



City and County of Swansea

Notice of Meeting

You are invited to attend a Meeting of the

Standards Committee

At: Multi-Location Meeting - Gloucester Room, Guildhall / MS Teams

On: Friday, 7 October 2022

Time: 10.00 am

Chair: Jill Burgess

Membership:

Councillors: O G James, M B Lewis and L G Thomas

Co-opted Members: Michaela Jones, Mike Lewis, Janet Pardue-Wood and Margaret Williams

Watch Online: <https://bit.ly/3eNIEaR>

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Next Meeting: Friday, 20 January 2023 at 10.00 am

Huw Evans

Huw Evans
Head of Democratic Services
Friday, 30 September 2022

Contact: Democratic Services - (01792) 636923

Councillors Labour: 2

Oliver G James	Mike B Lewis
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Councillors Liberal Democrat & Independent Group 1

L Graham Thomas	
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Independent Members

Name	Term of Office	Name	Term of Office
Jill Burgess *	19.10.2012 to 18.10.2018 Re-appointed to 18.10.2022	Michaela Jones	01.10.2017 to 30.09.2023
Mike Lewis	01.10.2017 to 30.09.2023	Janet Pardue- Wood	24.05.2022 to 23.05.2028
Margaret Williams*	01.04.2015 to 31.03.2021 Re-appointed to 31.03.2025		

Community / Town Council Representative

Name	Term of Office
Vacancy	

NOTE:

1. * Denotes that the **period of office cannot be extended further**.
2. The **term of office for Independent Members** can be for not less than 4 nor more than 6 years. They can be reappointed for one further consecutive term but that term cannot be for more than 4 years.
3. **Members of the Local Authority/Community Town Councillors** who are members of the Standards Committee will have a term of office of no more than 4 years or ending at the next ordinary local government election following their election, whichever is the shorter.
4. The Standards Committee **shall not sit if the Independent Members are outnumbered by Councillors**. A Councillor shall remove him/herself from the meeting in order for the business to be transacted.
5. Only one Executive Member (except Leader) can sit on Standards Committee.

Agenda Item 3



City and County of Swansea

Minutes of the **Standards Committee**

Multi-Location Meeting - Gloucester Room, Guildhall / MS

Teams

Friday, 24 June 2022 at 10.00 am

Present: Jill Burgess (Chair) Presided

Councillor(s)

M B Lewis

Councillor(s)

L G Thomas

Co-opted Member(s)

Michaela Jones

Co-opted Member(s)

Janet Pardue-Wood

Co-opted Member(s)

Margaret Williams

Officer(s)

Tracey Meredith

Huw Evans

Allison Lowe

Chief Legal Officer / Monitoring Officer

Head of Democratic Services

Democratic Services Officer

Apologies for Absence

Councillor(s): O G James

Independent Member(s): Mike Lewis

1 Disclosures of Personal and Prejudicial Interests.

In accordance with the Code of Conduct adopted by the City & County of Swansea, no interests were declared.

2 Minutes.

Resolved that the Minutes of the Standards Committee held on 9 March 2022 be approved and signed as a correct record.

3 Standards Committee - New Duties.

The Monitoring Officer presented a report to consider the Committee's new duties and agree actions to ensure compliance.

Resolved that the action plan as set out in paragraph 2.5 to ensure compliance with their new duties under legislation be approved.

4 Standards Committee Annual Report 2021-2022.

The Monitoring Officer presented a report which set out the work of the Standards Committee during 2021-2022.

Resolved that the Standards Committee Annual Report 2021-2022 be approved and forwarded to Council on 7 July 2022 for information.

5 Breach of Code of Conduct - Complaints made to the Public Services Ombudsman for Wales (PSOW).

The Monitoring Officer presented a "For Information" report to update the Committee on decisions made by the PSOW in relation to allegations that Local Authority and Community and Town Councillors had breached the Code of Conduct.

6 Standards Committee Work Plan.

The Monitoring Officer presented a report to consider the Committee's Work Plan and agree the items for consideration by the Standards Committee in 2022/23.

Resolved that the Work plan outlined in Appendix 1 for the 2022/23 municipal year be approved.

7 Exclusion of the Public.

The Committee was requested to exclude the public from the meeting during the consideration of the item(s) of business identified in the recommendation to the report on the grounds that it involved the likely disclosure of exempt information as set out in the exemption paragraph of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, relevant to the item(s) of business set out in the report.

The Committee considered the Public Interest Test in deciding whether to exclude the public from the meeting for the item(s) of business where the Public Interest Test was relevant as set out in the report.

Resolved that the public be excluded for the following items of business.

(Closed Session)

8 Request(s) for Dispensation.

The Monitoring Officer presented a report to consider requests for dispensation applications in relation to:

- i) Councillor R V Smith;
- ii) Councillor C A Holley;
- iii) Councillor A Pugh.

In considering the granting of dispensations, the Committee sought to balance the public interest in preventing members with prejudicial interests from taking part in decisions, against the public interest of decisions being taken by a representative group of members of the Authority.

The reasons behind the applications were outlined in the report and expanded on by the Monitoring Officer during discussion on the matter.

Resolved that:

- (i) Councillor R V Smith be granted dispensation under paragraph 2 (d) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 (as amended):

To Stay, Speak but **not** Vote on matters relating to the Appointment of Local Authority Governors.

This dispensation shall **not** apply if the Councillor is or becomes aware of any impact on a closely associated person (within the meaning of paragraph 10 (2) (c) of the Code of Conduct) that relates to and is specific to the Appointment of Local Authority Governors.

- (ii) Councillor Chris Holley be granted dispensation under paragraph 2 (d) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 (as amended):

To stay, speak and vote and make oral and written representations in respect of issues involving Adult Social Services matters.

The dispensation shall **not** apply if the Councillor is or becomes aware of any impact on a closely associated person (within the meaning of paragraph 10 (2) (c) of the Code of Conduct) that relates to and is specific to his daughter.

- (iii) Councillor A Pugh be granted the following dispensation under paragraph 2 (d) of the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 (as amended):

To Stay, Speak and Vote (but **not** in relation to her daughters employment) when considering Child & Family Social Services issues.

The dispensation shall **not** apply if the Councillor is or becomes aware of any impact on a closely associated person (within the meaning of paragraph 10(2) (c) of the Code of Conduct) that relates to and is specific to her daughter.

The meeting ended at 10.38 am

Chair

Agenda Item 4



Report of the Monitoring Officer

Standards Committee – 7 October 2022

Member / Member Local Dispute Resolution Protocol

Purpose:	To consider the Protocol on Member/Member Local Dispute Resolution Protocol and proposed changes
Policy Framework:	Standards Committee Terms of Reference – Council Constitution.
Consultation:	Legal, Access to Services and Finance.
Recommendation(s):	It is recommended that the Standards Committee: 1) Consider the updated Protocol on Member/Member Local Dispute Resolution attached at Appendix A and make recommendations to Corporate Management Team and Council on formal adoption.
Report Author:	Tracey Meredith
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar

1. Background

- 1.1 The Standards Committee terms of reference include at section 7.3 an overview of the operation and maintenance of the Member/Member Dispute Resolution Protocol.
- 1.2 The Protocol (attached at Appendix B) was approved and adopted by Council on 9 June 2011 following a recommendation from Wales Audit Office and the Public Service Ombudsman for Wales Office to reduce the number of low level complaints going to the Ombudsman.
- 1.3 Following its adoption by Swansea Council the Protocol has been adopted by all Authorities in Wales and many of the Community & Town Councils.
- 1.4 The Protocol has rarely been used by this Council and not surprisingly therefore has not been reviewed since its adoption.
- 1.5 The Ombudsman continues to be keen on local dispute resolution for low level complaints and therefore the Protocol is being reviewed and the views of the Standards Committee are sought.

- 1.6 The current Protocol consists only of a flowchart. It is felt that some guidance is needed to go with the flowchart and that is included at Appendix A. The guidance builds on the duty of Group Leaders to maintain the highest ethical standards within their group.
- 1.7 Consideration will need to be given to those councillors who are not members of a political group (non aligned) and also to the position of Group Leaders should a complaint be made against them. To that extent a role for the Presiding Member and / or a lay member of Standards Committee has been included within the guidance.
- 1.8 The Standards Committee is asked to comment on the draft.
- 1.9 This is the first stage in reviewing the Protocol. It is intended to take the Protocol to Corporate Management Team and ultimately Constitution Working Group and full Council for adoption.

2. Integrated Impact Assessment

- 2.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure and must in the exercise of their functions, have due regard to the need to:
 - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
 - Deliver better outcomes for those people who experience socio-economic disadvantage
 - Consider opportunities for people to use the Welsh language
 - Treat the Welsh language no less favourably than English.
 - Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 2.2 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.
- 2.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

2.4 An IIA Screening Form has been completed with the agreed outcome that a full IIA report is not required as there are no integrated impact implications.

3. Financial Implications

3.1 There are no financial implications associated with the report.

4. Legal Implications

4.1 There are no legal implications associated with this report.

Background Papers:

None

Appendices:

Appendix A – Updated Protocol Member/Member Dispute Resolution Protocol

Appendix B – Flowchart Councillor/Councillor Complaints

CITY & COUNTY OF SWANSEA

Member / Member Local Dispute Resolution Protocol

1. Purpose

- 1.1 The purpose of this Protocol is to promote high standards of conduct and encourage a positive working relationship between Members across the Council. When signing their declaration of office Members are agreeing to sign up to the Code of Conduct. That Code is intended to help and guide Members in maintaining appropriate standards of conduct when serving their community and when making decisions.
- 1.2 Local Authorities across Wales have all implemented local resolution procedures to deal with low level complaints which are made by a Member against a fellow Member. Complaints which are made relating to failure to show respect and consideration for others or the duty not to make vexatious, frivolous or malicious complaints are ideally dealt with under the Dispute Resolution Protocol.
- 1.3 This does not prevent a Member making a direct complaint to the Public Service Ombudsman for Wales but the aim of the Protocol is to resolve matters at an early stage and avoid any unnecessary escalation of the situation which may damage personal relationships within the authority and the authority's reputation.
- 1.4 Group Leaders have a duty under legislation to maintain the highest standards of ethical behaviour within their group. The Protocol therefore puts Group Leaders at the heart of ensuring that Members utilise the local dispute resolution process. The Protocol is not intended to interfere with or take the place of internal group/party discipline.

2. Application

2.1 Issues which will be considered under the Protocol include:

- Low level complaints between Members
- Complaints as to failure to show respect and consideration either verbally or in writing
- Behaviour which is vexatious, frivolous and malicious

2.2 Issues which will not be considered under the Protocol include:

- Serious complaints or allegations of misconduct
- Allegations of failure to declare interests
- Complaints from members of the public
- Complaints against officers

3. Procedure

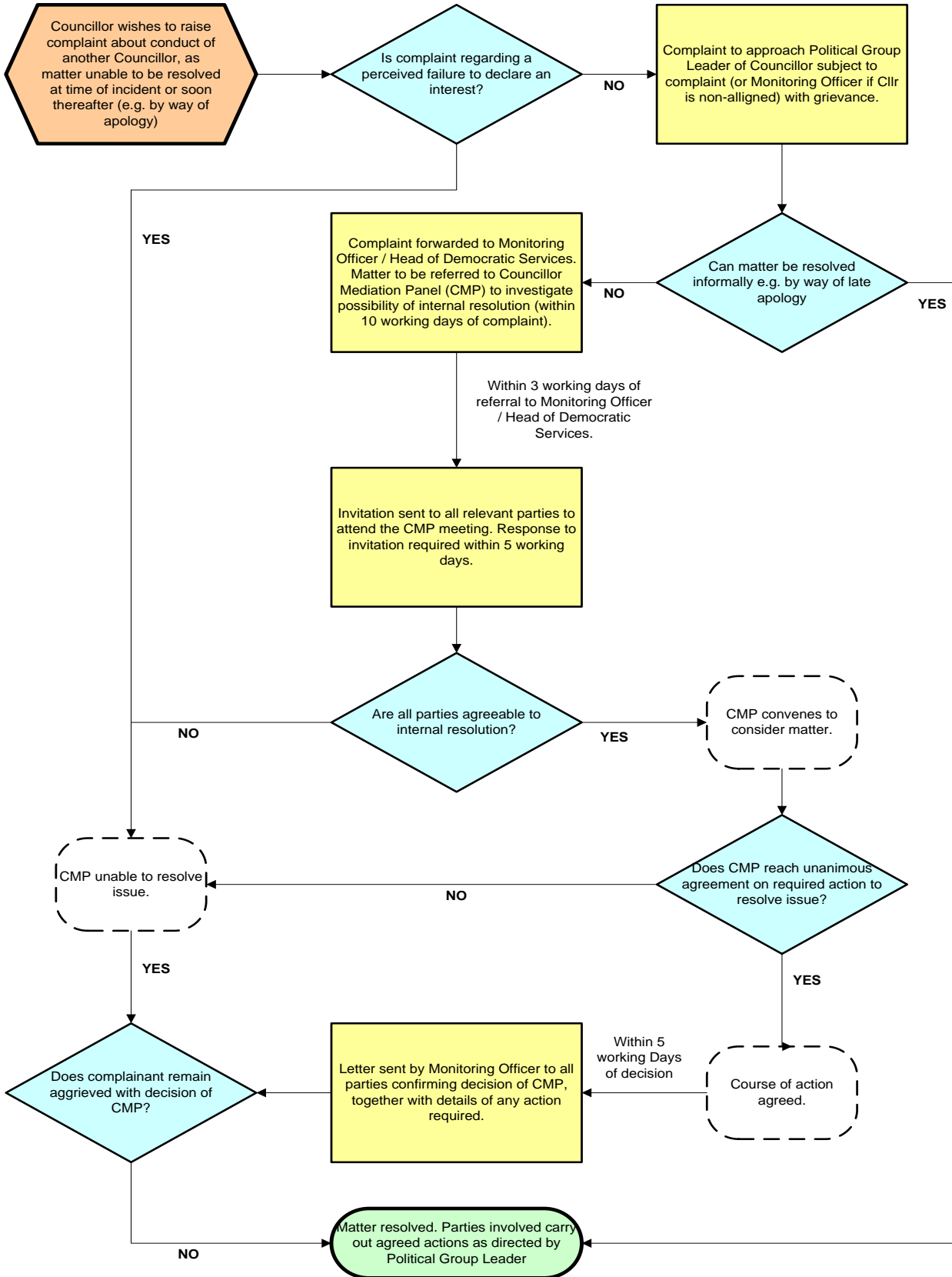
The procedure should be considered alongside the Flow chart attached.

- 3.1 First stage – the Member who wishes to use the Protocol should put their complaint in writing and send to their Group Leader and the Group Leader of the Member subject of complaint. An attempt should be made at this stage to address the complaint informally eg by way of an apology. In the event that the complaint is against a Group Leader then the Presiding Member will be consulted and fulfil the role of Group Leader. If the complaint involves an unaligned Member then the Presiding Member will be consulted and fulfil the role of Group Leader.
- 3.2 Second Stage – In the event that the matter cannot be resolved informally then the matter should be referred to the Monitoring Officer/Head of Democratic Services and the matter referred to the Councillor Mediation Panel (CMP). The Councillor Mediation Panel will consist of the relevant Group Leaders (or Presiding Member) and Members involved (and will be arranged by the Monitoring Officer).
- 3.3 Any discussions of the CMP will be confidential and held in private session. Any paperwork, minutes of decision etc will remain confidential to the parties subject to any duty to disclose to the Public Service Ombudsman for Wales.
- 3.4 Third Stage – Following the CMP the Panel will liaise with the Monitoring Officer as to the agreement reached and any actions to be undertaken. Where appropriate the Monitoring Officer will formally write to the Members advising them of the agreement. Examples of actions could include – attendance on training course, removal from committee, formal apology, withdrawal of comments made/posted.

4. Standards Committee

- 4.1 An Independent Member of the Standards Committee may play a supporting/advisory role to the Group Leaders. The inclusion of a Standards Committee lay member will be initiated at the request of the Group Leaders in a particular case. Participation by lay members should be on a rotational basis to prevent any conflict of interest.
- 4.2 Any discussions with the Standards Committee lay member and involvement with the CMP will be confidential. Save that the number of times the Protocol is invoked in any given year will be reported to the Standards Committee and with an indication as to whether the dispute was resolved within the Protocol process.
- 4.3 The terms of reference of the Standards Committee include oversight of the Protocol.

