strategic ITC Plan and relevant financial and corporate governance matters issued by HM Treasury. The Committee reviewed the Office’s counter-fraud arrangements, in the context of the Cabinet Office Counter-Fraud Framework, to satisfy itself that appropriate arrangements are in place.

The Committee provided advice to the Ombudsman to ensure that the 2019/20 Annual Governance Statement included appropriate information and complied with best practice.

A standing item is risk management. At each meeting the Committee considered a report on the greatest identified risks. The Committee explored and challenged the reported risks to satisfy itself that all key risks have been identified. Risk management and risk mitigation measures were also considered.

As a result of the Covid-19 pandemic, the March 2020 meeting of the Committee did not take place in the normal way. Papers were circulated as normal and all members commented and asked

questions about the papers in writing. A small meeting was then held using video conferencing. This involved the Committee Chair, internal audit, external audit, the Ombudsman and a reduced number of staff. Other than for the Chair, full attendance for the year was therefore 3 meetings, and all members contributed to the fourth meeting.

Attendance at meetings by Committee members during the year was as follows:

Membership:	
Jonathan Morgan (Chair)	4
Ian Williams	3
Jim Martin	3
Anne Jones	3
Trevor Coxon	3
Tom Frawley	2

**(e) Internal and External Audit**

The Committee received regular reports from both the internal and external auditors. The work of Deloitte as Internal Auditors during the year was planned based on their overall needs assessment and carried out through their fourth annual programme. Their reports highlighted the satisfactory internal control framework within the organisation and made recommendations for improvement where necessary.

The internal audits undertaken in 2019/20 and overall assessments were as follows:

	Assurance level
Professional Advice	SUBSTANTIAL
Corporate Governance and Risk Management	SUBSTANTIAL
Information Security	MODERATE
Financial Systems:	
Fixed Assets	SUBSTANTIAL
General Ledger	SUBSTANTIAL
Purchasing and Payments	SUBSTANTIAL

In all but one audit, the level of assurance was considered 'Substantial', the highest assurance level. A number of low priority recommendations were made and these have either been completed or will be completed in accordance with agreed timescales. In addition, an advisory audit of Contract Management arrangements was carried out in August 2019.

The internal auditors' Annual Report for 2019/20 stated: 'Based on the work we have undertaken during the year we are able to conclude that the Ombudsman has a basically sound system of internal control, which should provide **substantial assurance** regarding the achievement of the Ombudsman's objectives.' These findings also provide assurance that the

arrangements in place are reducing the Office's exposure to risk. The Committee noted the thoroughness of the audit work, practicality of recommendations and the open and positive response of management to the recommendations made.

The Committee considered the 2018/19 Annual Report and Accounts that included the Governance Statement of the Office for 2018/19, together with the External Audit of Financial Statements Report and Management Letter. An unqualified opinion was given, following external audit work undertaken by the Wales Audit Office, on the 2018/19 Accounts. There were no recommendations arising from the Audit. The external audit conclusions for the 2018/19 financial year were reviewed at the September 2019 meeting of the Committee.

Both Internal and External Auditors have the right to raise any matter through an open access policy to the Chair and, through that right, to bring any matter to the attention of the Committee. The Committee, by reviewing the programmes of both the External and the Internal Auditors, ensured that they were co-operating effectively with each other. The quality of the audit work has been evaluated during the year through consideration of the audit reports and recommendations and dialogue at meetings between Committee Members and the Auditors.

To ensure that appropriate matters can be raised in confidence, the Chair of the Committee generally holds an annual meeting with representatives of the External and Internal Auditors.

Arrangements this year were disrupted by Covid-19 restrictions. On 31 March 2020 the Chair of the Committee had a virtual meeting with the internal auditors. The external audit representative was unable to join this as planned but there was a subsequent discussion between the Chair of the Committee and the external audit lead, by telephone, on 21 April.

#### (f) Monitoring processes

At each meeting during 2019/20, the Committee received a report on progress made on the implementation of External and Internal Audit recommendations. Committee members were satisfied that all the recommendations made had been implemented or will be implemented by the first quarter of 2020/21.

#### (g) Annual Review and Assessment

This annual review is undertaken to evaluate the work of the Committee and to ensure that the work of the Audit & Risk Assurance Committee continues to comply with the Good Practice Principles set out in the HM Treasury Audit Committee Handbook. To assist the Committee in determining that it was complying with good practice, each member was invited to complete the

National Audit Office's 'The Audit Committee self-assessment checklist'. Comments received from Committee members were considered in preparing the Annual Review for 2019/20.

The ARAC Annual Review concluded that it had received comprehensive assurances and information that was reliable and sufficient to enable it to carry out its responsibilities. Those assurances demonstrated a satisfactory overall internal control environment, financial reporting and the management of risk and of the quality of both the Internal and External Audit work undertaken.

The Committee was therefore able to provide assurances to support me effectively, as Public Services Ombudsman for Wales, to comply with my Accounting Officer responsibilities. The Committee provided evidence to assist in the preparation of this Annual Governance Statement.

### Advisory Panel

The Advisory Panel is a non-statutory forum whose main role is to provide support and advice to the Ombudsman in providing leadership and setting the strategic objectives of the office of the Public Services Ombudsman for Wales. The Panel also brings an external perspective to assist in the development of policy and practice.

Panel meetings are chaired by one of the independent external members. In June 2019, following a recommendation from the Public Accounts Committee, Jonathan Morgan stepped down as a member of the Panel and therefore from the position of Chair, but remained Chair of the Audit & Risk Assurance Committee. On the recommendation of the Panel, Anne Jones was appointed to take over as Chair and took up the role with effect from September 2019.

Dr Jane Martin CBE joined the Panel in September 2019 as an independent member. She is not a member of the Audit & Risk Assurance Committee, so the membership arrangements for the Advisory Panel and Audit & Risk Assurance Committee take account of the recommendations of the Public Accounts Committee. Dr Martin was Local Government Ombudsman and Chair of the Commission for Local Administration in England until January 2017 and is now a member of the Committee on Standards in Public Life. The Advisory Panel is an advisory-only body to the Ombudsman and does not make decisions in its own right.

### **Reporting of Personal Data Related Incidents**

All incidents involving personal data are reported to the Audit & Risk Assurance Committee. Guidance issued by the Information Commissioner's Office (ICO)

is considered to establish whether it is necessary to report the incident to that office. Further improvements were made to the PSOW's process for handling such incidents to reflect current ICO guidance. During 2019/20, one incident required reporting to the ICO. The ICO was satisfied with the PSOW's approach to the incident and confirmed that no further action was required.

### **The Risk and Control Framework**

As required by 'Managing Welsh Public Money', I am supported by a professionally qualified Financial Accountant who carries out the responsibilities of a Finance Director as set out in that document.

Risk management and the risk register are standing Agenda items for the Audit & Risk Assurance Committee, and the approach to risk management, together with risk appetite, is reviewed periodically.

I am continuing to enhance the robust internal control arrangements to ensure that the Office has the capacity to identify, assess and manage risk effectively. In undertaking this responsibility during the year ended 31 March 2020, I have been supported by a Chief Operating Officer to whom some of the Ombudsman's responsibilities have been delegated.

Key risks at the financial year-end were identified as follows:

<b>Risk horizon</b>	<b>Risk affects:</b>	<b>Risk management and mitigation:</b>	<b>Residual risk:</b>
Core function – Case volumes and meeting KPIs	Likely impact of Covid-19 on case volumes and ability to meet Key Performance Indicators (KPIs). Public bodies are unlikely to be able to engage with Ombudsman which will result in a growing number of open cases and growth in older cases. Cases cannot be concluded without public body input to investigation or agreement to findings and recommendations.	Work closely and supportively with public bodies.	The likely inability of public bodies to engage with us on our casework means that the residual risk is considered <b>RED</b>
Core function – Staffing levels	Likely impact of Covid-19 on maintaining productive casework staffing levels.	Make full use of IT systems to support effective and efficient homeworking.	The likely impact on casework staff and productivity means that the residual risk is considered <b>RED</b>
Support services – Staffing levels	Likely impact of Covid-19 on maintaining productive support (IT, Finance, HR, and Casework Support) staffing levels.	Make full use of IT systems to support effective and efficient homeworking.	The likely impact on support staff and productivity means that the residual risk is considered <b>RED</b>

I and my Management Team will continue to work to manage and minimise the risks in these key areas in the year ahead and the risks will be considered at each meeting of the Audit & Risk Assurance Committee.