Councillors Local Dispute Resolution “Councillor vs Councillor Complaints”



Agenda Item 5



Report of the Monitoring Officer

Standards Committee – 7 October 2022

Protocol on Member / Officer Relations

Purpose:	To consider the Protocol on Member/Officer Relations and proposed changes
Policy Framework:	Standards Committee Terms of Reference – Council Constitution.
Consultation:	Legal, Access to Services and Finance.
Recommendation(s):	It is recommended that the Standards Committee: 1) Consider the updated Protocol on Member/Officer Relations attached at Appendix A and make recommendations to Corporate Management Team and Council on formal adoption.
Report Author:	Tracey Meredith
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar

1. Background

- 1.1 The Standards Committee terms of reference include at section 17 (h) overseeing the Authority's protocol on Member and Officer working relationships. The current Officer/Councillor Relations Protocol is attached at Appendix B.
- 1.2 The Protocol has not been reviewed for a number of years. There is a continuing need for the Protocol both to set out the roles and responsibilities of Members and Officers and to supplement the provisions of the Members and Officers Code of Conduct.
- 1.3 Much of the Protocol remains unchanged but with some slight changes to wording. The main changes relate to:
 - Setting out the Member and Officer role
 - Amending the section relating to "Dealing with Disputes" to include reference to the Group Leaders
 - Adding a Respect and Courtesy section

1.4 In reviewing the Protocol consideration has been given to the All Wales Model Constitution drafted last year in response to the Local Government and Elections (Wales) Act 2021.

1.5 This is the first stage in reviewing the Protocol. It is intended to take the Protocol to Corporate Management Team and ultimately Constitution Working Group and full Council for adoption.

2. Integrated Impact Assessment

2.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

2.2 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

2.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

2.4 An IIA Screening Form has been completed with the agreed outcome that a full IIA report is not required as there are no integrated impact implications.

3. Financial Implications

3.1 There are no financial implications associated with the report.

4. Legal Implications

4.1 There are no legal implications associated with this report.

Background Papers:

None

Appendices:

Appendix A – Updated Protocol Member/Officer Relations

Appendix B – Officer/Councillor Relations Protocol in Constitution.

4 Officer/Councillor Relations Protocol

General Principles

- 1 The general principles of good Member/Officer relations is based on mutual trust and respect and consideration for others. Good working relationships between Members and Officers leads to good decision making, enhanced performance, confidence and community leadership.
- 2 This Protocol provides guidance for Members, co-opted Members and Officers in their working relationship with each other.
- 3 Members are bound by the Code of Conduct and Nolan Principles and are expected to maintain the highest standard of ethical behaviour when acting in their capacity as a Member and, in certain circumstances, at all times.
- 4 Officers are bound by the Code of Conduct (Qualifying Local Government Employees)(Wales) Order 2001 which provides that the public is entitled to expect the highest standards of conduct from Officers. When performing their duties Officers must act with integrity, honesty, impartiality and objectivity.
- 5 Mutual respect between Officers and Members is essential to good local government and working relationships should be kept on a professional basis and conducted in a positive and constructive way. It is important that any dealings between Members and Officers should observe standards of courtesy.
- 6 To support high performance within the Authority it is essential that both Members and Officers know and respect their different roles and perspectives.

Roles of Members

Members undertake many different roles. Broadly these are:

- 7 Members are responsible to the electorate. Members undertake important community work within their ward and act as community advocates. They also deal with individual casework within their wards.
- 8 Members also have responsibility as members of full council to make important decisions on behalf of residents of Swansea which will include approving the budget and policy framework.
- 9 Some Members are also involved in quasi-judicial decisions when sitting on regulatory committees such as planning and licensing. Other Members will have responsibility for holding the Cabinet to account and scrutinising the performance of the council. Those Members who form part of the Cabinet will undertake the majority of the Council's functions and will decide policy and make policy decisions.

- 10 Some Members will also sit on partnerships and outside bodies ie charities, Fire Authority and will need to be familiar with their own rules of conduct and procedure.
- 11 Members help develop and review policy and strategy and review policy implementation.

Roles of Officers

Officers have the following main roles:

- 12 Officers are responsible to the Council. Their role is to give impartial advice to all Members and to implement decisions, agreed policy and corporate priorities. Officers have operational responsibilities as set out in the scheme of delegation and Constitution and are responsible for day to day management and being accountable for the efficiency and effectiveness of their services.
- 13 The Member Code of Conduct provides that Members must reach decisions having regard to any relevant advice from Officers. In providing advice Officers are free to give their professional advice wherever appropriate. Such advice should be clear, impartial and timely.
- 14 Responsibility for drafting reports to committees, providing advice and, where appropriate, setting out options for decision making.
- 15 Ensuring that the Council always acts in a lawful manner.

Dealing with Disputes

- 16 Members should not raise matters relating to the conduct or capability of an Officer in a public forum. An Officer has no means of responding to such criticism in public.
- 17 If a Member feels that he/she has not been treated with respect, courtesy or has a concern about the conduct or capability of an Officer then the Member should raise it with the relevant Head of Service. The Head of Service will look into the matter and report back to the Member. If the Member remains dissatisfied with the response he/she should raise the issue with the relevant Director who will look into the matter afresh. Any action taken against an Officer will be in accordance with the Council's relevant HR policies and upon advice of HR Officers.
- 18 An Officer should not raise with a Member matters relating to the conduct or capability of another Officer or the internal management of their section in a manner which is incompatible with the overall objectives of this Protocol.

- 19 If an Officer feels that he/she has not been properly treated with respect and courtesy by a Member he/she should raise the matter with his/her Head of Service. Depending on the nature of the complaint, the relevant Head of Service/Director will speak to the Member. If the Member has a Group Leader the Head of Service/Director will also notify the Group Leader that a complaint has been made.
- 20 There will be an expectation that both parties will, in the spirit of this Protocol, engage in meaningful discussions to resolve any issues amicably. If appropriate and agreed by both parties mediation will be considered with a view to resolving the matter. Mediation will be arranged and facilitated by HR officers.
- 21 If the alleged misconduct is of a serious nature the matter should be reported to the Monitoring Officer who will discuss initially with the Chief Executive and then, if appropriate, with the Corporate Management Team as to whether it is appropriate for referral to the Public Service Ombudsman for Wales.

Respect and Courtesy

- 22 For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and Officers. This plays a very important part in the Council's reputation and how it is seen in public. It is very important that both Members and Officers remember their respective obligations to enhance the Council's reputation and do what they can to avoid criticism of other Members, or other Officers in public places.
- 23 Undue Pressure
- (a) It is important in any dealings between Members and Officers that neither should seek to take unfair advantage of their position
- (b) In their dealings with Officers (especially junior Officers) Members need to be aware that it is easy for them to be overawed and feel at a disadvantage. Such feelings can be intensified where Members hold senior official and/or political office.
- (c) A Member should not apply undue pressure on an Officer either to do anything which he is not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services.
- (d) Similarly, an Officer must neither seek to use undue influence on an individual Member to make a decision in his favour nor raise personal matters to do with their job nor make claims or allegations about other Officers. (The Council has formal procedures for consultation, grievance and discipline, and Officers have the right to report possible wrongdoing under the Council's confidential reporting procedures).

24 Familiarity

(a) Close personal familiarity between individual Members and Officers can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details.

(b) Such familiarity could also cause embarrassment to other Members and / or other Officers and even give rise to suspicions of favouritism.

(c) For these reasons close personal familiarity must be avoided.

Officer Support: Members and Party Groups

25 In discharging their duties and responsibilities, Officers serve the Council as a whole and not any political group, combination of groups or any individual Member of the Council. Members should respect the political neutrality and integrity of Officers.

26 There is now statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.

27 The support provided by Officers can take many forms. Whilst in practice such Officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups.

28 Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:

- a) Officer support must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Officers are not present at meetings or parts of meetings, when matters of party business are to be discussed;
- b) party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and
- c) similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice

to the relevant Committee or Sub-Committee when the matter in question is considered.

- 29 Officers shall exercise special care when attending and/or giving advice to Party Group Meetings. Party Group Meetings may include persons who are not Members of the Council. Such persons are unlikely to be bound by the Code of Conduct (in particular the rules around declarations of interests and confidentiality).
- 30 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group.
- 31 Whilst any Member may ask a relevant Head of Service, Corporate Director or the Chief Executive for written factual information about a Directorate or service, such requests must be reasonable and not seek information relating, for instance, to case work of a similar nature, e.g. Social Services, employment etc. Requests will be met subject to any overriding legal considerations (which will be determined by the Chief Legal Officer), or if the recipient of any request considers the cost of providing the information requested or the nature of the request to be unreasonable. If a Member requesting such information is dissatisfied by such a response s/he should raise the matter in the first place with the relevant Corporate Director, and if still dissatisfied should raise the matter with the Chief Executive who will discuss the issue with the relevant Group Leader(s).
- 32 In relation to budget proposals:
- a) the Administration shall be entitled to confidential discussions with Officers regarding options and proposals. These will remain confidential until determined by the Administration or until published in advance of Committee/Council meetings, whichever is the earlier; and
 - b) the opposition groups shall also be entitled to confidential discussions with Officers to enable them to formulate alternative budget proposals. These will remain confidential until determined by the respective opposition groups or until published in advance of Committee/Council meetings, whichever is the earlier.
- 33 It must not be assumed by any party group or Member that any Officer is supportive of any policy or strategy developed because of that Officer's assistance in the formulation of that policy or strategy.
- 34 Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

Officer Support - the Cabinet

- 35 It is clearly important that there should be a close working relationship between Cabinet members and the Officers who support and/or interact with them. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other party groups.
- 36 Whilst Cabinet Members will routinely be consulted as part of the process of drawing up proposals for consideration or the agenda for a forthcoming meeting, it must be recognised that in some situations an Officer will be under a professional duty to submit a report. Similarly, a Head of Service or other senior Officer will always be fully responsible for the contents of any report submitted in his/her name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. This is to be distinguished from a situation where there is a value judgement to be made. Any issues arising between a Cabinet Member and a Head of Service in this area should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.
- 37 The Cabinet and its members have wide ranging leadership roles. They will:
- a) lead on the preparation of the Policies and Strategies including the budget;
 - b) take in-year decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver and implement the budget and policies decided by the Full Council; and
 - c) be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- 38 Where functions which are the responsibility of the Cabinet are delegated to Officers or other structures outside the Cabinet, the Cabinet will nevertheless remain accountable to the Council, through the Scrutiny Programme Committee and Scrutiny Panels, for the discharge of those functions. That is to say, the Cabinet will be held to account for both its decision to delegate a function and the way that the function is being carried out.
- 39 Under the Constitution individual Cabinet Members take decisions. The Cabinet and Cabinet members must satisfy themselves that they are clear as to what exactly they can and cannot do under the Constitution.
- 40 The Council has in place mechanisms/protocols which ensure that (as with the Council, its Committees and Sub Committees, and the Cabinet and its Committees) an individual Cabinet Member seeks advice from relevant Officers before taking a decision within her or his delegated authority. This includes taking legal advice, financial advice and professional officer advice (particularly about contractual matters) as well as consulting the Monitoring Officer where there is doubt about vires.

- 41 Decisions taken by individual Cabinet Members give rise to legal and financial obligations in the same way as decisions taken collectively. Therefore, Cabinet Members should always be aware of legal and financial liabilities (consulting the Monitoring Officer and Chief Finance Officer as appropriate) which will arise from their decisions.

Officer Support - Scrutiny

- 42 The Council Constitution Part 4 contains Rules of Procedure for Scrutiny. The Scrutiny Handbook contains guidelines as to the Procedure at Evidence Meetings, and guidance for Members and Officers.

Protocol for Councillors and Officers Attending and Participating in Scrutiny

- 43 The purpose of scrutiny is to review Council policy and service delivery while taking into account the performance of the authority. In doing so, it is expected that scrutiny members will make constructive recommendations to Council that are based on factual findings and to act as a critical friend.
- 44 Scrutiny is not about fostering a blame culture or assigning unfair criticism. To be effective, it must have the ability to work in an environment that supports the principles of service improvement. To assist this approach, it is considered necessary that scrutiny members should:
- a) undertake their roles with due diligence and satisfy themselves that all pertinent issues are covered;
 - b) be able to consider themselves unfettered by party political discipline;
 - c) use the powers of scrutiny properly and behave in a manner that reflects the trust placed in them by electors;
 - d) not permit personal agendas or differences in political complexion to obscure an effective scrutiny process;
 - e) refrain from public and personal criticism of other members or officers.

Cabinet Members and Officers should:

- a) ensure their availability to attend scrutiny meetings as requested;
- b) co-operate with scrutiny in arriving at conclusions to their investigations;
- c) provide all necessary information that will assist in the effectiveness of the scrutiny process.

Support Services to Members and Party Groups

- 45 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photo-copying, transport etc) to Members is to assist them in discharging their role as Members of the Council. Such

support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

Correspondence

- 46 Official letters on behalf of the Council should be sent in the name of the appropriate Officer rather than in the name of a Member. There are circumstances where a letter sent in the name of a Member is perfectly appropriate, for example, in response to a letter of enquiry or complaint sent direct to the Member. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.
- 47 Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. A system of 'silent copies' should not be employed.

Media

- 48 Communications with the media can be an important part of a Member's workload. In general, Members provide comment and views while Officers provide the factual information. If a Member is unsure about the circumstances of a particular issue he/she should contact the appropriate Director or Head of Service concerned or ask the Press Office to do so.

Members' Access to Information and to Council Documents

- 49 Members are free to approach any Directorate of the Council to ask for information in accordance with paragraph 24 above. This right extends to such information, explanation or advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent. Such approaches should normally be made to the Director or another Senior Officer of the Directorate concerned.
- 50 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.
- 51 Further and more detailed information regarding Members rights to inspect Council documents is contained in the Access to Information Rules in Part 4 of this Constitution and Members may obtain advice on their rights from the Council's Monitoring Officer.
- 52 Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided i.e. in connection with the proper performance of the Member's duties as a Member of the Council.

Confidentiality

- 53 In accordance with the Code of Conduct for Members, a Member must not disclose information given to him/her in confidence by anyone, or information acquired which he/she believes, or ought reasonably to be aware, is of a confidential nature, except where:
- (a) He/she has the consent of a person authorised to give it;
 - (b) He/she is required by law to do so;
 - (c) The disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (d) The disclosure is;
 - (i) Reasonable and in the public interest; and
 - (ii) Made in good faith and in compliance with the reasonable requirements of the authority;
- 54 Confidential Committee papers (yellow papers) are to be treated as confidential information unless the relevant Committee resolves not to exclude press and public. Members are reminded that the author of the report makes the initial decision as to whether or not the papers are to be treated as confidential. The decision as to whether they remain confidential is for the Committee. Other information may be confidential because to disclose it would be against the Council's or public interest.
- 55 Information and correspondence about an individual's private or business affairs will normally be confidential.
- 56 Officers should make it clear to Members if they are giving them confidential information. If a Member is not sure whether information is confidential, he or she should ask the relevant Officer, but treat the information as confidential in the meantime.
- 57 Any Council information provided to a Member must only be used by the Member in connection with the proper performance of the Member's duties as a Member of the Council.
- 58 If a Member receives confidential information and considers it should be disclosed to another person because it is reasonable and in the public interest to do so then he or she must first consult with the Monitoring Officer and shall not disclose the information without having regard to any advice given by that Officer.

Publicity and Press Releases

- 59 Local authorities are accountable to their electorate. Accountability requires local understanding. This will be promoted by the Authority, explaining its objectives and policies to the electors and rate-payers. In recent years, all

local authorities have increasingly used publicity to keep the public informed and to encourage public participation. Every Council needs to tell the public about the services it provides. Increasingly, local authorities see this task as an essential part of providing services. Good, effective publicity aimed to improve public awareness of a Council's activities is, in the words of the Government, to be welcomed.

60 Publicity is, however, a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential, therefore, to ensure that local authority decisions on publicity are properly made in accordance with clear principles of good practice.

61 The Local Authority is prohibited by s 2 Local Government Act 1986 from publishing or assisting to publish material which appears to be designed to affect public support for a political party. Welsh Government have published a Code of Recommended Practice for Local Authority Publicity which Officers and Members should have regard to in making decisions around publicity. If in any doubt the Head of Communications should be consulted. Particular care should be taken during the pre-election period around publicity.

Involvement of Ward Councillors

62 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Ward or Wards affected should as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members should be notified at the outset of the exercise. More generally, Officers should consider whether other policy of briefing papers, or other topics being discussed with a Cabinet Member should be discussed with relevant Ward Members. Officers should seek the views of the appropriate Cabinet Member(s) as to with whom and when this might be done.

Conclusion

63 It is hoped that, by following good practice and securing sensible and practical working relationships between Members and Officers, that we can provide one of the cornerstones of a successful local authority and thereby enhance the delivery of high value quality services to the people of the area. Mutual understanding, openness and respect are the greatest safeguard to the integrity of the Council, its Members and Officers.

Officer/Member Protocol

64 This Protocol was adopted by the Council as part of the Constitution on ***

65 Copies of the Protocol will be issued to all Members as part of the Constitution upon election.

66 Questions of interpretation of this Protocol will be determined by the Chief Legal Officer.



4 Officer/Councillor Relations Protocol

Introduction and Principles

- 1 The purpose of this Protocol is to guide Members and Officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council.
- 2 Given the variety and complexity of such relations, this Protocol Does not seek to be either prescriptive or comprehensive. It simply offers guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances.
- 3 This Protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the Protocol is followed it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.
- 4 It also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and Officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.
- 5 This Protocol is a local extension of the Members' and Employees' Codes of Conduct. Consequently, a breach of the provisions of this Protocol may also constitute a breach of those Codes.
- 6 This Protocol should be read in conjunction with the Members' and Employees' Codes of Local Government Conduct, the Council's Constitution and any guidance issued by the Standards and Governance Committee and/or Monitoring Officer.

General Points

- 7 Both Councillors and Officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Councillors and the Council, and to carry out the Council's works under the direction and control of the Council, the Executive, their Committees and Sub Committees.
- 8 At the heart of the Code, and this Protocol, is the importance of mutual respect. Member/Officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and Officers should observe standards of courtesy and that neither party should seek to take

unfair advantage of their position or seek to exert undue influence on the other party.

- 9 Inappropriate relationships can be inferred from language/style. To protect both Members and Officers, Officers should address Members as 'Councillor XX/Mr or Madam Lord Mayor/Sheriff' save where circumstances clearly indicate that a level of informality is appropriate, e.g. a one to one between a Head of Service and their respective Cabinet Member.
- 10 A Member should not raise matters relating to the conduct or capability of an Officer in a manner that is incompatible with the objectives of this Protocol. This is a long-standing tradition in public service. An Officer has no means of responding to such criticisms in public. If a Member feels s/he has not been treated with proper respect, courtesy or has any concern about the conduct or capability of an Officer, and fails to resolve it through direct discussion with the Officer s/he should raise the matter with the respective Head of Service of the Division. The Head of Service will then look into the facts and report back to the Member. If the Member continues to feel concerned, the s/he should report the facts to the Corporate Director who heads the Directorate concerned, or if, after doing so, is still dissatisfied should raise the issue with the Chief Executive who will look into the matter afresh. Any action taken against an Officer in respect of a complaint, will be in accordance with provisions of the Council's Disciplinary Rules and Procedures.
- 11 An Officer should not raise with a Member matters relating to the conduct or capability of another Officer or to the internal management of a Section/Division/Directorate at or in a manner that is incompatible with the overall objectives of this Protocol.
- 12 Where an Officer feels that s/he has not been properly treated with respect and courtesy by a Member s/he should raise the matter with his/her Head of Service, Corporate Director or the Chief Executive as appropriate, especially if they do not feel able to discuss it directly with the Member concerned. In these circumstances the Head of Service, Corporate Director or Chief Executive will take appropriate action either by approaching the individual Member and/or group leader or by referring the matter to the Monitoring Officer in the context of the Standards Committee considering the complaint.

Officer Support to Members - General Points

- 13 Officers are responsible for day-to-day managerial and operational decisions within the authority and will provide support to both the Executive and all Councillors in their several areas.
- 14 Certain statutory officers - the Chief Executive, the Monitoring Officer and the Chief Finance Officer - have specific roles. These are addressed in the Constitution. Their roles need to be understood and respected by all Members.
- 15 The following key principles reflect the way in which the officer core generally relates to Members:

- a) all officers are employed by, and accountable to the authority as a whole;
- b) support from officers is needed for all the authority's functions including Full Council, Overview and Scrutiny, the Executive, individual Members representing their communities etc.
- c) day-to-day managerial and operational decisions should remain the responsibility of the Chief Executive and other officers;
- d) the authority will seek to avoid potential conflicts of interest for officers arising from the separation of the Executive and Overview and Scrutiny role; and
- e) all Officers will be provided with training and development to help them support the various Member roles effectively and to understand the new structures.

16 On occasion, a decision may be reached which authorises named Officers to take action between meetings following consultation with a Member or Members. It must be recognised that it is the Officer, rather than the Member or Members, who takes the action and it is the Officer who is accountable for it.

17 Finally, It must be remembered that Officers within a Division or Directorate are accountable to their Head of Service and Corporate Director and that whilst Officers should always seek to assist a Member, they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Head of Service or Corporate Director.

Officer Support: Members and Party Groups

18 It must be recognised by all Officers and Members that in discharging their duties and responsibilities, Officers serve the Council as a whole and not any political group, combination of groups or any individual Member of the Council.

19 There is now statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matter of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.

20 The support provided by Officers can take many forms. Whilst in practice such Officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups.

21 Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:

- a) Officer support must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this

- distinction will be assisted if Officers are not present at meetings or parts of meetings, when matters of party business are to be discussed;
- b) party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and
 - c) similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee or Sub-Committee when the matter in question is considered.
- 22 Officers shall exercise special care when attending and/or giving advice to Party Group Meetings. Party Group Meetings are likely to include persons who are not Members of the Council. Such persons are not bound by the National Code of Local Government Conduct (in particular, the provisions concerning the declarations of interests and confidentiality).
- 23 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group.
- 24 Whilst any Member may ask a relevant Head of Service, Programme Manager, Corporate Director or the Chief Executive for written factual information about a Directorate or service, such requests must be reasonable and not seek information relating, for instance, to case work of a similar nature, e.g. Social Services, employment etc. Requests will be met subject to any overriding legal considerations (which will be determined by the Chief Legal Officer), or if the recipient of any request considers the cost of providing the information requested or the nature of the request to be unreasonable. If a Member requesting such information is dissatisfied by such a response s/he should raise the matter in the first place with the relevant Corporate Director, and if still dissatisfied should raise the matter with the Chief Executive who will discuss the issue with the relevant Group Leader(s).
- 25 In relation to budget proposals:
- a) the Administration shall be entitled to confidential discussions with Officers regarding options and proposals. These will remain confidential until determined by the Administration or until published in advance of Committee/Council meetings, whichever is the earlier; and
 - b) the opposition groups shall also be entitled to confidential discussions with Officers to enable them to formulate alternative budget proposals. These will remain confidential until determined by the respective opposition groups or until published in advance of Committee/Council meetings, whichever is the earlier.

- 26 It must not be assumed by any party group or Member that any Officer is supportive of any policy or strategy developed because of that Officer's assistance in the formulation of that policy or strategy.
- 27 Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

Officer Support - the Executive

- 28 It is clearly important that there should be a close working relationship between Executive Members and the Officers who support and/or interact with them. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other party groups.
- 29 Whilst Executive Members will routinely be consulted as part of the process of drawing up proposals for consideration or the agenda for a forthcoming meeting, it must be recognised that in some situations an Officer will be under a professional duty to submit a report. Similarly, a Head of Service or other senior Officer will always be fully responsible for the contents of any report submitted in his/her name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. This is to be distinguished from a situation where there is a value judgement to be made. Any issues arising between an Executive Member and a Head of Service in this area should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.
- 30 The Executive and its members have wide ranging leadership roles. They will:
- a) lead the community planning process and the search for Best Value, with input and advice from Overview and Scrutiny Committees, area committees and any other persons as appropriate;
 - b) lead the preparation of the local authority's policies and budget;
 - c) take in-year decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver and implement the budget and policies decided by the Full Council; and
 - d) be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- 31 Where functions which are the responsibility of the Executive are delegated to Officers or other structures outside the Executive, the Executive will nevertheless remain accountable to the Council, through Overview and Scrutiny Committees, for the discharge of those functions. That is to say, the Executive will be held to account for both its decision to delegate a function and the way that the function is being carried out.

- 32 Under Executive Arrangements, individual Members of the Executive will, for the first time, be allowed to formally take decisions. The Executive and Cabinet members must satisfy themselves that they are clear what exactly they can and cannot do.
- 33 The Council has put in place mechanisms/protocols which ensure that (as with the Council, its Committees and Sub Committees, and the Executive and its Committees) an individual Executive Member seeks advice from relevant Officers before taking a decision within her or his delegated authority. This includes taking legal advice, financial advice and professional officer advice (particularly about contractual matters) as well as consulting the Monitoring Officer where there is doubt about vires.
- 34 Decisions taken by individual Members of the Executive give rise to legal and financial obligations in the same way as decisions taken collectively. Therefore, Members of the Executive should always be aware of legal and financial liabilities (consulting the Monitoring Officer and Chief Finance Officer as appropriate) which will arise from their decisions. To ensure effective leadership for the local authority and the communities it serves, there are arrangements to ensure co-ordination of and having responsibility for Executive decisions including those made by individuals.
- 35 Officers will continue to work for and serve the local authority as a whole. Nevertheless, as the majority of functions will be the responsibility of the Executive, it is likely that in practice many Officers will be working to the Executive for most of their time. The Executive must respect the political neutrality of the Officers. Officers must ensure that, even when they are predominantly supporting the Executive, that their political neutrality is not compromised.
- 36 In organising support for the Executive, there is a potential for tension between Chief Officers and Cabinet Members with portfolios. All Members and Officers need to be constantly aware of the possibility of such tensions arising and both Officers and Members need to work together to avoid such tensions and conflicts existing or being perceived.

Officer Support - Scrutiny

- 37 It is not scrutiny's role to act as a disciplinary tribunal in relation to the actions of Members or Officers. Neither is it the role of Officers to become involved in what would amount to disciplinary investigations on a Panel's behalf. This is the Chief Executive's function alone in relation to staff, the Monitoring Officer's and the Standards and Governance Committee as regards the conduct of Members. This means:
- a) Scrutiny's questioning should not be directed to the conduct of individuals, not in the sense of establishing the facts about what occurred in the making of decisions or implementing of Council policies, but with the implication of allocating criticism or blame;

- b) In these circumstances, it is for the Chief Executive to institute a formal enquiry, and scrutiny may ask (but not require) him to do so.

38 Scrutiny should not act as a 'court of appeal' against decisions or to pursue complaints by individuals (Councillors, Officers or members of the public) as other Procedures exist for this. These are internal, e.g. the Corporate Complaints Procedure and external/statutory, e.g. Public Services Ombudsman for Wales or appeal to the Courts. That said:

- a) Scrutiny may investigate the manner in which decisions are made but should not pass judgements on the merits of a decision in individual cases;
- b) they can comment, however, on the merits of a particular policy affecting individuals.

39 It would be unfair to invite someone to appear before scrutiny without telling them in general terms what they will be asked, or not giving them adequate time to prepare. Scrutiny ought to provide written questions ('Indicative Topics'). In addition, speakers ought to be told the general line that further questioning is likely to take. Questioning should not stray outside the subject area that the committee/panel had previously indicated.

40 The Scrutiny Handbook contains guidelines as to the Procedure at Evidence Meetings, and guidance for Members and Officers.

Protocol for Councillors and Officers Attending and Participating in Scrutiny

41 The purpose of scrutiny is to review Council policy and service delivery while taking into account the performance of the authority. In doing so, it is expected that scrutiny members will make constructive recommendations to Council that are based on factual findings.

42 Scrutiny is not about fostering a blame culture or assigning unfair criticism. To be effective, it must have the ability to work in an environment that supports the principles of service improvement. To assist this approach, it is considered necessary that scrutiny members should:

- a) undertake their roles with due diligence and satisfy themselves that all pertinent issues are covered;
- b) be able to consider themselves unfettered by party political discipline;
- c) use the powers of scrutiny properly and behave in a manner that reflects the trust placed in them by electors;
- d) not permit personal agendas or differences in political complexion to obscure an effective scrutiny process;
- e) refrain from public and personal criticism of other members or officers.
- f) Cabinet Members and Officers should:
- g) ensure their availability to attend scrutiny meetings as requested;
- h) co-operate with scrutiny in arriving at conclusions to their investigations;

- i) provide all necessary information that will assist in the effectiveness of the overview & scrutiny process.

Support Services to Members and Party Groups

- 43 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photo-copying, transport etc) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

Members' Access to Information and to Council Documents

- 44 Members are free to approach any Directorate of the Council to ask for information in accordance with paragraph 24 above. This right extends to such information, explanation or advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent. Such approaches should normally be made to the Director or another Senior Officer of the Directorate concerned.
- 45 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.
- 46 Further and more detailed information regarding Members rights to inspect Council documents is contained in the Access to Information Rules in Part 4 of this Constitution and Members may obtain advice on their rights from the Council's Monitoring Officer.
- 47 Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided i.e. in connection with the proper performance of the Member's duties as a Member of the Council".

Correspondence

- 48 Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of 'silent copies' should not be employed.
- 49 Official letters on behalf on the Council should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain limited circumstances (e.g. representations to a Government Minister) for a letter to appear in the name of a Cabinet Member or the Leader but this should be the exception rather than the norm. Letters which, for example, create legal obligations or give instructions on behalf of the Council should never be sent out in the name of a Member, Executive or otherwise.

Publicity and Press Releases

- 50 Local authorities are accountable to their electorate. Accountability requires local understanding. This will be promoted by the Authority, explaining its objectives and policies to the electors and rate-payers. In recent years, all local authorities have increasingly used publicity to keep the public informed and to encourage public participation. Every Council needs to tell the public about the services it provides. Increasingly, local authorities see this task as an essential part of providing services. Good, effective publicity aimed to improve public awareness of a Council's activities is, in the words of the Government, to be welcomed.
- 51 Publicity is, however, a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential, therefore, to ensure that local authority decisions on publicity are properly made in accordance with clear principles of good practice. The Government has issued a Code of Recommended Practice on Local Authority Publicity. The purpose of the Code is to set out such principles. The Code affects the conventions that should apply to all publicity at public expense and which traditionally have applied in both central and local government. The Code issued under the provisions of the Local Government Act, 1986 as amended by the Local Government Act, 1988 which provides for the Secretary of State to issue Codes of Recommended Practice as regards the content, style, distribution and cost of local authority publicity, and such other matters as s/he thinks appropriate. That section requires that all local authorities shall have regard to the provisions of any such Code in coming to any decision on publicity.
- 52 Officers and Members of the Council will, therefore, in making decisions on publicity, take account of the provisions of this Code. If in doubt, Officers and/or Members should seek advice from the Head of Communications and Marketing who will deal with the matter in accordance with agreed protocols. Particular care should be paid to any publicity used by the Council around the time of an election. Particular advice will be given on this by the Monitoring Officer as appropriate.

Involvement of Ward Councillors

- 53 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Ward or Wards affected should as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members should be notified at the outset of the exercise. More generally, Officers should consider whether other policy of briefing papers, or other topics being discussed with an Executive Member, should be discussed with relevant Ward Members. Officers should seek the views of the appropriate Executive Member(s) as to with whom and when this might be done.

Conclusion

- 54 Mutual understanding, openness on these sort of sensitive issues and basic respect are the greatest safeguard of the integrity of the Council, its Members and Officers.

Officer/Member Protocol

- 55 This Protocol was adopted by the Council as part of the Constitution on May 20th 2002.
- 56 Copies of the Protocol will be issued to all Members as part of the Constitution upon election.
- 57 Questions of interpretation of this Protocol will be determined by the Chief Legal Officer.



Agenda Item 6



Report of the Monitoring Officer

Standards Committee – 7 October 2022

Group Leader Duty

Purpose:	To consider the template for Group Leaders to complete
Policy Framework:	Standards Committee Terms of Reference – Council Constitution.
Consultation:	Legal, Access to Services and Finance.
Recommendation(s):	It is recommended that the Standards Committee: 1) Consider and approve the Group Leader template attached at Appendix A.
Report Author:	Tracey Meredith
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar

1. Background

1.1 At the Standards Committee meeting on 24 June the Committee resolved that:

- The Committee meets formally with the Group Leaders on an annual basis;
- The Chair and Vice Chair of the Committee meet with the Group Leaders on an informal basis to monitor their compliance with the duty;
- A template report is drafted to be sent to Group Leaders to complete in terms of members of their group who have attended training (mandatory and recommended) and any steps they have taken during the year to promote high standards within their group.

1.2 A template attached at Appendix A has been drafted for consideration by the Committee as per the resolution above. Members are invited to consider and discuss with any additional information should be requested of Group Leaders.

2. Integrated Impact Assessment

2.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

2.2 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

2.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

2.4 An IIA Screening Form has been completed with the agreed outcome that a full IIA report is not required as there are no integrated impact implications.