## Risk Assurance Framework Arrangements

### PSOW Framework

- Strategic objectives from Business Plan
- Work programme
- Risk management
- Anti-fraud policy
- Governance framework
- Policies, procedures and code of conduct

#### Advisory Panel

Provides support and advice on vision, values and purposes as well as strategic direction and planning

#### Accounting Officer

Governance  
Decision making  
Financial management  
Risk management

#### Audit & Risk Assurance Committee

Reviews and monitors governance, risks and internal controls.  
Agrees annual governance statement

#### Management Team

3-year strategic plan  
Operational plan  
Performance monitoring  
Corporate policies  
Risk management  
Value for money

#### Central Guidance

HM Treasury  
FReM  
Managing Welsh Public Money  
Public Sector Internal Audit

#### PSOW policies, plans and risk register

#### Annual Governance Statement

### Assurance Map Components

#### 1st line of defence

Strategic and operational delivery reporting  
KPI reporting  
Financial controls / Budget monitoring

#### 2nd line of defence

Risk register reviews  
Quality assurance  
Information security assurance

#### 3rd line of defence

Internal audit reports  
Financial accountant spot checks  
Scrutiny by Finance Committee and PAC

#### Other assurances

External audit

I am satisfied that the systems in place identify potential risks at an early stage and enable, through active management, the appropriate action to be taken to minimise any adverse impact on the office.

The Audit & Risk Assurance Committee receives regular reports on the risks relating to this Office, explores the Office's approach to those risks and provides comments and suggestions on current and emerging risks.

Risks are considered across a number of key areas or risk horizons. These are:

- risks that could affect my ability to fulfil my core functions
- risks affecting data security
- financial risks
- governance risks
- risks affecting facilities & support arrangements (such as premises & IT services).

### **Budgeting Process**

As Accounting Officer, I ensure that I have in place arrangements for tight control of the public money entrusted to me. The Management Team receives a monthly budget monitoring report setting out

details of actual against budgeted expenditure. Any unexpected expenditure issues that may arise during the year are considered and any actions required to ensure that the office remains within its budgeted expenditure are agreed. No major issues arose in respect of the PSOW's budget for 2019/20.

As far as the process of producing the PSOW's financial estimate for 2020/21 is concerned, a paper setting out initial budget criteria was considered by the Advisory Panel in June 2019. The final estimate paper included full-year funding for New Powers as well as some inflationary increases. Overall, the resource and cash savings on a like-for-like basis in the proposed budget would be 1.3% and 1.1% respectively. The Finance Committee scrutinised the paper in October 2019 and the full amount sought was included in the Annual Budget Motion March 2020.

### **Conclusion**

I can report that there were no significant weaknesses in the Office's system of internal controls in 2019/20 which would affect the achievement of the Office's policies, aims and objectives and that robust Corporate Governance is in operation with no breaches of the Corporate Governance Code.

N Bennett

**Nick Bennett**

Accounting Officer

Public Services Ombudsman for Wales

1 July 2020

# Remuneration Report

## Public Services Ombudsman for Wales

The Government of Wales Act 2006 provides for my remuneration and associated national insurance and pension costs to be met from the Welsh Consolidated Fund, rather than being paid directly. These costs are included, for transparency, in the remuneration report.

## Remuneration

The following sections provide details of the remuneration and pension interest of the most senior management of the Office: Nick Bennett - Ombudsman, Chris Vinestock - Chief Operating Officer & Director of Improvement and Katrin Shaw - Chief Legal Adviser & Director of Investigations.

### Single Total Figure of Remuneration

2019/20					
Officials	Salary (£'000)	Bonus payments (£'000)	Benefits in Kind (to nearest £100)	Pension benefits (to nearest £1,000)	Total (£'000)
Nick Bennett	150-155	-	-	58,000	205-210
Chris Vinestock	100-105	-	-	75,000	175-180
Katrin Shaw	85-90	-	-	75,000	160-165

### Single Total Figure of Remuneration

2018/19					
Officials	Salary (£'000)	Bonus payments (£'000)	Benefits in Kind (to nearest £100)	Pension benefits (to nearest £1,000)	Total (£'000)
Nick Bennett	145-150	-	-	58,000	205-210
Chris Vinestock	95-100	-	-	34,000	125-130
Katrin Shaw	75-80	-	-	29,000	105-110



## Salary

Salary includes gross salary, overtime and any other allowances to the extent that they are subject to UK taxation.

## Benefits in kind

The monetary value of benefits in kind, covers any expenditure paid by the PSOW and treated by HM Revenue and Customs as a taxable emolument. There was no such expenditure.

## Bonuses

No bonus was paid during the year to me or to any staff within my office, as no bonus scheme is in operation.

## Pay multiples

The banded remuneration of the highest-paid director in the financial year 2019/20 was £150-£155,000 (2018/19 = £145-£150,000). This was 3.6 times (2018/19 = 3.5) the median remuneration of the workforce, which was £42,684 (2018/19 = £41,847). In 2019/20, no employee received remuneration in excess of the highest-paid director (2018/19 = none).

Remuneration ranged from £20,000 to £155,000 (2018/19, £18,000-£150,000). Total remuneration includes salary, non-consolidated performance-related pay and benefits-in-kind. It does not include severance payments, employer pension contributions and the cash equivalent transfer value of pensions.

## Pay awards

Staff pay is linked to the pay awards made to employees within Local Government in England and Wales. In line with that procedure, a 2% pay increase was awarded to staff in April 2019.

## Pensions

Pension entitlements for the persons shown above are detailed below:

### Pension Liabilities

The pension obligations to present and past employees are discharged through:

- the Principal Civil Service Pension Scheme (PCSPS)
- the Local Government Pension Scheme administered through the Cardiff and Vale of Glamorgan Pension Scheme (the Fund)
- the pensions paid directly to former Commissioners or their dependants.

Name	As at 31/03/20					As at 31/03/19
	Accrued pension at pension age and related lump sum	Real increase in pension and related lump sum at pension age	CETV	Real Increase in CETV	Employer contribution to partnership pension accounts	CETV
	£000	£000	£000	£000	Nearest £100	£000
Nick Bennett	45-50	2.5-5	559	30	-	495
Chris Vinestock	60-65	2.5-5	912	49	-	822
Katrin Shaw	35-40	2.5-5	553	51	-	476

CETV refers to the Cash Equivalent Transfer Value, and further information can be found in the Pensions Disclosures.

## Sickness

During the year, an average of 9.0 days per employee were lost through sickness, compared with 3.3 days in 2018/19. This is the equivalent of 3.4% (1.2% in 2018/19) of total possible workdays. This reflects normal short-term absences, long-term sickness and several staff having planned major surgery. 70% of the total days lost to sickness were attributable to long-term absences.

## Reporting of Civil Service and other compensation schemes

No exit packages were paid in 2019/20 (2018/19 Nil).

## Advisory Panel and Audit & Risk Assurance Committee

The following non-pensionable payments, based on a daily rate, were made to members of the Advisory Panel and Audit & Risk Assurance Committee:

	2019/20	2018/19
	£	£
Jonathan Morgan	1,263	3,789
Anne Jones	1,263	2,488
Jim Martin	933	2,799
Ian Williams	933	1,866
Trevor Coxon	933	2,799
Tom Frawley	622	2,488
Jane Martin	564	-
Margaret Griffiths (left 2018/19)	-	282
John Williams (left 2018/19)	-	282

Due to the late timing of the March 2020 meeting only 3 payments were made to committee members in 2019/20, with the fourth payment for attending the remote meeting in March being made in April 2020. The 2018/19 figures include 5 payments for similar reasons.