3. Financial Implications

3.1 There are no financial implications associated with the report.

4. Legal Implications

4.1 There are no legal implications associated with this report.

Background Papers:

None

Appendices:

Appendix A – Group Leader Template

**GROUP LEADERS REPORT ON LOCAL GOVERNMENT AND
ELECTIONS (WALES) ACT 2021 DUTIES**

Report By:

Political Group:

Number of Members:

1. Training

- Number of members in group trained on Code of Conduct
- Number of members in group who have undertaken induction training
- Any other training which members have undertaken

Answer/response:

2. What actions have you undertaken within your group to promote compliance with the duty to promote and maintain high standards of conduct by members of your group?

Answer/Response:

3. Are there any specific issues which you wish to bring to the Chair's attention in relation to your new duty? (This would include any sensitive issues which have arisen, any use of the member/officer code of conduct, PSOW investigations).

Answer/Response:

4. Are there any matters upon which the Standards committee could assist?

Answer/response:

Agenda Item 7



Report of the Monitoring Officer

Standards Committee – 7 October 2022

Public Service Ombudsman for Wales Annual Report and Accounts 2021/2022

Purpose:	To update the Standards Committee on the Annual Report and Accounts of the Public Service Ombudsman for Wales 2021/2022
Report Author:	Tracey Meredith
Finance Officer:	Ben Smith
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar
For Information	

1. Background

- 1.1 The Public Service Ombudsman for Wales (PSOW) has published the Annual Report and Accounts for 2021/2022 (Appendix A).
- 1.2 The Annual Report sets out performance over the year including both complaints about public service providers as well as code of conduct complaints.

2. Code of Conduct statistics

- 2.1 Compared to last year, there were fewer complaints about the Code of Conduct. However, last year the volume of those complaints was unusually high. Compared to 2019/20, there were many more new Code of Conduct complaints and there were more complaints about members of Town and Community Councils.
- 2.2 2021/2022 saw a decrease in Code of Conduct complaints by 5%, but the figure was 27% more than in 2019/2020. Town and Community Council complaints increased by 2% in 2021/2022, but 27% more than

in 2019/2020. County and Borough Councils complaints decreased by 17% to that in 2020/2021 but was 19% more than in 2019/2020.

- 2.3 The proportion of complaints relating to the Nolan principals were broken down as follows:
- 5% accountability and openness
 - 11% disclosure and registration of interests
 - 9% duty to uphold the law
 - 8% integrity
 - 11% objectivity and propriety
 - 51% promotion of equality and respect
 - 5% selflessness and stewardship
- 2.4 As in previous years, about half of all new Code of Conduct complaints that were received were about 'promotion of equality and respect'.
- 2.5 Many of the cases categorised under 'respect' were lower-level complaints. These are the ones where the PSOW tends to decide quickly that they will not investigate, or where it is recommended that the complaint is resolved locally.
- 2.6 However, some of these complaints and many of those categorised under 'equality' commonly involve more serious allegations of bullying or discrimination.
- 2.7 In 2021/22 the PSOW closed 86% of all Code of Conduct complaints after initial assessment. The PSOW closed investigations into 39 complaints - 63% more than last year and 18% more than the year before.
- 2.8 20 complaints that were taken forward for investigation and constituted the most serious of the complaints were referred to local Standards Committees (11) or the Adjudication Panel for Wales (9).
- 2.9 The increase in the number of complaints referred for further consideration in respect of potentially serious breaches of the code last year, was still of concern and suggested that the ethical standards of a small number of councillors had the potential to undermine public confidence and the reputation of local government democracy.
- 2.10 The PSOW would like to see the overall number of low-level complaints about members of Town and Community Councils reduce and they strongly believe that the way to overturn these trends is through training for councillors on the Code of Conduct. The PSOW would also encourage greater use of local resolution procedures.

- 2.11 Since not all members take up opportunities to undertake training, the PSOW is pleased that, under the Local Government and Elections (Wales) Act 2021, Town and Community Councils must now make and publish a plan about the training provision for its members and staff. The first training plans must be ready and published by 5 November 2022. They expect these plans to include training about the Code of Conduct.
- 2.12 The PSOW also welcomes the additional responsibilities that Group Leaders at principal councils have to promote good standards of behaviour.

3. Integrated Assessment Implications

3.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage.
- Consider opportunities for people to use the Welsh language.
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

3.1.1 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

3.1.2 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

3.2 There are no integrated assessment implications associated with this report.

4. Legal Implications

4.1 There are no legal implications associated with this report.

5. Financial Implications

5.1 There are no financial implications associated with this report.

Background papers: None

Appendices:

Appendix A – Public Service Ombudsman for Wales Annual Report and Accounts 2021/22

Ombwdsmon Ombudsman

OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU
PUBLIC SERVICES OMBUDSMAN FOR WALES

Annual Report and Accounts

2021 / 2022

We can provide a summary of this document in accessible formats, including Braille, large print and Easy Read. To request, please contact us:

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ

Tel: 0300 790 0203
Email: communications@ombudsman.wales

Annual Report and Accounts 2021/22

of the Public Services Ombudsman for Wales
for the year ended 31 March 2022

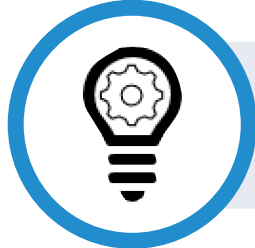
Laid before the Welsh Parliament
under paragraphs 15, 17 and 18 of Schedule 1
of the Public Services Ombudsman (Wales) Act 2019.

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We have continued to deliver for those who have suffered injustice during the pandemic.



We are proactive, helping the public sector improve during challenging times.



We embrace learning and welcome feedback



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



We strive to ensure and promote equality, diversity and inclusion.



We pull together and support each other.

Foreword

I promise that this is definitely my last foreword as PSOW!

I became Ombudsman in August 2014. Since then, we have:

- dealt with almost 38,000 enquiries
- considered over 18,000 complaints

- completed just over 2400 investigations
- issued 50 public interest reports
- issued 5 thematic reports and
- published our first 'Own Initiative' investigation report.

I am particularly pleased at the impact our recommendations, including those in the thematic report on Out of Hours care in hospitals, have had. Taken together, our work has made a significant contribution to putting things right for individuals as well as improving services for everyone in Wales.

The past year has been very challenging. Our core function is to consider complaints – about public service providers, or about councillors breaching the Code of Conduct. This year we received over 30% more cases than last year – we also closed a record number of complaints.

We investigated many more complaints about the Councillors' Code of Conduct. Compared to last year, we referred twice as many complaints to Standards Committees and to the Adjudication Panel for Wales. This is still only a small proportion of our complaints about breaches of the Code of Conduct – but we are concerned about this increase.

I am immensely proud that, during my time at the helm, we have succeeded in securing legislative



reform of the office. We now have some of the most comprehensive powers to proactively drive improvement in public services among ombudsman offices in Great Britain.

We made huge progress with those proactive powers during the year:

- We received over two hundred oral complaints
- Our Complaints Standards role now extends to local government, health bodies and some housing associations
- We trained approximately 4000 staff members at these bodies to improve how they handle complaints.

We published our first 'own initiative' investigation report in October, 'Homelessness Reviewed: an open door to positive change'. The report included many recommendations to improve support to some of the most vulnerable service users in Wales. We were also able to use our proactive powers to extend an investigation into a prostate cancer case to include a further 16 affected patients in North Wales.

Our staff worked hard during the year to manage our increasing caseload and promote improvement. But these pressures took their toll. For example, we did not always manage to consider complaints as quickly as we wanted and our staff experienced increased stress because of the increased caseload. As we emerge into the 'new normal' after the pandemic, we consider it likely that our caseload will remain high and it may

continue to increase. We are working hard to find ways to improve how we can deal with cases even more efficiently, but also how we can better support our staff.

When I started this job, I publicly called for innovation to deliver improvement for my office and for public services in Wales. I am incredibly grateful to the Senedd and to my staff for making that ambition a reality. I am also very aware that any legacy from my period in office will be dwarfed by the legacy of the pandemic on public services. I am especially concerned that almost 25% of the Welsh population are on NHS waiting lists - this will prove a huge challenge over the next few years for the NHS and could also impact our work at PSOW.

I wish my staff, my successor Michelle Morris, public services and all our stakeholders all the best for the future.

Nick Bennett

Public Services Ombudsman for Wales

March 2022

As I start my term as Ombudsman I would like to pay tribute to Nick Bennett, my predecessor and to the staff in the Office for their hard work in continuing to deliver services through what has undoubtedly been the most challenging couple of years for the public sector in Wales.

Our public services continue to work under considerable pressure as we all find a way to return to new and improved working arrangements, while coping with the issues that remain a legacy from the pandemic, including backlogs and waiting times for some services and the recruitment and retention of a first class workforce.

Public bodies across Wales have continued to work with us to ensure that we can properly deal with issues when they go wrong and that we all learn lessons from that experience.

During my term in office, I want to build on those good working relationships to ensure our public services in Wales emerge stronger and that service users continue to receive proper redress when things go wrong.

In the autumn, I will share my priorities for the next three years and consult on my first Strategic Plan.

Michelle Morris

Public Services Ombudsman for Wales

20 July 2022



The impact of COVID-19

The COVID-19 pandemic has affected our office, as it has all other public bodies in Wales. We had to adjust how we organise our work, what demands we placed on bodies in our jurisdiction and how we managed the expectations of our complainants.

However, some of the most striking effects of the pandemic on our office to date have been the dramatic changes in our caseload since 2020.

During 2020/21, the first year of the pandemic, for the first time in many years we saw a drop in the number of new cases reaching our office. We believe that this reflected public sentiment and support for the NHS, with members of the public reportedly being reluctant to complain about a service that was already under strain.

However, this grace period appears to have ended. We have never received more complaints than in 2021/22. Our cases suggest that members of the public are increasingly impatient and distressed by services that, in their view, are failing to meet their needs. As this Report shows, complaints about health boards have increased and the number of new complaints about county councils and social landlords have increased significantly.

Throughout this Report, we explain how this significant increase in our caseload affected our service.

We usually compare our annual performance to the previous year, but 2020/21 was an exceptional year. In this Report, we take the unusual step of comparing our public services, Code of Conduct and review caseload also with 2019/20, the last 'normal' year on record. We think that by doing that we present more accurately and fairly the trends in our work and the performance of public bodies in Wales.

This Report includes key statistics about our complaints trends this year. To be as transparent as possible, we publish more detailed data [on our website here](#).

About us

We have three main roles.

- **We investigate complaints about public services.**
- **We consider complaints about councillors breaching the Code of Conduct.**
- **We drive systemic improvement of public services.**

We are independent of all government bodies and our service is impartial and free of charge.

Complaints about public service providers

Our first role is to consider complaints about services provided by devolved public bodies in Wales, including:

- local government (such as county and community councils)
- the National Health Service (such as Health Boards, Trusts, GPs and dentists)
- registered social landlords (housing associations)
- Welsh Government and its sponsored bodies

We can also consider complaints about privately arranged or funded social care and palliative care services. In some specific circumstances, we can look into aspects of privately funded healthcare.

We examine complaints that people have been treated unfairly or have received a bad service through some fault of the service provider.

When we find that something has gone wrong, we can recommend redress, or changes in process, to ensure that service providers do not repeat their mistakes.

“The service was excellent, and the outcome achieved was positive. I could not have achieved this outcome without assistance from the ombudsman’s office. They helped me to achieve a sense of fairness.**”**

Code of Conduct complaints

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

We can consider complaints about elected members of:

- county and county borough councils
- community and town councils
- fire authorities
- national park authorities
- police & crime panels.

Where we find evidence suggesting that the Code has been breached, we refer these cases to a Standards Committee or the Adjudication Panel for Wales for decision.

“I recognise the understanding and professionalism shown in your contribution to the hearing and deliberation on its outcome. Please accept my gratitude for your management of the case.

We are 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. We explain this role in more detail in [the Whistleblowing section of the Report](#).

Systemic improvement of public services

Our third role is to drive broader improvement of public services. The Senedd approved more proactive powers to do this under the Public Services Ombudsman (Wales) Act 2019 (the PSOW Act 2019).

We can investigate on our own initiative even if we have not received a complaint. We talk about this power in more detail in [the Own Initiative section of this Report](#).

We can also set complaints standards for public bodies in Wales. We can publish a statement of principles for complaints handling by public bodies and set model complaints handling procedures for them. We monitor the performance of public bodies in complaint handling, including reviewing their complaint handling data. We also provide training to public bodies on good complaint handling. The [Complaints Standards section of this Report](#) explains how we have taken this power forward.

“We are very grateful for the time taken to deliver such high-quality training to the Health Board.

Our Key Performance Indicators

We check how well we perform against a set of measures or Key Performance Indicators (KPIs). Below we explain how we aimed to perform and how we did. We discuss these figures in more detail throughout this Report.

Performance indicator	Target	2021/22	2020/21	2019/20
Our decision times in complaints about public bodies				
decision that a complaint is not within jurisdiction within 3 weeks	90%	90%	94%	95%
decision taken not to investigate a complaint (after making initial enquiries) within 6 weeks	90%	83%	85%	92%
where we seek Early Resolution, decision within 9 weeks	90%	88%	88%	94%
decision to investigate and start investigation within 6 weeks of the date sufficient information is received	80%	69%	65%	67%
Complaints about public bodies which are investigated – cases closed				
cases closed within 12 months	85%	76%	52%	81%
Our decision times in complaints about the Code of Conduct				
decision taken not to investigate within 6 weeks.	90%	98%	90%	93%
decision to investigate and start investigation within 6 weeks of the date sufficient information is received	90%	80%	76%	86%
Code of Conduct complaints which are investigated - cases closed				
cases closed within 12 months	90%	67%	50%	88%
Customer satisfaction*				
we are easy to find	91 / 98%	80 / 95%	85 / 97%	91 / 98%
we offer a helpful service	63 / 83%	60 / 86%	62 / 91%	63 / 83%
we clearly explain our process and decision	65 / 89%	65 / 91%	63 / 96%	65 / 89%
How bodies fulfil our recommendations ('compliance')				
proportion of recommendations due and complied with by public service providers	-	81%	85%	72%
number of compliance visits	7	6	7	4

Performance indicator	Target	2021/22	2020/21	2019/20
Human resources				
completion of the appraisal process	-	100%	100%	100%
employee response to staff survey	-	84%	N/A**	92%
Staff training				
proportion of staff achieving target number of days of continuing professional development	-	72%	77%	93%
Staff attendance				
average number of days lost through sickness per member of staff	-		3.0	9.0
proportion of working days lost through staff sickness	-	2.70%	1.14%	3.40%
proportion of working days lost through short term sickness	-	1.04%	0.62%	1.0%
proportion of working days lost through long term sickness	-	1.70%	0.52%	2.40%
Financial performance				
cash repaid to Welsh Consolidated Fund	<3%	2.3%	0.4%	1.0%
unit cost per case	£540	£491***	£695	£521
support costs as percentage of budget	<5%	4.2%	4.1%	4.3%
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
Complaints about us				
number of complaints received	N/A	32	26	36
number of complaints upheld	N/A	12	5	7
Sustainability				
waste (kg)	26,000	9,205	3,988	26,996
electricity (kWh)	104,000	73,754	71,668	104,521


* We present these results for all respondents (the first figure) as well as those satisfied with the outcome (the second figure).

** We carry out our staff survey every two years, so there was no staff survey in 2020/21.


*** Figures reported for unit costs reflect the approach introduced in 2020/21. The target and previous years' figures have been restated using the same approach, so figures are meaningful.

Snapshot of the year


- April
2021**




22 County and County Borough Councils become subject to complaint handling standards.
- May
2021**




We publish new Code of Conduct Guidance for members of local authorities in Wales.
- June
2021**




Health Boards and Trusts become subject to complaints handling standards.
- July
2021**




We issue a public interest report about [Cwm Taf Morgannwg UHB](#) – and our Annual Report 2020/21.
- August
2021**




We launch a new [Our Findings tool](#). We issue a public interest report about [Betsi Cadwaladr UHB & Denbighshire Council](#).
- September
2021**




We publish complaints standards data for the first time
We issue public interest reports about [Betsi Cadwaladr UHB](#) and [Bridgend Council](#).
- October
2021**




We launch the findings of our first Own Initiative investigation
We issue [a public interest report about Hywel Dda UHB](#)
We appear before the Senedd's Finance Committee.
- November
2021**




We publish our third [Equality and Human Rights Casebook](#).
- December
2021**



We issue [a public interest report about Cardiff and Vale UHB](#)
- January
2022**



We publish [revised Principles of Good Administration and Principles of Good Records Management](#).
- February
2022**



We publish [a public interest report about Cardiff Council](#)
- March
2022**

20

We refer the 20th complaint about the conduct of councillors in the year and say farewell to outgoing Ombudsman Nick Bennett.

A guide to some terms used in this Report

Case

Any matter raised with us by a member of the public.

Caseload

All cases that we handle.

Enquiry

A case when someone contacts us with a general query but is not yet ready to complain – or we know straight away that we cannot look into their issue. If that happens, we try to offer advice or direct people to another organisation that can help.

Pre-assessment

A Code of Conduct case which is not a duly made complaint. People who complain to us about the Code of Conduct need to sign a declaration to say that the details of the complaint are true and they are aware that their details and the complaint will be shared with the member. If they do not sign that declaration, we close the case at the preassessment stage.

Complaint

A case where we have enough information to suggest that it is something we are able consider.

Outcome

Our decision after we have considered a complaint.

Intervention

An outcome in complaints about public services when we decided that something has gone wrong and things must be put right. This could be by making recommendations or agreeing early resolution or settlement of a complaint.

Referral

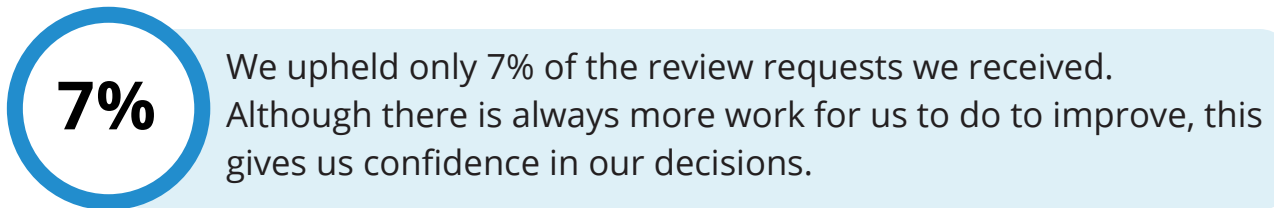
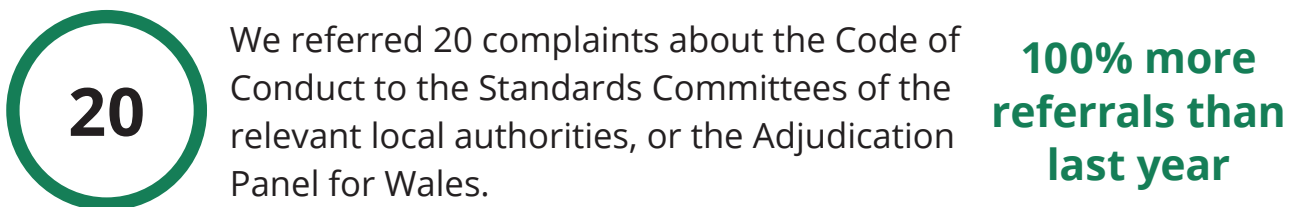
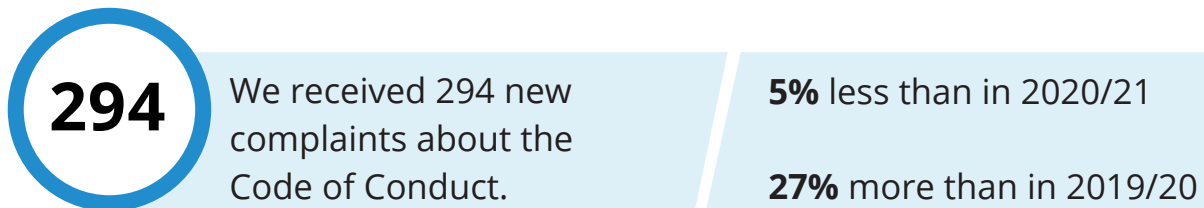
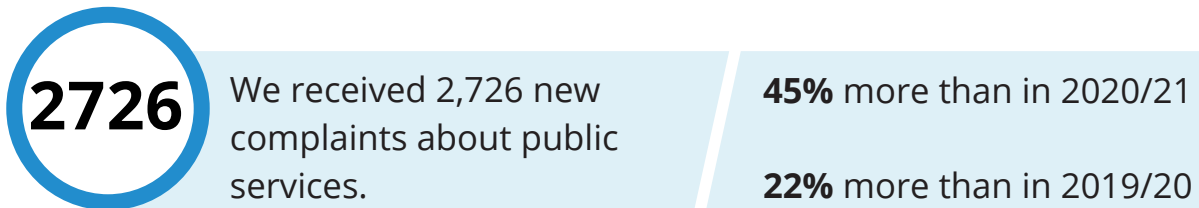
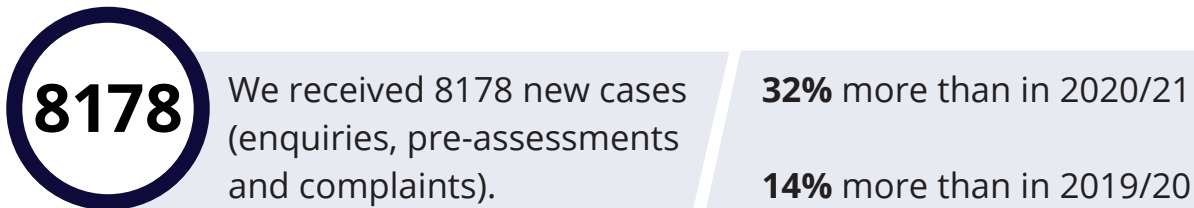
An outcome in Code of Conduct complaints where we refer a matter to a Standards Committee or the Adjudication Panel for Wales. We generally do this for cases which involve serious breaches of the Code..

Strategic Aim 1: Deliver Justice

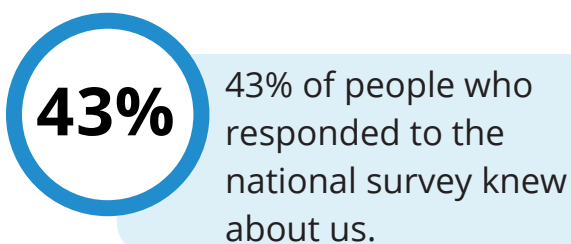
We want our service to be fair, independent, inclusive and responsive to the needs of people who complain to us.



Deliver Justice: our work at a glance



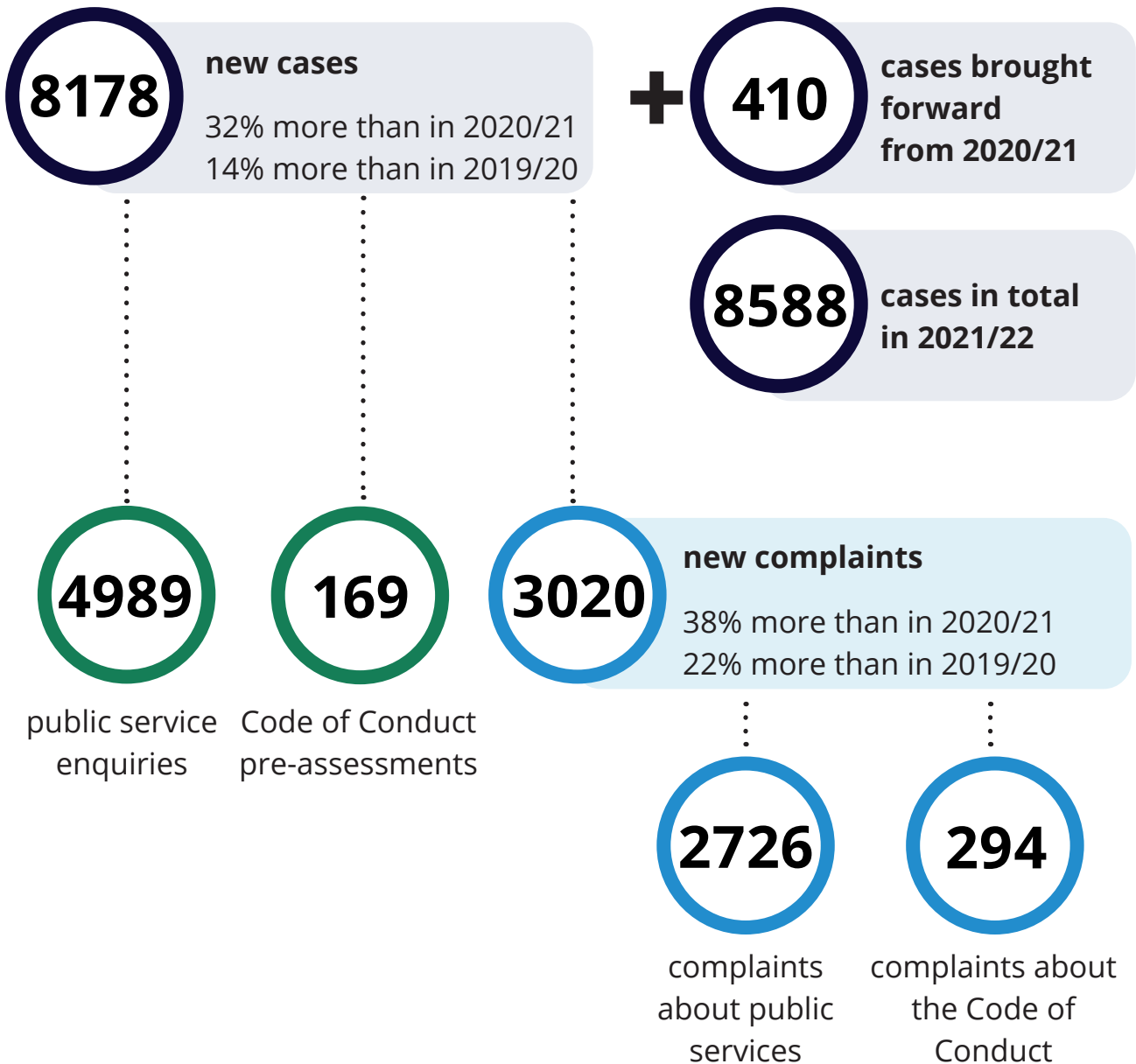
43% of our complainants that we asked were happy with our customer service - compared to 51% in 2020/21. However, people were much happier with our service when they were also happy with the outcome of their complaint.



Our caseload

New caseload

Every year, thousands of people contact us about public services or about breaches of the Code of Conduct. This year, we received more new cases than ever before.



Closed caseload

We also closed a record number of cases. We think that this high caseload will continue in 2022/23 and we are looking at ways to improve how we deal with cases even more efficiently.

7983

closed cases

28% more than in 2020/21
11% more than in 2019/20

605

cases carried over to 2022/23

This is much more than in 2020/21 (410) and 2019/20 (453) because of the very high number of cases that we had to deal with this year.

4953

public service enquiries

165

Code of Conduct pre-assessments

2865

closed complaints

29% more than in 2020/21
14% more than in 2019/20

2584

complaints about public services

281

complaints about the Code of Conduct

In the next sections of this Report, we focus on the main trends in **our complaints only**.

Enquiry

This is when someone contacts us with a general query but is not yet ready to complain – or we know straight away that we cannot look into their issue. If that happens, we try to offer advice or direct people to another organisation that can help.

Complaint

These are cases where we have enough information to suggest that it is something we are able to consider.

Assessment

We assess if we can and need to investigate the complaint. For example, we check how much time has passed since the issue was complained about.

If we decide that we cannot or should not consider the complaint, we will let the complainant know.

We can propose Early Resolution - suggest that a body takes action to resolve the issue without an investigation.

If we think that we need to get more evidence, or we cannot resolve the issue early, we will investigate.

Investigation

We look into the complaint in more detail, and we gather additional evidence. We aim to complete our investigations within 12 months or sooner.

If we decide that nothing has gone wrong, we will issue a report and contact the complainant to explain our decision.

If we decide that something has gone wrong, we can:

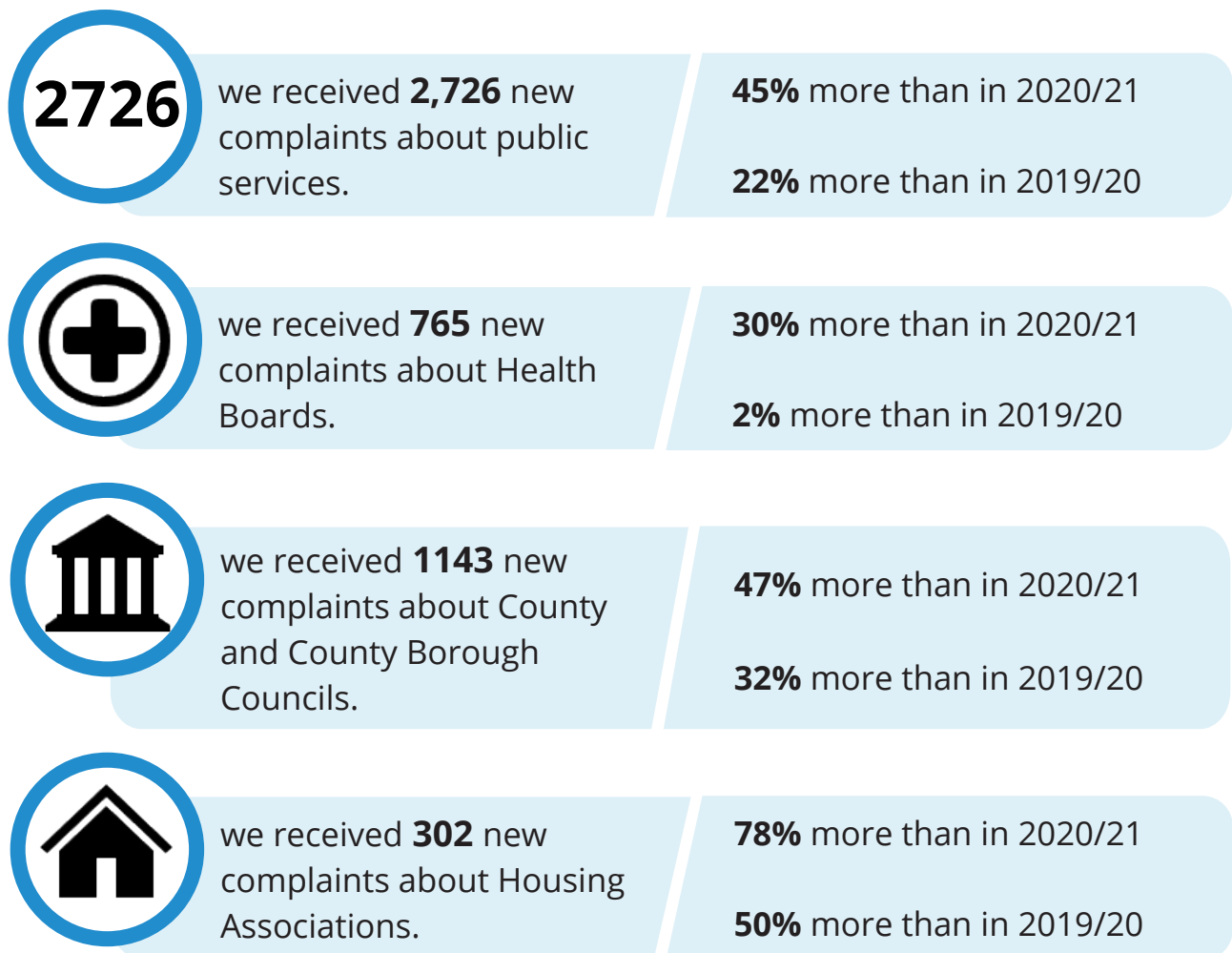
propose a voluntary settlement - similar to Early Resolution.

issue a report upholding the complaint.

Complaints about public services

New complaints about public services

We received a record number of complaints about public services, especially about County Councils and Housing Associations. Code of Conduct complaints are covered in a separate section of this Report. In 2021/22:



Find all the complaints data that we refer to in this Report [on our website here.](#)

Which bodies people complained about

The main bodies that people complain to us about are Health Boards, County Councils and Housing Associations.



Health Boards

We had 765 new complaints about Health Boards – 30% more than last year, but only 2% more than in 2019/20. This is an increase, but not as significant as for some other bodies in our jurisdiction.

Compared to **2020/21**, we noted increases in complaint numbers for all Health Boards apart from Powys Teaching Health Board.

However, when comparing to **2019/20**, several Health Boards were less complained about this year.

As in previous years, in 2021/22 the most complained about Health Board was Betsi Cadwaladr University Health Board. However, that Health Board was subject to 6% fewer complaints than in 2019/20.

We noted large increases in new complaints about Cwm Taf Morgannwg University Health Board and Swansea Bay University Health Board, compared to 2020/21 and 2019/20.

Health Board	2021/22	Change from 2020/21 %	Change from 2019/20 %	2020/21	2019/20
Aneurin Bevan UHB	142	+48%	+1%	96	140
Betsi Cadwaladr UHB	213	+16%	-6%	184	227
Cardiff and Vale UHB	89	+44%	-11%	62	100
Cwm Taf Morgannwg UHB	113	+31%	+41%	86	80
Hywel Dda UHB	88	+38%	-4%	64	92
Powys Teaching HB	10	-38%	-57%	16	23
Swansea Bay UHB	110	+39%	+21%	79	91
All Health Boards	765	+30%	+2%	587	753



County and County Borough Councils

We had 1143 new complaints about County and County Borough Councils. This was a large increase – 47% more than last year, and 32% more than in 2019/20.