For staff reporting issues see the Annual Equality Report.

N Bennett

**Nick Bennett**

Accounting Officer

Public Services Ombudsman for Wales

1 July 2020

# National Assembly for Wales

## Accountability and Audit Report

In addition to the primary statements prepared under **International Financial Reporting Standards (IFRS)**, the Government Financial Reporting Manual (FReM) requires the Ombudsman to prepare a statement and supporting notes to show resource outturn against the Supply Estimate presented to the Assembly, in respect of each request for resource.

### Summary of Net Resource Outturn

for the year ended 31 March 2020

	Revised Estimate			Outturn				2018/19
	Gross Expenditure	Income	Net Total	Gross Expenditure	Income	Net Total	Net total compared to estimate	Net Total
	£000	£000	£000	£000	£000	£000	£000	£000
Revenue	4,941	(14)	4,927	4,832	(14)	4,818	109	4,192
Capital	27	-	27	53	-	53	(26)	253
<b>Net Resource</b>	<b>4,968</b>	<b>(14)</b>	<b>4,954</b>	<b>4,885</b>	<b>(14)</b>	<b>4,871</b>	<b>83</b>	<b>4,445</b>
<b>Net Cash Requirement</b>	<b>4,898</b>	<b>(14)</b>	<b>4,884</b>	<b>4,850</b>	<b>(14)</b>	<b>4,836</b>	<b>48</b>	<b>4,390</b>

Positive totals reflect a resource or cash under-spend.

The Ombudsman's salary is paid directly from the Welsh Consolidated Fund with only the reimbursement of actual business expenses included in the PSOW accounts.

# Reconciliation of Net Resource to Net Cash Requirements

for the year ended 31 March 2020

		2019/20			2018/19
	Note	Revised Estimate £000	Net Total Outturn £000	Net total outturn compared to revised estimate £000	Outturn £000
Net Revenue	2-4	4,927	4,818	109	4,192
Net Capital	6	27	53	(26)	253
<b>Net Resource</b>		<b>4,954</b>	<b>4,871</b>	<b>83</b>	<b>4,445</b>
Movement in provisions	10	(20)	(1)	(19)	12
Capital charges	6	(70)	(60)	(10)	(31)
Movements in working capital	7-9	20	26	(6)	(16)
Pension charges (LGPS)	Pension Disclosures	-	-	-	(20)
<b>Net cash requirement</b>		<b>4,884</b>	<b>4,836</b>	<b>48</b>	<b>4,390</b>

N Bennett

**Nick Bennett**

Accounting Officer

Public Services Ombudsman for Wales

1 July 2020

# The Certificate and Independent Auditor's Report of the Auditor General for Wales to the Senedd

## Report on the audit of the financial statements

### Opinion

I certify that I have audited the financial statements of the Public Services Ombudsman for Wales for the year ended 31 March 2020 under paragraph 18 (2) of Schedule 1 of the Public Services Ombudsman (Wales) Act 2019. These comprise the Summary of Net Resource Outturn, Statement of Comprehensive Net Expenditure, Statement of Financial Position, Consolidated Statement of Cash Flows, Statement of Changes in Taxpayers Equity and related notes, including a summary of significant accounting policies. These financial statements have been prepared under the accounting policies set out within them. The financial reporting framework that has been applied in their preparation is applicable law and HM Treasury's Financial Reporting Manual based on International Financial Reporting Standards (IFRSs) as adopted by the European Union/United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice).

In my opinion the financial statements:

- give a true and fair view of the state of the Public Services Ombudsman for Wales' affairs as at 31 March 2020 and of its net cash requirement, net resource outturn and net operating cost, for the year then ended; and
- have been properly prepared in accordance with HM Treasury directions issued under the Public Services Ombudsman (Wales) Act 2019.

### Basis for opinion

I conducted my audit in accordance with applicable law and International Standards on Auditing in the UK (ISAs (UK)). My responsibilities under those standards are further described in the auditor's responsibilities for the audit of the financial statements section of my report. I am independent of the body in accordance with the ethical requirements that are relevant to my audit of the financial statements in the UK including the Financial Reporting Council's Ethical Standard, and I have fulfilled my other ethical responsibilities in accordance with these requirements. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

## Conclusions relating to going concern

I have nothing to report in respect of the following matters in relation to which the ISAs (UK) require me to report to you where:

- the use of the going concern basis of accounting in the preparation of the financial statements is not appropriate; or
- the Accounting Officer has not disclosed in the financial statements any identified material uncertainties that may cast significant doubt about the body's ability to continue to adopt the going concern basis of accounting for a period of at least twelve months from the date when the financial statements are authorised for issue.

## Other information

The Accounting Officer is responsible for the other information in the annual report and financial statements. The other information comprises the information included in the annual report other than the financial statements and my auditor's report thereon. My opinion on the financial statements does not cover the other information and, except to the extent otherwise explicitly stated in my report, I do not express any form of assurance conclusion thereon.

In connection with my audit of the financial statements, my responsibility is to read the other information to identify material inconsistencies with the audited financial statements and to identify any information that is apparently materially incorrect based on, or materially inconsistent with, the knowledge acquired by me in the course of performing the audit. If I become aware of any apparent material misstatements or inconsistencies I consider the implications for my report.

Legislation and directions issued to the Public Services Ombudsman for Wales do not specify the content and form of the other information to be presented with the financial statements.

## Opinion on regularity

In my opinion, in all material respects, the expenditure and income in the financial statements have been applied to the purposes intended by the Senedd and the financial transactions recorded in the financial statements conform to the authorities which govern them.

## Report on other requirements

### Opinion on other matters

As legislation and directions issued to the Public Services Ombudsman for Wales do not specify the content and form of the other information to be presented with the financial statements, I am not able to confirm that other information within the Annual Report (outside of the financial statements) has been properly prepared.

In my opinion, based on the work undertaken in the course of my audit, the information given in the Annual Report is consistent with the financial statements.

Although there are no legislative requirements for a Remuneration Report, the Public Services Ombudsman for Wales has prepared such a report, and in my opinion that part ordinarily required to be audited has been prepared in accordance with HM Treasury guidance.

In my opinion, based on the work undertaken in the course of my audit the information given in the Annual Governance Statement for the financial year for which the financial statements are prepared is consistent with the financial statements and the Governance Statement has been prepared in accordance with HM Treasury guidance.

### Matters on which I report by exception

In the light of the knowledge and understanding of the body and its environment obtained in the course of the audit, I have nothing to report in respect of the following matters which I report to you if, in my opinion:

- proper accounting records have not been kept;
- the financial statements and the part of the Remuneration Report to be audited are not in agreement with the accounting records and returns;
- information specified by HM Treasury regarding the remuneration and other transactions is not disclosed; or
- I have not received all of the information and explanations I require for my audit.

## Report

I have no observations to make on these financial statements.



## Responsibilities

### Responsibilities of the Accounting Officer for the financial statements

As explained more fully in the Statement of Accounting Officer's Responsibilities, the Accounting Officer is responsible for preparing the financial statements in accordance with the Public Ombudsman (Wales) Act 2019 and HM Treasury directions made there under, for being satisfied that they give a true and fair view and for such internal control as the Accounting Officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Accounting Officer is responsible for assessing the body's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting unless deemed inappropriate.

### Auditor's responsibilities for the audit of the financial statements

My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

A further description of the auditor's responsibilities for the audit of the financial statements is located on the Financial Reporting Council's website [www.frc.org.uk/auditorsresponsibilities](http://www.frc.org.uk/auditorsresponsibilities). This description forms part of my auditor's report.

### Responsibilities for regularity

The Accounting Officer is responsible for ensuring the regularity of financial transactions.