Compared to **2020/21**, all councils were subject to more complaints except for Blaenau Gwent, Conwy and Swansea. We noted some of the highest increases in new complaints for Neath Port Talbot, Carmarthenshire and Cardiff.

Compared to **2019/20**, all councils apart from Blaenau Gwent, Conwy, Swansea and Powys were subject to more complaints. For many councils we noted very significant increases in new complaints. Some of the highest increases related to Torfaen, Wrexham, Merthyr Tydfil, Neath Port Talbot and the Vale of Glamorgan.

You can find a detailed breakdown of our new complaints about County and County Borough Councils overleaf.



Housing Associations

Finally, we had 302 new complaints about Housing Associations. The increase in new complaints about these bodies was the most significant – we received 78% more complaints about them than in 2020/21 and 50% more than in 2019/20.

No single organisation was responsible for a large proportion of these complaints. Over the last two years, we had complaints about around 40 different Housing Associations and we rarely received more than 10 complaints about one body.

Almost a half of the complaints that we received this year about housing associations - 46% - was about repairs and maintenance. This is higher than in previous years.

Our new complaints about County and County Borough Councils:

County or Count Borough Council	2021/22	Change from 2020/21	Change from 2019/20	2020/21	2019/20
Blaenau Gwent	14	-7%	-18%	15	17
Bridgend	55	+77%	+62%	31	34
Caerphilly	60	+30%	+22%	46	49
Cardiff	182	+90%	+49%	96	122
Carmarthenshire	54	+100%	+29%	27	42
Ceredigion	52	+63%	+68%	32	31
Conwy	27	-16%	-7%	32	29
Denbighshire	34	+6%	+6%	32	32
Flintshire	99	+68%	+62%	59	61
Gwynedd	39	+30%	+5%	30	37
Isle of Anglesey	29	+61%	+12%	18	26
Merthyr Tydfil	27	+80%	+108%	15	13
Monmouthshire	20	0%	+25%	20	16
Neath Port Talbot	45	+137%	+105%	19	22
Newport	40	+29%	+3%	31	39
Pembrokeshire	39	+39%	+56%	28	25
Powys	55	+45%	-24%	38	72
Rhondda Cynon Taf	51	+28%	+31%	40	39
Swansea	71	-3%	-23%	73	92
Torfaen	18	+50%	+260%	12	5
Vale of Glamorgan	61	+56%	+103%	39	30
Wrexham	71	+65%	+115%	43	33
All County and County Borough Councils	1143	+47%	+32%	776	866

Find all the complaints data that
we refer to in this Report
[on our website here.](#)



What people complained about

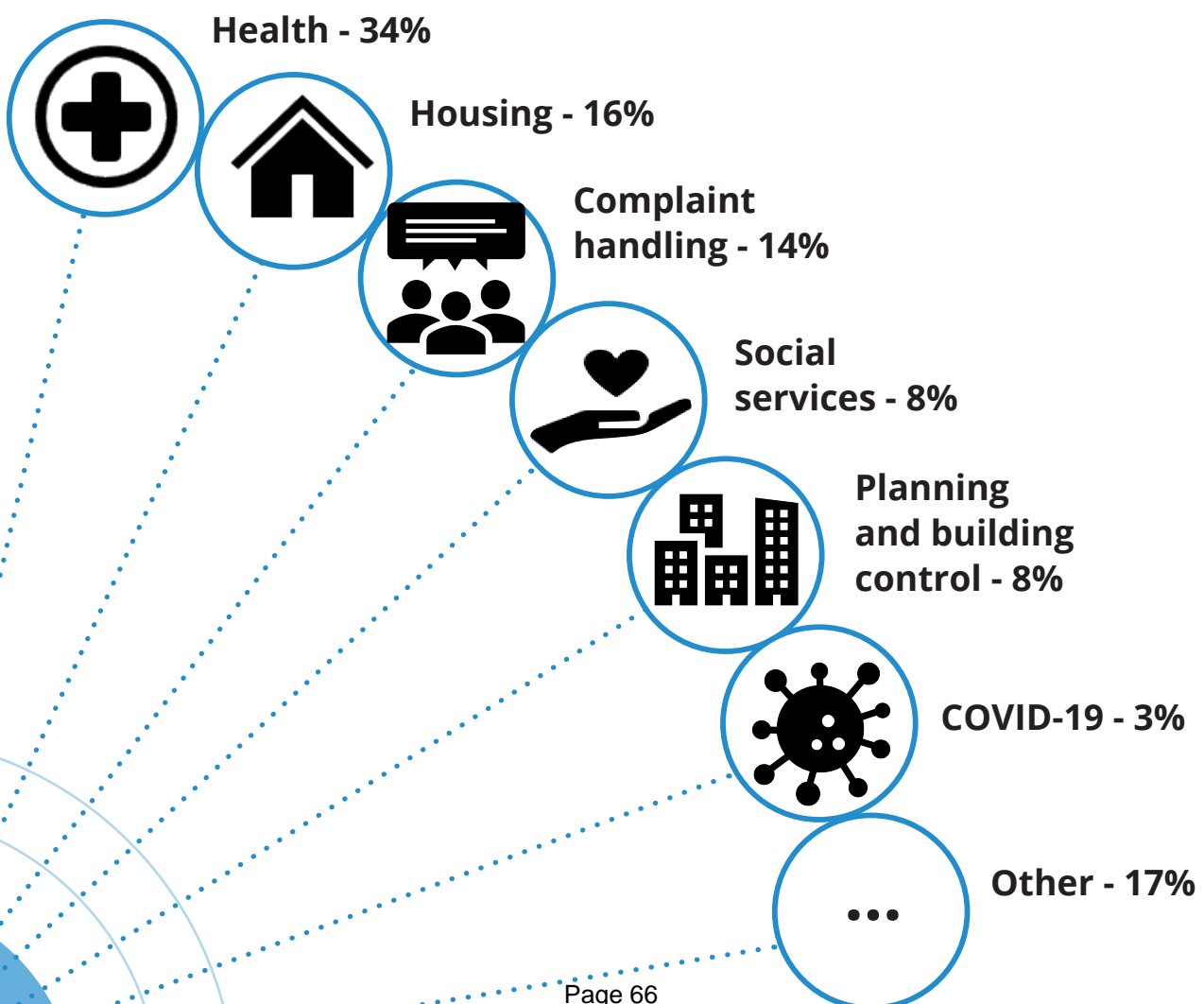
We report our new complaints showing the different public service providers they relate to. However, we also monitor and report on the subject of those complaints.

As in previous years, people complained to us most commonly about health services. 34% of our new complaints were about those services. Still, this was a lower proportion than in the last two years (39% in 2021/22 and 41% in 2019/20)

The proportion of complaints about problems with how public bodies handled complaints has increased to

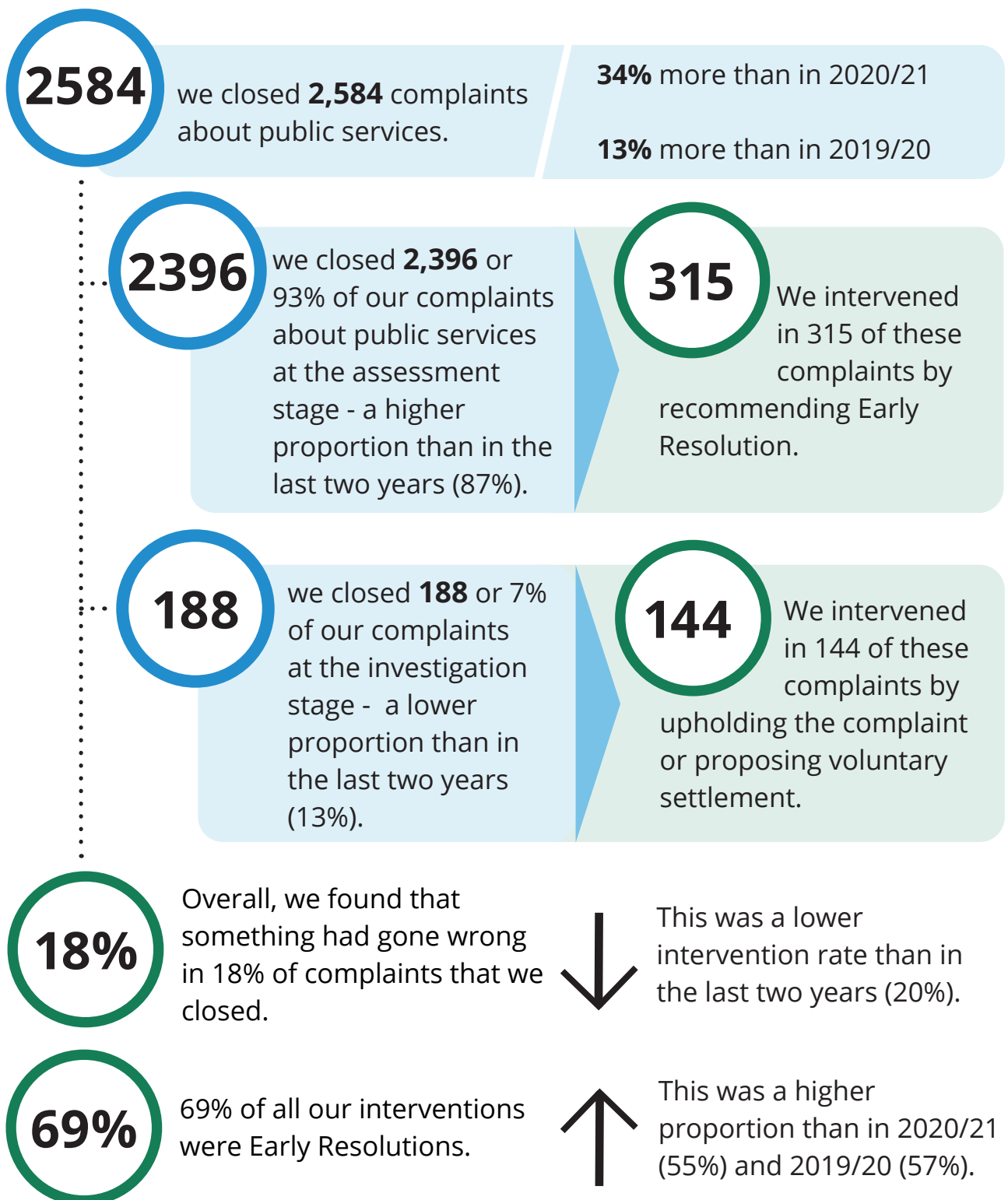
14% (from 12% in 2020/21 and 9% in 2019/20). We hope that we will start to see fewer of those complaints, as public bodies put into action the learning from our complaints standards training. However, we also know that many public bodies have received many more complaints this year. This can influence the standard of complaint handling.

This year, we recorded some complaints as being related to COVID-19. These are cases where the impact of the pandemic was central to the issue complained about. Around half of these complaints related to health services. However, these COVID-19 related complaints account for a small proportion of new complaints – around 3%.



Closed complaints about public services

We closed a record number of complaints this year and we found that something had gone wrong in about the same proportion of complaints as over the last two years. In 2021/22:



How many complaints we closed

This year, we closed 2,584 complaints about public services – 34% more than in 2020/21 and 13% more than in 2019/20.



Our closed complaints: Health Boards

We closed 691 complaints about Health Boards. This was 10% more than last year, but 12% less than in 2019/20.

However, we have many more complaints about Health Boards still to close. 271, or just over a half of the complaints about public services that we still had open at the end of the year were about Health Boards. These are often the most complicated complaints, which take longest to investigate.

We have now closed all the outstanding complaints about the two former Health Boards - Abertawe Bro Morgannwg Health Board and Cwm Taf University Health Board.



Our closed complaints: County and County Borough Councils

We also closed 1108 complaints about County and County Borough Councils – 42% more than last year and 26% more than in 2019/20.

Complaint stages



By looking at what stage we closed complaints we can better understand the complaints reaching our office.

There are legal restrictions on the cases we can investigate. To investigate, the body or the matter complained about must be in our jurisdiction. We must know that the body complained about has had a reasonable chance to respond to the complaint. We also need to receive a complaint within 12 months of the events complained about (or within 12 months of the person complaining becoming aware of the issue).

Many of the complaints that we close at assessment stage are cases where the complaint was made to us too early, too late or where the complainant did not yet have the information that we needed to consider their complaint in more detail.

When we closed complaints

Assessments

This year, we closed 2396 or 93% of our complaints about public services at the assessment stage. This was a large proportion - higher than in the last two years (87%).

The main reason for closing complaints at that initial stage was because they were premature – they reached us before the relevant body could respond to them. That was the case for 32% of the complaints we rejected at assessment in 2021/22 (compared to 28% in 2020/21).

This could mean that people who contact us do not understand when we can consider their complaint.

However, it could also mean that the bodies in our jurisdiction are taking too long to consider the complaints themselves.

Other common reasons included that there was no evidence of maladministration or service failure (22%); and that we believed that we could have achieved little further for the complainant (12%).

Investigations

We closed 188 or 7% of our complaints at the investigation stage. This was a lower proportion than in the last two years (13%).

This reflects, amongst other things, the fact that case numbers in 2020/21 were lower, with fewer investigations commenced that year and concluded in 2021/22.

We also had more investigations open at the end of the 2021/22 year. Of the complaints that we still had open at the end of the year, 217, or about 36% were being investigated – and 175 of these investigations were about health.

Unfortunately, this is a high number of complex cases that we simply did not manage to close during the year because of case complexity and our workload pressures.

As in previous years, over 80% of the investigations that we completed during the year related to health services. This tends to happen because complaints about health services are usually most complex. We often cannot make our decision on a health case without investigating in detail and commissioning expert clinical advice.

Our interventions



The number of complaints that we received or closed does not tell us how well bodies in our jurisdiction deliver services. To understand that, it is more useful to look at how many complaints we intervene in.

Intervention means that we found that something had gone wrong and that the public body needed to put things right. We can intervene at assessment stage by suggesting an 'Early Resolution'. We can also intervene after we investigated - by publishing a report which upholds a complaint, or by suggesting a settlement between the body and the person complaining.

When we intervened

We intervened in 459 or 18% of complaints about public services that we closed in 2021/22.

Although this is a higher number of interventions than in the last two years, it is a smaller proportion of our closed complaints overall - 18%, compared to 20% in the last two years.

In 315 of these complaints, or about 69% of all our interventions, we proposed an Early Resolution at the assessment stage.

This was a higher proportion than last year (55%) and in 2019/20 (57%).

Many people complaining to us want to see their case resolved quickly and investigations take significant time and resources. We are happy to have resolved more complaints using this approach.

In the other 144 complaints that we intervened in, we issued a report upholding the complaint or proposed a voluntary settlement.

Our reference: 202105152



Ms X complained about how Conwy County Borough Council managed a Gypsy Traveller site and how residents were reimbursed for their costs in carrying out routine maintenance. She was also concerned that the Council stated that officers would not deal directly with residents if they made allegations of racism. Although we saw evidence that the Council had been acting to address the situation, we were concerned that some of these matters had been ongoing for some time. We agreed with the Council that it would:

- provide a new draft management agreement to the residents and
- reimburse their outstanding costs.

Our reference: 202103182



Mr A complained to us that, in March 2020, Hywel Dda University Health Board cancelled his orthopaedic operation because of the pandemic and, by August 2021, he was yet to hear when his operation would happen. We acknowledged that the Health Board's services had been severely disrupted by the pandemic, causing delays. However, we were concerned that the Health Board did not update Mr A on his place on the waiting list. We agreed with the Health Board that it would:

- update Mr A and explain the situation
- confirm how it manages and reviews the orthopaedic waiting list to ensure that Mr A receives his operation as soon as possible.

Our reference: 202103058



Ms D complained that she had incurred a debt after the Student Loans Company (SLC) gave her wrong information about funding available for her tuition fees. Only after she started her course, SLC told her that the funding support was not available to her. Although Ms D left the course immediately, she still incurred a debt of tuition fees for a term. We decided that, since the information that Ms D received from SLC was not correct, SLC should reimburse Ms D for her time and trouble, as well as cover the tuition fee debt.



Our interventions: Health Boards

We intervened this year in a slightly lower proportion of complaints about Health Boards – 30%, compared to 33% last year and 31% in 2019/20.

We noted the highest intervention rates for Powys Teaching Health Board (50%). However, we closed this year only 6 complaints about that Health Board. The intervention rate for other Health Boards was between 34% (for Aneurin Bevan University Health Board) and 22% (for Cardiff and the Vale University Health Board).