I am required to obtain sufficient evidence to give reasonable assurance that the expenditure and income have been applied to the purposes intended by the Senedd and the financial transactions conform to the authorities which govern them.

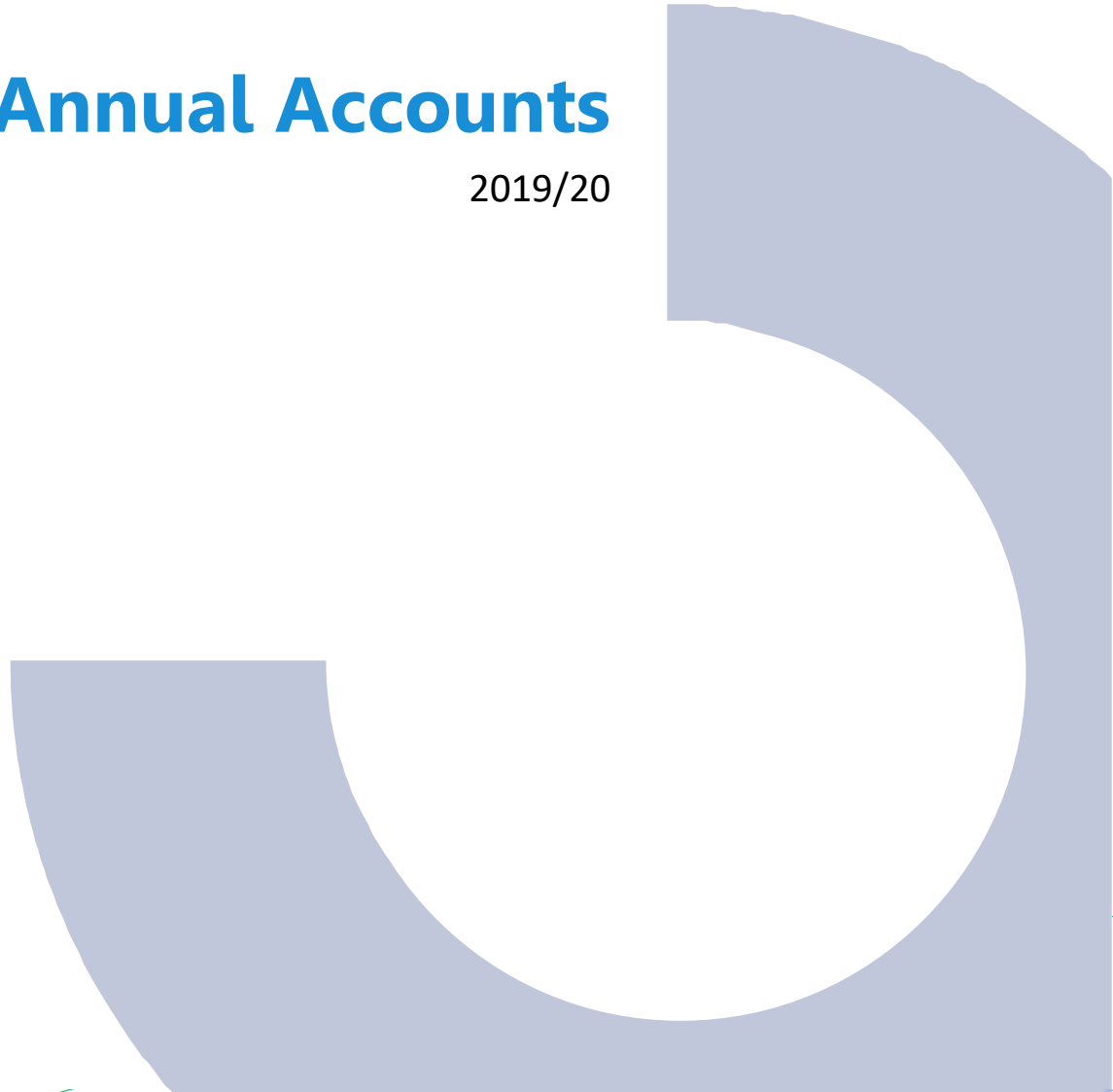
Adrian Crompton  
Auditor General for Wales  
2 July 2020

24 Cathedral Road  
Cardiff  
CF11 9LJ



# Annual Accounts

2019/20



## Statement of Comprehensive Net Expenditure

for the year ended 31 March 2020

		2019/20	2018/19
	Note	£000	£000
<b>Administration costs</b>			
Staff costs	2	3,552	3,132
Other non-staff administration costs	3	1,280	1,121
<b>Gross Administration Costs</b>		<b>4,832</b>	<b>4,253</b>
Operating Income	4	(14)	(61)
<b>Net Administration Costs</b>		<b>4,818</b>	<b>4,192</b>
<b>Net Revenue Outturn</b>		<b>4,818</b>	<b>4,192</b>

All activities commenced in the period are continuing.

Notes 1 to 18 form part of these statements.

# Statement of Financial Position

for the year ended 31 March 2020

		2019/20	2018/19
	Note	£000	£000
<b>Non-current assets</b>			
Property, Plant and Equipment	6a	202	185
Intangible assets	6b	148	172
Receivables due after more than 1 year	7	1	1
Pension fund surplus	Pension Disclosures	1,080	810
		<b>1,431</b>	<b>1,168</b>
<b>Current Assets</b>			
Trade and other receivables	7	207	175
Cash and cash equivalents	8	48	20
		<b>255</b>	<b>195</b>
<b>Total assets</b>		<b>1,686</b>	<b>1,363</b>
<b>Current liabilities</b>			
Trade and other payables	9	(210)	(172)
Provisions less than 1 year	10	(45)	(44)
		<b>(255)</b>	<b>(216)</b>
<b>Total assets less current liabilities</b>		<b>1,431</b>	<b>1,147</b>
<b>Non-current liabilities</b>			
Trade and other payables due after 1 year	9	(20)	(24)
Provisions greater than 1 year	10	(481)	(481)
		<b>(501)</b>	<b>(505)</b>
<b>Total assets less liabilities</b>		<b>930</b>	<b>642</b>
<b>General Fund</b>		<b>930</b>	<b>642</b>

Notes 1 to 18 and the Pension Disclosures form part of these statements.

The financial statements were approved by the Accounting Officer and authorised for issue on 1st July 2020 by:

N Bennett

**Nick Bennett**

Accounting Officer

Public Services Ombudsman for Wales

1 July 2020

## Statement of Cash Flows

for the year ended 31 March 2020

		2019/20	2018/19
	Note	£000	£000
Net cash outflow from operating activities	11	(4,783)	(4,137)
Net cash outflow from investing activities	12	(53)	(253)
Financing from National Assembly for Wales	13	4,884	4,410
Prior year cash balance repaid		(20)	(32)
<b>Net increase (decrease) in cash equivalents after adjustments for payments to Welsh Consolidated Fund</b>		<b>28</b>	<b>(12)</b>
<b>Cash and cash equivalents at beginning of period</b>		<b>20</b>	<b>32</b>
<b>Cash and cash equivalents at end of period</b>		<b>48</b>	<b>20</b>

Notes 1 to 18 form part of these statements.

## Statement of Changes in Taxpayers' Equity

for the year ended 31 March 2020

	General Fund	
	2019/20	2018/19
	£000	£000
<b>Balance as at 1 April</b>	<b>642</b>	<b>(356)</b>
Net operating costs	(4,818)	(4,192)
Funding by National Assembly for Wales	4,884	4,410
Due back to Welsh Consolidated Fund:		
Cash	(48)	(20)
Non operating income	-	-
Actuarial re-measurement of LGPS pension fund	270	800
<b>Total recognised income and expense for year</b>	<b>288</b>	<b>998</b>
<b>Balance as at 31 March</b>	<b>930</b>	<b>642</b>

Notes 1 to 18 and the Pension Disclosures form part of these statements.