Compared to **2020/21**, our intervention rate this year increased only for Powys

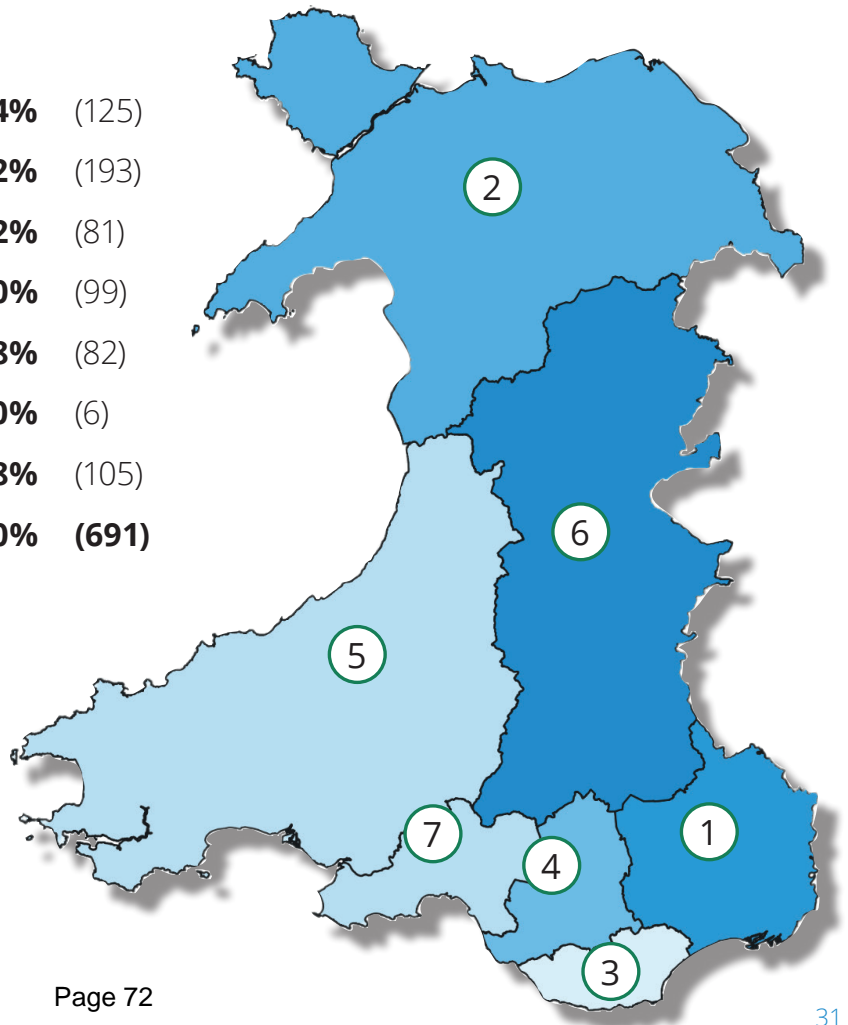
Teaching Health Board and Cwm Taf Morgannwg University Health Board.

However, compared to **2019/20**, we intervened in a higher proportion of complaints for several Health Boards. We noted the highest increases for Cwm Taf Morgannwg University Health Board and Swansea Bay University Health Board.

We notice that, this year, we received many more new complaints about Cwm Taf Morgannwg University Health Board and Swansea Bay University Health Board and, compared to 2019/20, we intervened in a much higher proportion of complaints as well. We will be working with these two Health Boards to understand why that was the case.

①	Aneurin Bevan UHB	34%	(125)
②	Betsi Cadwaladr UHB	32%	(193)
③	Cardiff and Vale UHB	22%	(81)
④	Cwm Taf Morgannwg UHB	30%	(99)
⑤	Hywel Dda UHB	28%	(82)
⑥	Powys Teaching HB	50%	(6)
⑦	Swansea Bay UHB	28%	(105)
	All	30%	(691)

Above, we list our rate of intervention this year for each Health Board. For context, the number of all the complaints about it that we closed is noted in brackets.





Our interventions: County and County Borough Councils

We intervened this year in a slightly higher proportion of complaints about County and County Borough Councils – 14% compared to 13% over the last two years.

We recorded the highest intervention rates for Ceredigion County Council (28%) and Cardiff Council (28%). We intervened in the lowest proportion of complaints for Blaenau Gwent Council (0%) and Pembrokeshire Council (5%).

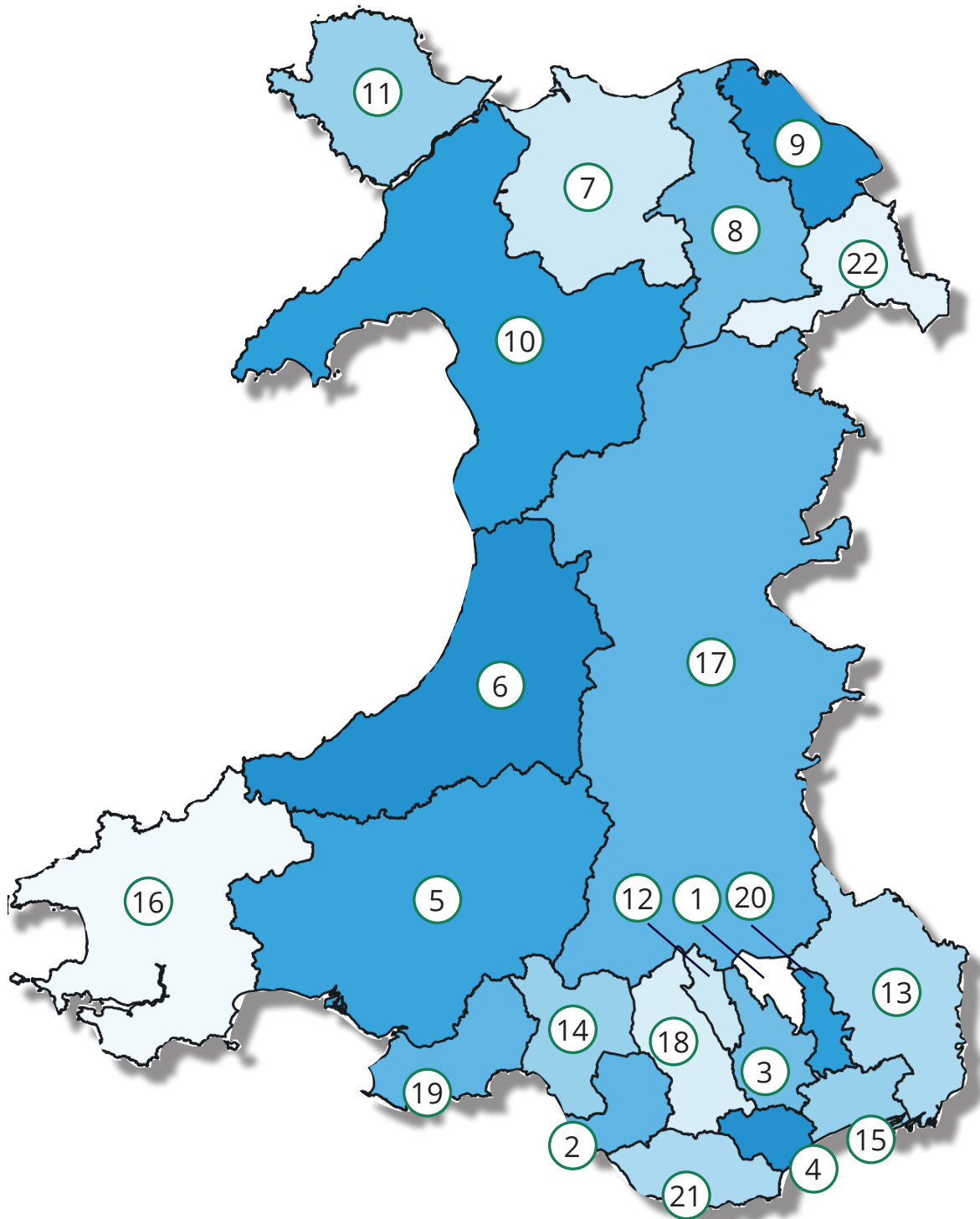
Compared to **2020/21**, our rate of intervention decreased for many councils, such as Conwy, Carmarthenshire, Pembrokeshire and Wrexham. However, for some councils, such as Ceredigion and Torfaen, we intervened in a much higher proportion of complaints.

Compared to **2019/20**, our rate of intervention decreased for councils such as Pembrokeshire, Torfaen and Conwy. However, our rate of intervention rate increased noticeably for some councils, including Ceredigion, Bridgend and Cardiff.

During the year, we have continued to work with County Councils as part of our Complaints Standards role to help improve public services. We will continue this work during 2022/23, focusing on those councils for which our intervention rate was the highest.

Below, we list our rate of intervention this year for each Council. For context, the number of all the complaints about it that we closed is noted in brackets.

1	Blaenau Gwent	0%	(13)
2	Bridgend	13%	(54)
3	Caerphilly	12%	(58)
4	Cardiff	28%	(159)
	Cardiff Council- Rent Smart Wales	6%	(16)
5	Carmarthenshire	14%	(49)
6	Ceredigion	28%	(46)
7	Conwy	8%	(24)
8	Denbighshire	12%	(33)
9	Flintshire	16%	(94)
10	Gwynedd	15%	(41)
11	Isle of Anglesey	11%	(28)
12	Merthyr Tydfil	8%	(26)
13	Monmouthshire	10%	(21)
14	Neath Port Talbot	11%	(45)
15	Newport	11%	(36)
16	Pembrokeshire	5%	(40)
17	Powys	13%	(55)
18	Rhondda Cynon Taf	7%	(45)
19	Swansea	13%	(76)
20	Torfaen	10%	(20)
21	Vale of Glamorgan	15%	(62)
22	Wrexham	6%	(67)
	All	14%	(1108)



Find all the complaints data that we refer to in this Report [on our website here.](#)

Recommendations

When we find that something has gone wrong with public services, we recommend that the body that provided those services puts things right. In 2021/22:

1,131

we issued 1131 recommendations to public service providers.

£132k

we recommended over £132,000 of financial redress – compared to £62,000 in 2020/21 and £80,000 in 2019/20.

Often, when things have gone wrong, most people simply want to receive a response and an apology, or to understand why things happened the way they did.

However, sometimes it is not enough to put things right for the person who complained. Many people who complain to us want to make sure that others will not have to face the same injustice.

We focus on putting things right for people who suffered injustice and on making sure that lessons are learned. However, we can also recommend that a body pays a person, for example for their time, their trouble, or for damage, loss or avoidable costs incurred. In 2021/22, 15% of our recommendations involved this kind of financial redress and we recommended over £132k of financial redress in total.

Of our recommendations,

- 20% were about an apology
- 12% were about the body responding to the initial complaint
- 6% were about the body explaining better why it acted the way it did
- 12% were about a reviews or changes to processes or a Quality Audit
- 11% were about the body letting its staff know about the issues we found
- 3% were about the body organising training for its staff.

Our reference: 201904733



Ms R contacted us following a fall by her mother, Mrs A, when in the care of Betsi Cadwaladr University Health Board. Ms R complained that the Health Board did not take the right action to reduce the risk of Mrs A falling while she was walking to the bathroom. Among other issues, she also complained about how the Health Board investigated the incident and how it communicated with her and her mother. We did not uphold all aspects of Ms R's complaint. However, we agreed that it seemed that the Health Board did not do everything that it should have done to protect Mrs A from the fall. We also agreed that there were issues with the Health Board's investigation and communication. Our recommendations in this case included that the Health Board:

- apologises to Ms R and Mrs A and offers Mrs A £250 in recognition that it did not investigate the fall as it should have
- reminds its staff about the importance of clear communication, detailed record keeping and comprehensive investigations when incidents occur
- considers the incident, and how it affected Mrs A, under a process akin to Putting Things Right (PTR).

After it considered the incident as we recommended, the Health Board offered Mrs A significant financial compensation.

“Your recommendations will help others following down this difficult path and I am glad their journey may be easier as a result. We feel we now have had a voice and are not invisible anymore - that means a great deal. Thank you.

“We take comfort in the thought that all involved have learned some meaningful lessons and hopefully as a result of your investigation, no other family may experience the situation we found ourselves in.

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.

However, for these recommendations to have impact, public bodies must act on them.

When we make recommendations, we agree a date by which they need to comply and we ask them to send evidence that they have complied. If public bodies do not comply, we can issue a 'special report', which we lay before the Senedd. In 2021/22:

81%

we received evidence of compliance with 81% of recommendations due during the year – compared to 85% last year and 72% in 2019/20.

0

we did not issue any special reports.

This year, we revised our processes around checking and recording evidence that service providers complied with our recommendations. We have noticed that this work is beginning to show improvements in compliance performance.

This year, bodies in our jurisdiction gave us evidence that they complied with 81% of the recommendations that they were supposed to implement during the year. This is similar to 85% last year.

For the remaining 19% of recommendations, we are awaiting evidence from the bodies. We continue to follow this up.



“Your professionalism, integrity and honesty have exceeded our expectations. Although there are no celebrations to be had, you have now provided the bitter sweet confirmation that our concerns were well founded.

Pre-assessment

A Code of Conduct case which is not a duly made complaint. People who complain to us about the Code of Conduct need to sign a declaration to say that the details of the complaint are true and they are aware that their details and the complaint will be shared with the member. If they do not sign that declaration, we close the case at the preassessment stage.

Complaint

A case where we have enough information to suggest that it is something we are able consider.

Assessment - our two-stage test

We apply our two-stage test:

- is there enough evidence that the councillor may have breached the Code of Conduct?
- is it in the public interest that we investigate?

If we decide that we cannot or should not consider the complaint, we will let the complainant know.

We can refer the complaint to the council's Clerk or Monitoring Officer to be resolved locally.

If we decide that the complaint passes our two-stage test, we will start an investigation.

Investigation

We look into the complaint in more detail, and we gather additional evidence. We aim to complete our investigations within 12 months or sooner.

We may find that there was no breach of the Code of Conduct.

We may discontinue our investigation - or decide that we do not need to take any further action.

We refer the most serious breaches of the Code of Conduct to the Adjudication Panel for Wales or to Standards Committees.

Complaints about the Code of Conduct

New Code of Conduct complaints

Compared to last year, we received fewer complaints about the Code of Conduct. However, last year the volume of those complaints was unusually high. Compared to 2019/20, we received many more new Code of Conduct complaints. We again saw more complaints about members of Town and Community Councils. In 2021/22:

294

we received **294** new complaints about the Code of Conduct.

5% less than in 2020/21

27% more than in 2019/20



171 complaints about councillors at Town and Community Councils.

2% more than in 2020/21

27% more than in 2019/20



114 new complaints about councillors at County and County Borough Councils.

17% less than in 2020/21

19% more than in 2019/20



about a half of our new complaints about the Code of Conduct was about the promotion of equality and respect. This is a slightly lower proportion than in 2020/21.



Find all the complaints data that we refer to in this Report [on our website here.](#)

Who people complained about

People complain to us mainly about the conduct of councillors at Town and Community Councils and County and County Borough Councils.

Compared to 2020/21, we had 2% more complaints about councillors at Town and Community Councils. 58% of

our new complaints about the Code of Conduct were about councillors at those bodies – a similar proportion as over the last two years. However, we had 17% fewer complaints about councillors at County and County Borough Councils.

The table below shows the number of our new complaints about councillors at different bodies.

Body	2021/22	2020/21	2019/20
Town and Community Councils	171	167	135
County and County Borough Councils	114	138	96
National Parks	5	2	0
Fire Authorities	0	1	0
Police and Crime Panels	4	0	0
Total	294	308	231

What people complained about

We report 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 that we received for each subject.

Subject	2021/22	2020/21	2019/20
Accountability and openness	5%	4%	11%
Disclosure and registration of interests	11%	14%	17%
Duty to uphold the law	9%	8%	7%
Integrity	8%	12%	10%
Objectivity and propriety	11%	5%	2%
Promotion of equality and respect	51%	55%	49%
Selflessness and stewardship	5%	2%	3%

As in previous years, about a half of all new Code of Conduct complaints that we received was about 'promotion of equality and respect'.

Many cases that we categorise under 'respect' are lower-level complaints. These are the ones where we tend to decide quickly that we will not investigate, or where we recommend that the complaint is resolved locally.

However, some of these complaints and many of those that we categorise under 'equality' commonly involve more serious allegations of bullying or discrimination.

The 'two stage test' that we apply when deciding cases helps us focus our resources on such serious allegations.

Our two-stage test

When we assess a complaint about the Code of Conduct, we use a two stage test to decide whether we should investigate it.

Firstly, we decide if we have enough evidence to suggest that there may have been a breach of the Code of Conduct.