# Notes to the Financial Statements

## 1. Statement of Accounting Policies

These financial statements have been prepared in accordance with the Government Financial Reporting Manual (the FReM) issued by HM Treasury which is in force for 2019/20. The accounting policies contained in the FReM apply International Financial Reporting Standards (IFRS) as adopted or interpreted for the public sector. Where the FReM permits a choice of accounting policy, the accounting policy which has been judged to be most appropriate to the particular circumstances of the PSOW for the purpose of giving a true and fair view has been selected. The particular accounting policies adopted by the PSOW are described below. They have been applied consistently in dealing with items considered material in relation to the accounts.

### 1.1 Accounting Convention

These accounts have been prepared under the historical cost convention modified to account for any revaluation of fixed assets, where material to their value to the business, by reference to their current costs.

### 1.2 Property, Plant and Equipment

Expenditure on property, plant and equipment is capitalised where the purchases are expected to have a useful life extending over more than 1 year and the cost exceeds £5k. Assets costing less than £5k may be capitalised providing they are capital in nature and are part of a larger scheme that is, in total, more than £5k. Assets are shown at cost less an allowance for depreciation. On initial recognition, fixed assets are measured at cost, including such costs as installation, which are directly attributable to bringing them into working condition for their intended use. In reviewing the costs of fixed assets previously acquired and the prices paid for new acquisitions during the year there is no material difference between the historic net book value of the assets and their replacement cost less depreciation.

### 1.3 Depreciation

Assets are depreciated at rates calculated to write them down to zero or, if applicable, estimated residual value on a straight-line basis over their estimated useful life following an initial charge of a full month's depreciation in the month of purchase. Assets in the course of construction are depreciated from the month in which the asset is brought into use.

Except where otherwise noted asset lives are assumed to be the following:

Plant	10 years or the lease term if shorter
Furniture and other fittings	10 years or in the case of fittings, the lease term
Computers and other equipment	3 to 10 years

## 1.4 Intangible assets

Purchased computer software licences and developed software are capitalised where expenditure of £5k or more is incurred, and the useful life is more than 1 year. Intangible assets costing less than £5k may be capitalised providing they are capital in nature and are part of a larger scheme that is, in total, more than £5k. Intangible assets are reviewed annually for impairment and are stated at amortised historic cost. Software licences are amortised over the shorter of the term of the licence and the useful economic life of the computer equipment on which they are installed. This would usually be from 3 to 5 years. Developed software is amortised over the estimated useful life. In the year of acquisition, amortisation charges commence when the asset is brought into use.

## 1.5 Value Added Tax

The PSOW is not registered for VAT. Expenditure is therefore disclosed gross of VAT.

## 1.6 Pensions

The pension obligations to present and past employees are covered by the provisions of the Principal Civil Service Pension Scheme (PCSPS), the Local Government Pension Scheme administered through the Cardiff and Vale of Glamorgan Pension Scheme (the Fund) and by direct payment to previous Commissioners for Local Administration in Wales or any surviving beneficiaries. Full details are disclosed in the Pension Disclosures at the end of the Financial Statements. The costs of providing these pensions are charged through the Statement of Comprehensive Net Expenditure, with actuarial gains and losses relating to the Cardiff and Vale of Glamorgan Pension Scheme being recognised in the year in which they occur.

## 1.7 Early departure costs

Where the PSOW is required to meet the additional cost of benefits beyond the normal benefits payable by the appropriate pension scheme in respect of employees who retire early, these costs are charged to the Statement of Comprehensive Net Expenditure in full when the liability arises.

## **1.8 Leases**

Expenditure on leased property and equipment is charged in the period to which it relates.

## **1.9 Staff Costs**

In line with IAS 19, short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave, as well as non-monetary benefits for current employees, are recognised when an employee has rendered services in exchange for those benefits.

## **1.10 Provisions**

These are sums which are of uncertain timing or amount at the balance sheet date and represent the best estimate of the expenditure required to settle the obligations. Where the effect of the time value of money is significant, the estimated risk-adjusted cash flows are discounted using the recommended HM Treasury discount rate.

## **1.11 Income**

All income is recognised in the Statement of Comprehensive Net Expenditure in accordance with IAS 18 and IFRS 15.



## 1.12 Impact of Standards Not Yet Effective

Standard	Effective date	Further details
IFRS 16 Leases	2021-22  Implementation delayed from 2020-21 due to Covid-19	IFRS 16 will replace the current leases standard IAS 17 and requires a lessee to recognise assets and liabilities for leases with a term of more than 12 months, unless the underlying asset is of low value. A lessee is required to recognise a right-of-use asset representing its right to use the underlying leased asset and a lease liability representing its obligation to make lease payments. As a consequence, a lessee also recognises depreciation of the right-of-use asset and interest on the lease liability and classifies cash repayments of the lease liability into a principal and interest portion. This is a significant change in lease accounting.
IFRS 17 Insurance Contracts	2021-22 at earliest	IFRS 17 replaces IFRS 4 Insurance Contracts, and requires a current measurement model, using updated information on obligations and risks, and requiring service results to be presented separately from finance income or expense. It applies to all insurance contracts issued, irrespective of the type of entity issuing the contracts, so is not relevant only for insurance companies.

## 2. Staff Costs and Numbers

The aggregate employment costs were as follows:

	2019/20	2018/19
	£000	£000
Permanent staff:		
Salaries	2,582	2,389
Social Security costs	252	221
Pension costs	685	480
Pension fund charges	33	42
<b>Total</b>	<b>3,552</b>	<b>3,132</b>

There were no temporary staff employed by the PSOW during 2019/20 and 2018/19.

The average number of whole-time equivalent persons employed (including senior management and fixed term appointments) during the year was as follows:

	2019/20	2018/19
	No.	No.
Directors	2	2
Communications and PA	3	3
Complaints and Investigations	50	49
Improvement Team	3	-
Corporate Services and ITC	7	8
<b>Total</b>	<b>65</b>	<b>62</b>

### 3. Non-Staff Administration Costs

	2019/20	2018/19
	£000	£000
Rentals under operating leases	237	264
External Audit fee	15	18
Legal and professional fees	230	261
Other property costs	135	135
Computer services	209	182
Office costs	169	103
Travel and subsistence	45	31
Training and Recruitment	93	55
Communications	87	41
<b>Sub-total</b>	<b>1,220</b>	<b>1,090</b>
Depreciation	36	24
Amortisation charge	24	7
Loss on disposal	-	-
<b>Sub-total</b>	<b>60</b>	<b>31</b>
<b>Total Other Administration Costs</b>	<b>1,280</b>	<b>1,121</b>

### 4. Operating Income

	2019/20	2018/19
	£000	£000
Seconded staff	(13)	(60)
Interest receivable	-	-
Other – Future Generations Commissioner	(1)	(1)
<b>Total</b>	<b>(14)</b>	<b>(61)</b>

## 5. Operating Costs by Strategic Aims

The costs of providing a first-class Ombudsman service to Wales are set out below. We have 3 strategic aims for delivering our mission and the allocation of costs to each of the aims has been based on the following:

- (a) an estimate of the staff time spent on the objective
- (b) direct allocation of expenditure where applicable
- (c) apportionment of other costs pro rata to the estimate of staff time

	2019/20		2018/19	
	£000	%	£000	%
<b>Strategic Aim 1:</b>				
A fair, independent, inclusive and responsive complaints service.	3,764	78.1	3,356	80.0
<b>Strategic Aim 2:</b>				
Promote learning from complaints and stimulate improvements on a wider scale.	849	17.6	691	16.5
<b>Strategic Aim 3:</b>				
Identify and adopt best practice. Secure value for money and services that are fit for the future.	205	4.3	145	3.5
Support staff and ensure good governance which supports and challenges us.				
<b>Net operating costs</b>	<b>4,818</b>	<b>100.0</b>	<b>4,192</b>	<b>100.0</b>

Due to the implementation of our new Corporate Plan from April 2019 the strategic aims have changed, meaning that direct comparison to 2018/19 cannot be made. For this reason, the 2018/19 figures have been restated by combining strategic aims 2 and 3 from the previous plan.

The previous Strategic Aim of evolving and preparing for the implementation of the new Public Services Ombudsman (Wales) Act has been combined within the new Strategic Aim 2 as promoting learning and delivering improvement is a key aim of the new Act.

## 6a. Property, Plant and Equipment

	Plant	Computers and other equipment	Furniture and other fittings	Total
2019/20	£000	£000	£000	£000
Cost or valuation at 1 April 2019	156	216	428	800
Additions	-	29	24	53
Disposals	-	(22)	(14)	(36)
At 31 March 2020	156	223	438	817
Depreciation as at 1 April 2019	(156)	(139)	(320)	(615)
Charged in the year	-	(19)	(17)	(36)
Disposals	-	22	14	36
At 31 March 2020	(156)	(136)	(323)	(615)
Carrying amount as at 31 March 2020	-	87	115	202
Carrying amount as at 31 March 2019	-	77	108	185

	Plant	Computers and other equipment	Furniture and other fittings	Total
2018/19	£000	£000	£000	£000
Cost or valuation at 1 April 2018	156	150	430	736
Additions	-	66	15	81
Disposals	-	-	(17)	(17)
At 31 March 2019	156	216	428	800
Depreciation as at 1 April 2018	(156)	(131)	(321)	(608)
Charged in the year	-	(8)	(16)	(24)
Disposals	-	-	17	17
At 31 March 2019	(156)	(139)	(320)	(615)
Carrying amount as at 31 March 2019	-	77	108	185
Carrying amount as at 31 March 2018	-	19	109	128

## 6b. Intangible Assets

	Information Technology	Software Licences	Total
<b>2019/20</b>	£000	£000	£000
Cost or valuation at 1 April 2019	500	52	552
Additions	-	-	-
Disposals	(3)	-	(3)
At 31 March 2020	497	52	549
Amortisation as at 1 April 2019	(328)	(52)	(380)
Amortisation charged in the year	(24)	-	(24)
Disposals	3	-	3
At 31 March 2020	(349)	(52)	(401)
Carrying Value as at 31 March 2020	148	-	148
Carrying Value as at 31 March 2019	172	-	172

	Information Technology	Software Licences	Total
<b>2018/19</b>	£000	£000	£000
Cost or valuation at 1 April 2018	328	52	380
Additions	172	-	172
Disposals	-	-	-
At 31 March 2019	500	52	552
Amortisation as at 1 April 2018	(321)	(52)	(373)
Amortisation charged in the year	(7)	-	(7)
Disposals	-	-	-
At 31 March 2019	(328)	(52)	(380)
Carrying Value as at 31 March 2019	172	-	172
Carrying Value as at 31 March 2018	7	-	7

In the opinion of the Public Services Ombudsman for Wales there is no material difference between the net book value of assets at current values and at their historic cost.

## 7. Trade and other Receivables

	2019/20	2018/19
	£000	£000
<b>Amounts falling due within 1year</b>		
Prepayments	207	175
Trade debtors	-	-
<b>Amounts falling due after more than 1year</b>		
Prepayments	1	1
<b>Total</b>	<b>208</b>	<b>176</b>

## 8. Cash and Cash Equivalents

Any bank balance held at the year-end must be returned to the Welsh Consolidated Fund. A figure of £48k (£20k in 2018/19) has been included within the accounts, being the net balance at the year end on all the bank accounts operated by the Public Services Ombudsman for Wales, irrespective of whether the individual account is in debit or credit. The year-end balance will be repaid to the Welsh Consolidated Fund in 2020/21 under the Government of Wales Act 2006.

## 9. Trade Payables and other Current Liabilities

	2019/20	2018/19
	£000	£000
<b>Amounts falling due in 1 year</b>		
Untaken annual leave	93	61
Deferred rent reduction	5	5
Welsh Consolidated Fund - unspent balances	48	20
Trade payables	6	15
Accruals	58	71
	<b>210</b>	<b>172</b>
<b>Amounts falling due in more than 1 year</b>		
Deferred rent reduction	20	24
<b>Total</b>	<b>230</b>	<b>196</b>

## 10. Provisions for Liabilities and Charges

	2019/20				2018/19
	<b>Pensions for Former Commissioners</b>	<b>Dilapidation Costs</b>	<b>Other Costs</b>	<b>Total</b>	<b>Total</b>
	£000	£000	£000	£000	£000
Balance at 1 April	239	286	-	525	537
Additional provision	33	6	-	39	33
Discount rate movement	6	-	-	6	(2)
Provisions utilised in the	(44)	-	-	(44)	(43)
<b>Balance at 31 March</b>	<b>234</b>	<b>292</b>	<b>-</b>	<b>526</b>	<b>525</b>

Analysis of expected timings of payment of provisions:

	2019/20	2018/19
	£000	£000
Payable within 1 year	45	44
Payable within 2 to 5 years	157	157
Payable in more than 5 years	324	324
<b>Balance at 31 March 2020</b>	<b>526</b>	<b>525</b>

Pension provisions are calculated based on the National Life Tables for England and Wales issued by the Office of National Statistics. Later year pension increases are in line with GDP deflator information issued by HM Treasury. The discount factor has been amended to -0.50% for the financial year (0.29% in 2018/19) in line with the guidance issued by the Treasury. Two surviving spouses of former Commissioners remain as a pension liability.

Dilapidations were increased in 2019/20 in line with the Office for National Statistics latest all construction index.



## 11. Reconciliation of Operating Cost to Operating Cash Flows

		2019/20	2018/19
	Notes	£000	£000
Net operating cost		(4,818)	(4,192)
Adjust for non-cash items	3	60	51
Decrease/(Increase) in trade and other receivables	7	(32)	13
Increase/(Decrease) in trade and other payables	9	34	(9)
Movement in provisions	10	1	(12)
Movement in cash repaid to Welsh Consolidated Fund	8	(28)	12
Net cash outflow from operating activities		(4,783)	(4,137)

## 12. Non-Current Asset Expenditure and Financial Investment

	2019/20	2018/19
	£000	£000
Purchases of property, plant and equipment	(53)	(81)
Proceeds of disposals of property, plant and equipment	-	-
Purchases of intangible assets	-	(172)
Net cash outflow from investing activities	(53)	(253)

## 13. Reconciliation of Net Cash Requirement to Increase/(Decrease) in Cash

	2019/20	2018/19
	£000	£000
Net Cash Requirement:		
Operating activities	(4,783)	(4,137)
Capital Expenditure	(53)	(253)
	(4,836)	(4,390)
Financing from National Assembly for Wales	4,884	4,410
Repayment to Welsh Consolidated Fund	(20)	(32)
Increase/(Decrease) in cash and cash equivalents	28	(12)

**14. Commitments under Operating Leases**

Total future minimum operating lease payments on building:

	2019/20	2018/19
	£000	£000
Payable within 1 year	198	198
Within 2 and 5 years	792	792
More than 5 years	72	270
	<b>1,062</b>	<b>1,260</b>
Other		
Payable within 1 year	-	12
Within 2 and 5 years	-	-
More than 5 years	-	-
	<b>-</b>	<b>12</b>
<b>Total of all operating leases</b>	<b>1,062</b>	<b>1,272</b>

The 2018/19 figures have been restated to reflect updated lease terms.

**15. Contingent Liabilities**

None.

**16. Capital Commitments**

There were no capital commitments at 31 March 2020 (2018/19 Nil).

**17. Related Party Transactions**

The PSOW is headed by the Public Services Ombudsman for Wales. The office was established under the Public Services Ombudsman (Wales) Act 2005 and is now governed by the Public Services Ombudsman (Wales) Act 2019. The Ombudsman is independent of Government and the funding arrangements of the Office are set up to ensure that the independence of the Office is secured. The PSOW has had a number of material transactions with the National Assembly for Wales, HM Revenue and Customs (Tax and National Insurance) and the Cabinet Office (payments in respect of the Principal Civil Service Pension Scheme). During the year, no directors, key members of staff or their close relatives have undertaken any material transactions.

**18. Events after the Reporting Period**

None.

## Pension Disclosures

Two pension schemes are operated on behalf of current staff – The Principal Civil Service Pension Scheme (PCSPS) and the Cardiff and Vale of Glamorgan Pension Fund (the Fund). There also remains an ongoing liability to meet the unfunded pensions of two dependant relatives of former Local Government Commissioners.

### Civil Service Pensions

Pension benefits are provided through the Civil Service pension arrangements. From 1 April 2015, a new pension scheme for civil servants was introduced – the Civil Servants and Others Pension Scheme or **alpha**, which provides benefits on a career average basis with a normal pension age equal to the member's State Pension Age (or 65 if higher). From that date, all newly appointed civil servants and the majority of those already in service joined **alpha**. Prior to that date, civil servants participated in the Principal Civil Service Pension Scheme (PCSPS). The PCSPS has 4 sections: 3 providing benefits on a final salary basis (**classic**, **premium** or **classic plus**) with a normal pension age of 60 and 1 providing benefits on a whole career basis (**nuvos**) with a normal pension age of 65.

These statutory arrangements are unfunded with the cost of benefits met by monies voted by Parliament each year. Pensions payable under **classic**, **premium**, **classic plus**, **nuvos** and **alpha** are increased annually in line with Pensions Increase legislation. Existing members of the PCSPS who were within 10 years of their normal pension age on 1 April 2012 remained in the PCSPS after 1 April 2015. Those who were between 10 years and 13 years and 5 months from their normal pension age on 1 April 2012 will switch into **alpha** sometime between 1 June 2015 and 1 February 2022. All members who switch to **alpha** have their PCSPS benefits 'banked', with those with earlier benefits in one of the final salary sections of the PCSPS having those benefits based on their final salary when they leave **alpha**. (The pension figures quoted for officials show pension earned in PCSPS or **alpha** – as appropriate. Where the official has benefits in both the PCSPS and **alpha** the figure quoted is the combined value of their benefits in the two schemes.) Members joining from October 2002 may opt for either the appropriate defined benefit arrangement or a 'money purchase' stakeholder pension with an employer contribution (**partnership** pension account).

Employee contributions are salary-related and range between 4.6% and 8.05% for members of **classic**, **premium**, **classic plus**, **nuvos** and **alpha**. Benefits in **classic** accrue at the rate of 1/80th of final pensionable earnings for each year of service. In addition, a lump sum equivalent to 3 years initial pension is payable on retirement. For **premium**, benefits accrue at the rate of 1/60th of final pensionable earnings for each year of service. Unlike **classic**, there is no automatic lump sum. **Classic plus** is essentially a hybrid with benefits for service before 1 October 2002 calculated broadly as per **classic** and benefits for service from October 2002 worked out as in **premium**. In **nuvos**, a member builds up a pension based on their pensionable earnings during their period of scheme membership. At the end of the scheme year (31 March) the member's earned pension account is credited with 2.3% of their pensionable earnings in that scheme year and the accrued pension is uprated in line with Pensions Increase legislation. Benefits in **alpha** build up in a similar way to **nuvos**, except that the accrual rate is 2.32%. In all cases members may opt to give up (commute) pension for a lump sum up to the limits set by the Finance Act 2004.

The **partnership** pension account is a stakeholder pension arrangement. The employer makes a basic contribution of between 8% and 14.75% (depending on the age of the member) into a stakeholder pension product chosen by the employee from a panel of providers. The employee does not have to contribute, but where they do make contributions, the employer will match these up to a limit of 3% of pensionable salary (in addition to the employer's basic contribution). Employers also contribute a further 0.5% of pensionable salary to cover the cost of centrally-provided risk benefit cover (death in service and ill health retirement).

The accrued pension quoted is the pension the member is entitled to receive when they reach pension age, or immediately on ceasing to be an active member of the scheme, if they are already at or over pension age. Pension age is 60 for members of **classic**, **premium** and **classic plus**, 65 for members of **nuvos**, and the higher of 65 or State Pension Age for members of **alpha**. (The pension figures quoted for officials show pension earned in PCSPS or alpha – as appropriate. Where the official has benefits in both the PCSPS and alpha the figure quoted is the combined value of their benefits in the two schemes but note that part of that pension may be payable from different ages.)

Further details about the Civil Service pension arrangements can be found at the website [www.civilservicepensionscheme.org.uk](http://www.civilservicepensionscheme.org.uk)

## Cash Equivalent Transfer Values

A Cash Equivalent Transfer Value (CETV) is the actuarially assessed capitalised value of the pension scheme benefits accrued by a member at a particular point in time. The benefits valued are the member's accrued benefits and any contingent spouse's pension payable from the scheme. A CETV is a payment made by a pension scheme or arrangement to secure pension benefits in another pension scheme or arrangement when the member leaves a scheme and chooses to transfer the benefits accrued in their former scheme. The pension figures shown relate to the benefits that the individual has accrued as a consequence of their total membership of the pension scheme, not just their service in a senior capacity, to which disclosure applies.

The figures include the value of any pension benefit in another scheme or arrangement which the member has transferred to the Civil Service pension arrangements. They also include any additional pension benefit accrued to the member as a result of their buying additional pension benefits at their own cost. CETVs are worked out in accordance with The Occupational Pension Schemes (Transfer Values) (Amendment) Regulations 2008 and do not take account of any actual or potential reduction to benefits resulting from Lifetime Allowance Tax which may be due when pension benefits are taken.

## Real Increase in CETV

This reflects the increase in CETV that is funded by the employer. It does not include the increase in accrued pension due to inflation, contributions paid by the employee (including the value of any benefits transferred from another pension scheme or arrangement) and uses common market valuation factors for the start and end of the period.

## Compensation for loss of office

No staff left under Voluntary Exit or Voluntary Redundancy terms during the financial year.

## Cardiff and Vale Pension Fund - Local Government Pension Scheme

The disclosures below relate to the funded liabilities of the Cardiff and Vale of Glamorgan Pension Fund (the Fund) which is part of the Local Government Pension Scheme (the LGPS).

The funded nature of the LGPS requires the PSOW and its employees who are members of the scheme to pay contributions into the Fund, calculated at a level intended to balance the pension's liabilities with investment assets.

The PSOW recognises gains and losses in full, immediately through the Statement of Comprehensive Net Expenditure. In accordance with International Financial Reporting Standards, disclosure of certain information concerning assets, liabilities, income and expenditure relating to pension schemes is required.

No further employer contributions are required to be paid to the Fund by the PSOW.

## Disclosure under IAS19 (LGPS funded benefits)

### Introduction

The figures below relate to the funded liabilities within the Fund which is part of the Local Government Pension Scheme (LGPS).

### Results under IAS 19 (LGPS funded benefits)

Date of the last full actuarial valuation	31 March 2019
Expected employer contributions next year (£M)	0.00
Duration of liabilities	12.7 years

### Key assumptions (% per annum)

	31 March 2020	31 March 2019	31 March 2018
	%	%	%
Discount rate	2.30	2.40	2.60
CPI Inflation	2.10	2.20	2.10
Pension increases	2.10	2.20	2.10
Pension accounts revaluation rate	2.10	2.20	2.10
Salary increases	3.10	3.20	3.10

## Mortality assumptions

The mortality assumptions are based on actual mortality experience of members within the Fund based on analysis carried out as part of the 2019 valuation, and allow for expected future mortality improvements. Sample life expectancies are shown below:

Assumed life expectancy at age 65 (in years)	31 March 2020	31 March 2019
<b>Males</b>		
Member aged 65 at accounting date	22.2	22.4
Member aged 45 at accounting date	23.2	23.0
<b>Females</b>		
Member aged 65 at accounting date	24.6	24.8
Member aged 45 at accounting date	26.0	25.9

## Asset allocation

	Value at		
	31 March 2020	31 March 2019	
	Quoted %	Unquoted %	Total %
Equities	0.0	0.0	0.0
Property	0.0	0.0	0.0
Government bonds	100.0	0.0	100.0
Corporate bonds	0.0	0.0	0.0
Cash	0.0	0.0	0.0
Other	0.0	0.0	0.0
<b>Total</b>	<b>100.0</b>	<b>0.0</b>	<b>100.0</b>

## Reconciliation of funded status to Statement of Financial Position

	Value at	
	31 March 2020	31 March 2019
	£M	£M
Fair value of assets	7.08	7.00
Present value of funded defined benefit obligation	5.04	5.26
<b>Funded status</b>	<b>2.04</b>	<b>1.74</b>
Unrecognised asset	(0.96)	(0.93)
<b>Asset/(Liability) recognised on balance sheet</b>	<b>1.08</b>	<b>0.81</b>

The split of the liabilities at the last valuation between the various categories of members is as follows:

Active Members	7%
Deferred Pensioners	13%
Pensioners	80%

### Amounts recognised in Statement of Comprehensive Net Expenditure

	Period ending 31 March 2020	Period ending 31 March 2019
	£M	£M
<b>Operating Cost</b>		
Current service cost	0.02	0.02
Past service cost (incl. curtailments)	0.00	0.00
Settlement cost	0.00	0.00
<b>Financing Cost</b>		
Interest on net defined benefit liability / (asset)	(0.02)	0.00
<b>Pension expense recognised in profit and loss</b>	<b>0.00</b>	<b>0.02</b>
<b>Remeasurements in Other Comprehensive Income</b>		
Return on plan assets (in excess)/below that recognised in net interest	(0.16)	(0.21)
Actuarial (gains)/losses due to change in financial assumptions	0.00	0.19
Actuarial (gains)/losses due to changes in demographic assumptions	(0.10)	(0.20)
Actuarial (gains)/losses due to liability experience	(0.04)	0.01
Adjustments due to the limit in paragraph 64	0.03	(0.59)
<b>Total amount recognised in other comprehensive income (OCI)</b>	<b>(0.27)</b>	<b>(0.80)</b>
<b>Total amount recognised in profit and loss and OCI</b>	<b>(0.27)</b>	<b>(0.78)</b>
Allowance for administration expenses included in current service cost (£M)	0.00	0.00



## Changes to the present value of the defined benefit obligation

	Period ending 31 March 2020	Period ending 31 March 2019
	£M	£M
Opening defined benefit obligation	5.26	5.32
Current service cost	0.02	0.02
Interest expense on defined benefit obligation	0.12	0.14
Contributions by participants	0.00	0.00
Actuarial (gains)/losses on liabilities – financial assumptions	0.00	0.19
Actuarial (gains)/losses on liabilities – demographic assumptions	(0.10)	(0.20)
Actuarial (gains)/losses on liabilities – experience	(0.04)	0.01
Net benefits paid out	(0.22)	(0.22)
Past service cost (incl. curtailments)	0.00	0.00
Net increase in liabilities from disposals/acquisitions	0.00	0.00
Settlements	0.00	0.00
Closing defined benefit obligation	5.04	5.26

## Changes to the fair value of assets

	Period ending 31 March 2020	Period ending 31 March 2019
	£M	£M
Opening fair value of assets	7.00	6.84
Interest income on assets	0.14	0.17
Re measurement gains/(losses) on assets	0.16	0.21
Contributions by the employer	0.00	0.00
Contributions by participants	0.00	0.00
Net benefits paid out	(0.22)	(0.22)
Net increase in assets from the disposals/acquisitions	0.00	0.00
Settlements	0.00	0.00
Closing fair value of assets	7.08	7.00

## Actual return on assets

	Period ending 31 March 2020	Period ending 31 March 2019
	£M	£M
Interest income on assets	0.14	0.17
Remeasurement gain/(losses) on assets	0.16	0.21
<b>Actual return on assets</b>	<b>0.30</b>	<b>0.38</b>

## Funded Benefits

The following data was provided by the Fund Administering Authority and/or the Employer and has been used to produce the IAS 19 results in this report. Details of the split of assets between the various asset classes were also provided by the Fund Administering Authority and are shown above. We have also shown some of the intermediate calculations used in evaluating the figures in this report.

## Active Members as at 31 March 2019

	Number	Total Pay £(M)
Total	1	0.05

## Pensioner and deferred pensioner members as at 31 March 2019

Type	Number	Total Pension £(M)
Deferred members	5	0.02
Pensioners and dependants	12	0.24

## Funded cash-flow data provided

	Months Provided	Amount Provided	Amount Used
	£M	£M	£M
Employer – Normal contributions	12	0.00	
Employer – Additional capital contributions	12	0.00	
Employer – Early retirement strain on fund payments	12	0.00	
<b>Total contributions by the Employer</b>			<b>0.00</b>
Employee – Normal contributions	12	0.00	
Employee – Added years contributions	12	0.00	
<b>Total contributions by participants</b>			<b>0.00</b>
Transfers in	12	0.00	
Other income	12	0.00	
Transfers out	12	0.00	
Retirement lump sums	12	0.00	
Other outgoings	12	0.00	
Death in service lump sums *	12	0.00	
Benefits paid (i.e. pension paid)	12	0.22	
<b>Net benefits paid out **</b>			<b>0.22</b>

\* We have calculated the expected death in service lump sums over the year to be (£M)  
0.00

\*\* The 'Net benefits paid out' figure includes an allowance for expenses of (£M)  
0.00

## Annualised pensionable payroll over the accounting period

Type	(£M) *
Period ending 31 March 2020	0.05
Period ending 31 March 2019	0.05

\* The annualised pensionable payroll has been derived from the contributions paid over the relevant accounting period

## Fund return

The overall Fund return over the accounting period has been calculated as 2.4%.

The asset return over the accounting period for the Employer has been taken as the index return on the published FTSE Index Linked UK Gilts over 5 years total return index, to reflect the notional low risk investment strategy which has been put in place with effect from 1 December 2016, in respect of the Employer.

## Pensions for former Ombudsmen

With the agreement of the Secretary of State for Wales in 1991 and subsequent confirmation by Statutory Instrument 1993 No. 1367, Local Government Commissioners became eligible to join the Local Government Pension Scheme. However, the pensions of the three previous Local Government Commissioners remained the responsibility of the Public Services Ombudsman for Wales and are met through the Statement of Comprehensive Net Expenditure. At 31 March 2020 two surviving spouses of former Commissioners continued to receive a pension.

Pensions are increased annually in line with other pension schemes within the Public Sector. The basis of calculations of the Annual Pensions Increase has been changed from using the annual movement based on the Retail Price Index (RPI) to the Consumer Price Index (CPI). The amount of the uplift applied is normally set out in the Statutory Instrument Pensions Increase (Review) Order. This uplift for 2019/20 was 2.4%.

The total payments during 2019/20 were £44k (£43k in 2018/19). The liabilities arising out of the obligation to finance these pensions together with any dependant pensions has been calculated to be £234k (£239k in 2018/19). The calculation to determine the overall liability has been carried out internally using life expectancy tables for males and females in Wales obtained from the website of the Government Actuary's Department. A discount rate, from PES (2019), of -0.50% (0.29% in 2018/19) has been applied in accordance with the Treasury guidance that all pension liabilities should be discounted.

## Public Services Ombudsman for Wales

1 Ffordd yr Hen Gae  
Pencoed  
CF35 5LJ

Tel: 0300 790 0203  
Fax: 01656 641199  
Email: [ask@ombudsman.wales](mailto:ask@ombudsman.wales)  
Follow us on Twitter: [@OmbudsmanWales](https://twitter.com/OmbudsmanWales)