Secondly, we decide if an investigation would be 'in the public interest'. Public interest can be described as something which is of serious concern or benefit to the public.

We will not investigate a complaint that does not pass this test.

Our reference: 201906362



The complainant in this case alleged that a councillor from Abertillery and Llanhilleth Community Council had shown a disregard for the principle of equality. This was demonstrated by making comments about another member's hearing impairment and deliberately making it difficult for that member to participate in Council meetings.

We investigated this complaint and referred our report on this investigation to the Adjudication Panel for Wales. The Panel decided that the councillor breached 4 paragraphs of their Council's Code of Conduct, including by not showing respect and consideration for others and by using bullying behaviour. He also breached the Code for failing to engage with the investigation.

The Panel suspended the councillor for 10 months.

Closed Code of Conduct complaints

Whilst we closed slightly fewer Code of Conduct complaints than last year, we investigated a much higher proportion. This year, we also referred twice as many complaints to the Adjudication Panel for Wales and Standards Committees as last year. This means that we saw many more potentially serious issues that could undermine public confidence in the people who represent them. In 2021/22:

281

we closed 281 complaints about the Code of Conduct.

3% less than in 2020/21

20% more than in 2019/20

39

we completed 39 investigations.

63% more than in 2020/21

18% more than in 2019/20

20

we referred 20 complaints to the Standards Committees of the relevant local authorities, or the Adjudication Panel for Wales. This was 100% more than last year.

Code of Conduct referrals

i

Following consideration, we investigate only a small proportion of the Code of Conduct complaints we receive. This reflects that we will only investigate the most serious complaints to ensure that we use our resources wisely.

In cases where we investigate and have evidence to suggest there may have been a serious breach of the Code of Conduct, we refer the complaint and our findings to a local Standards Committee or to the Adjudication Panel for Wales. It is for those bodies to independently look at the evidence we have gathered, together with any information put forward by the councillor concerned and decide whether the councillor has breached the Code of Conduct and if so, what penalty, if any, should be imposed.

Main trends

This year we closed 281 Code of Conduct complaints – 3% less than last year, but 20% more than in 2019/20.

We closed 86% of complaints after initial assessment. However, we closed investigations into 39 complaints - 63% more than last year and 18% more than the year before.

In 19 of the complaints that we investigated, we decided that either the member did not breach the Code of Conduct, or it was appropriate to discontinue the investigation or we did not need to take further action. The main reasons we might decide no further action is necessary are if the councillor has acknowledged their behaviour and apologised, or has taken steps to put things right.

However, we referred 20 of the complaints that we investigated to the Standards Committee of the relevant local authority, or the Adjudication Panel for Wales.

Referrals

In 2021/22 we made:

- 11 referrals to Standards Committees
- 9 referrals to the Adjudication Panel for Wales.

We believe that it was necessary to refer those complaints to maintain public confidence in those holding public office.

Although this means that we still refer a very small proportion of all Code of Conduct complaints received, it was more than half of those we decided to investigate.

It was also twice as many as last year and the highest number of referrals that we made since 2012/13.

We are concerned about this increase. It suggests that the ethical standards of a small number of councillors have the potential to undermine public confidence and the reputation of local government democracy.

It takes time for Standards Committees and the Adjudication Panel for Wales to consider our referrals.

Of the 20 complaints we referred during 2021/22, they have, by 31 March 2022, considered 11.

Overleaf, we give examples of two decisions by these bodies on our referrals issued this year.

The Adjudication Panel for Wales and Standards Committees upheld and found breaches in all our referrals they considered in 2021/22.

This gives us additional assurance that our process for considering these complaints is sound.

Our reference: 201903571



In this complaint, the councillor represented Caerphilly County Borough Council as a member of the Cardiff Capital Region (CCR) City Deal's Regional Cabinet. The complaint was that he had purchased shares in a company that had been leased premises by CCR City Deal and that he had then not declared an interest as appropriate

Following our referral, the Adjudication Panel for Wales decided that the councillor had improperly used his position in attempting to gain an advantage for himself by purchasing shares in a company after receiving confidential information relating to the Cardiff Capital Region City Deal. It also found that the councillor had a personal and prejudicial interest in the company which he had failed to declare and he did not leave a meeting when the matter was being considered by the Council.

The Panel suspended the councillor 5 months for several breaches of the Code of Conduct.

Our reference: 201906873



We received a complaint from the Chair of the Personnel Committee of Tywyn Town Council that a member of that Council had been disrespectful to the Clerk and had repeatedly undermined her.

Following our referral, Gwynedd Council's Standards Committee found that the member had used discriminatory language towards the Clerk relating to her gender and had used disrespectful, bullying and harassing behaviour towards her.

A censure was the only sanction available to the Standards Committee as the member had resigned shortly before the hearing. However, the Committee put on record that, had the member not resigned, he would have been suspended for 6 months.


Promoting better practice

We would want to see the overall number of low-level complaints about members of Town and Community Councils reduce and we are also concerned about the high number of referrals this year.

We strongly believe that the way to overturn these trends is through training for councillors on the Code of Conduct. We would also encourage greater use of local resolution procedures. These procedures can deal with problems early and prevent the need for further escalation to our office, which can improve working relationships.

Since not all members take up opportunities to undertake training, we are pleased that, under the Local Government and Elections (Wales) Act 2021, Town and Community Councils must now make and publish a plan about the training provision for its members and staff. The first training plans must be ready and published by 5 November 2022. We expect these plans to include training about the Code of Conduct.

We also welcome the additional responsibilities that Group Leaders at principal councils have to promote good standards of behaviour. We look forward to working with Monitoring Officers and Standards Committees as they take up their additional duties.



Last year, Richard Penn (formerly the National Assembly for Wales Commissioner for Standards) undertook, on behalf of the Welsh Government, an independent review of the Ethical Standards Framework for Wales.

We look forward to working with the Welsh Government and other key stakeholders on matters arising from the Penn review.

Whistleblowing disclosure report

Since 1 April 2017, we are 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 that:

1. they are acting in the public interest, which means that protection is not normally given for personal grievances.
2. 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 2021/22, we received 27 Code of Conduct complaints that would potentially meet the statutory definition of disclosure from employees or former employees of a council. Almost a half of those disclosures (12) related to allegations that the members concerned had 'failed to promote equality and respect'. We investigated 11 of these complaints. So far, we have closed one of those investigations. We decided in that case that no further action was necessary.

We concluded investigations into 8 relevant complaints which were ongoing from 2020/21. Of these:

- we referred one case to a Standards Committee. The Committee decided that there was a breach of the Code of Conduct and censured the member.
- we referred one case to the Adjudication Panel for Wales. The Panel has not yet decided on that complaint.
- in three cases, we discontinued the investigation.
- In three cases, we decided that we did not need to take any action further action in respect of the matters investigated.

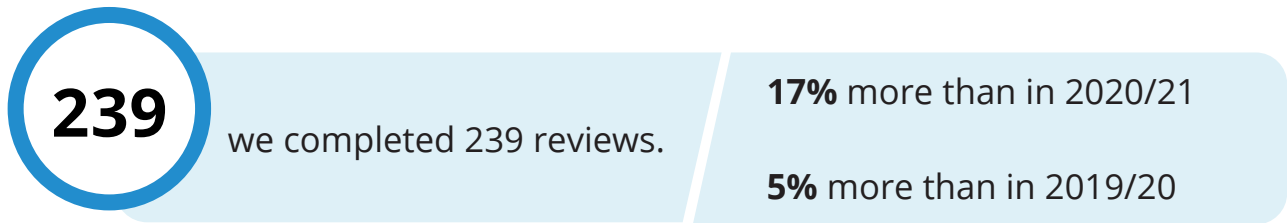
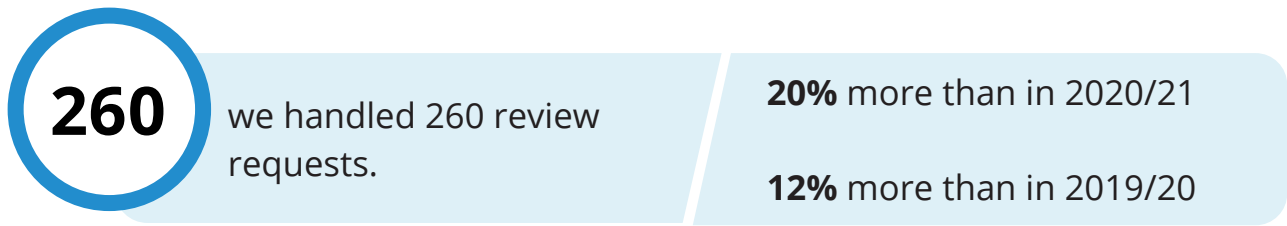
One of the investigations opened in 2020/21 is still ongoing.



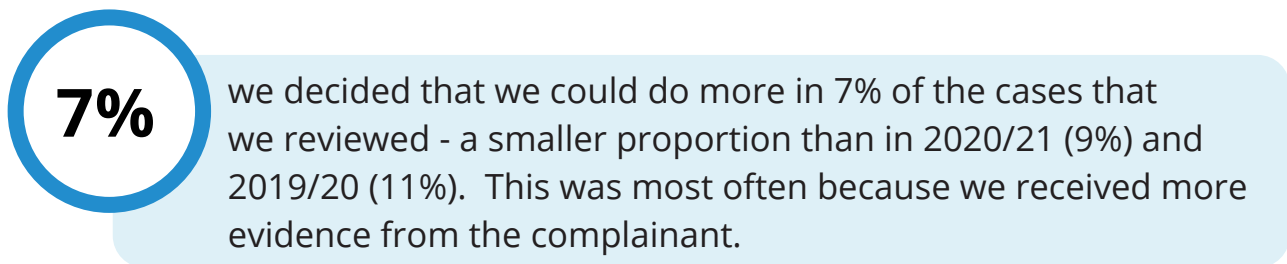
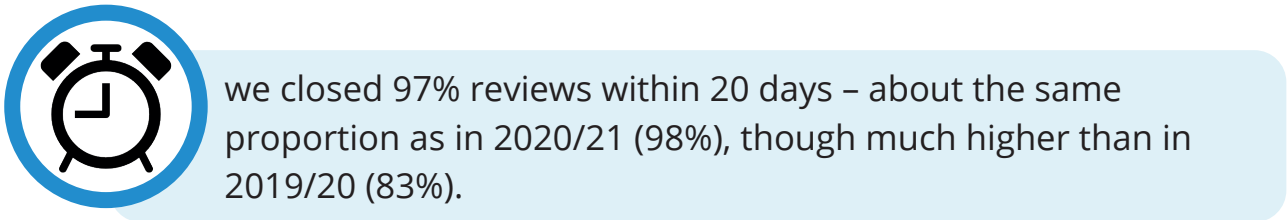
“ What you and your team do is so important. It brings answers to families in dire need and helps so much when we are literally alone in the dark.

Review and Quality Assurance

We do our best to make sure that we handle complaints fairly and in a transparent way. We received many more complaints this year and unsurprisingly we also received many more requests for reviews of our decisions. We managed to complete these reviews promptly and we upheld a smaller proportion than last year. This gives us confidence in our decisions. In 2021/22:



We did not complete 21 reviews this year and will undertake them in 2022/23.





Review requests

We understand that people may be unhappy with our decisions. People who are unhappy can ask for a review if they can show we did not properly consider the information they sent us, or if they can send us additional, new evidence. Those reviews are done by a member of staff who was not previously involved on a case.

This year we received more new review requests than ever before and we also managed to close more reviews than in 2020/21.

We upheld only 7% of the review requests – less than last year (9%). Although there is always more work for us to do to improve, this gives us confidence in our decisions.

Quality assurance

In addition to reviewing some cases, we also aim to regularly check the quality of our casework to ensure that it meets our service standards.

Last year we introduced a new Quality Assurance (QA) process. We aimed to look regularly at a selection of our cases at enquiry, assessment and investigation stage, to check the quality of our work. We undertook several QA reviews during the year, but the high workload meant that we were not able to do as many as we wished. We have now appointed a new Service Quality Officer to take on this important work in 2022/23.

Learning lessons

If we see from reviews and quality assurance that we can improve how we work, we let our staff know. For example, we may think that we need more training to deal with some complaints, or that we need to change our policies or processes.

We talk about learning points in our team meetings. We also have a space to share these lessons on our Intranet.

For example, as a result of one complaint we have amended our public body complaints process so that our staff now telephone complainants before sending out our draft investigation reports. This gives an opportunity for us to explain our investigations and alerts complainants that our reports are on their way.

After this section, we compare our performance this year to 2020/21 only



See section [The impact of COVID-19](#) for more details.

How quickly we considered complaints

Despite our workload this year, we met or almost met many of our decision times targets for public body and Code of Conduct complaints. However, we did not always start investigations into complaints about public services, or close cases about the Code of Conduct, as quickly as we aimed to.

We know that people expect us to consider their complaints quickly. However, we also need to investigate thoroughly and consider the views and comments of complainants and public bodies. In some cases, we also need to ask for professional advice.

We show below how quickly we aim to make our decisions in complaints about public services and how we performed this year:

	In 2021/22, we aimed to do that in ...	We succeeded in...
Complaints about public services		
decide if a complaint is not in our jurisdiction within 3 weeks	90% of cases	90% of cases
decide if we should not investigate a complaint within 6 weeks where we seek early resolution, decide within 9 weeks	90% of cases	83% of cases
decide to investigate and start our investigation within 6 weeks of the date we receive sufficient information	90% of cases	88% of cases
close cases that we investigated within 12 months	80% of cases	69% of cases
Complaints about the Code of Conduct		
close cases that we investigated within 12 months	85% of cases	76% of cases
decide if we should not investigate a complaint within 6 weeks	90% of cases	98% of cases
decide to investigate and start our investigation within 6 weeks of the date we receive sufficient information	90% of cases	80% of cases
close cases that we investigated within 12 months	90% of cases	67% of cases



2021/22 was a challenging year for us. We received more complaints than ever in the history of our office.

Despite that, we closed a record number of complaints and we were able to meet, or almost meet, many of our targets for decision times:

- ☑ Although we did not complete our consideration of cases as quickly as in 2019/20 in all areas of our work, we were mostly able to decide quickly which cases not to investigate.
- ☑ We were also able to resolve cases promptly where we secured early resolution. That is a good thing: many people complaining to us want to see their case resolved quickly and early resolution can often achieve that more quickly than investigation.

However, in some respects we fell short of our targets:

- ☒ We were not always able to start investigations into complaints about public services as quickly as we aimed to.
- ☒ We took too long to investigate some Code of Conduct cases.

This was in part because of our workload – there were simply too many cases for us to consider speedily with the resources we have.

Our work was also affected by the response times of the bodies in our jurisdiction. As those bodies continued to deal with the effects of the pandemic, they were not always able to respond to us as quickly as we would have liked.

Similarly, in some cases there have been delays on the part of councillors in cooperating with our investigations.

What people think about our service

We want to deliver an excellent service. To check how well we do that, we invite feedback from people who complain to us and from the bodies in our jurisdiction. We use that feedback to improve how we work.

This year, the bodies in our jurisdiction told us that they were broadly satisfied with our service. However, compared to 2020/21, our complainants were less happy with the service that they received from us. We are working on a detailed action plan to improve how we work based on this feedback. In 2021/22:

43%

43% of our complainants that we asked were happy with our customer service – compared to 51% in 2020/21.

89%

89% of the complainants who were happy with the outcome of their complaint were also happy with our service – compared to 99% in 2020/21.

32

we received 32 new complaints about us. This was 23% more than in 2021/22 (26).

93%

we responded to 93% of complaints about us in 20 days – compared to 100% in 2020/21.

41%

of the complaints about us that we closed, we upheld or partially upheld 41% - compared to 22% in 2020/21.

Our complainants

Telephone survey results

Every year, we organise a telephone survey of about 200 people who complained to us during the year. We ask another organisation to conduct this survey, to make sure that it is as impartial as possible.

As in previous years, people that we asked were much more likely to be happy with our service if they were also happy with the outcome of their complaint. For this reason, when we present the findings of this survey, we refer to the scores firstly of all who responded – and secondly of those happy with the outcome.

Most people that we asked this year thought we were easy to find. A smaller, but still significant proportion, felt that we clearly explained what we do and how we do it and that we were helpful.

“ I am very grateful for the time and patience and recourse to expertise and material that has been expended on this case.

“ Very satisfied with everything from start to finish. Everything was explained to us. And phone calls were made to keep us updated.

80%

95%

80% of all respondents and 95% of those happy with the outcome said that we were easy to find.

60%

86%

60% of all respondents and 86% of those happy with the outcome indicated that we offered a helpful service.

65%

91%

65% of all respondents and 91% of those happy with the outcome suggested that we clearly explained our process and decision.

43%

89%

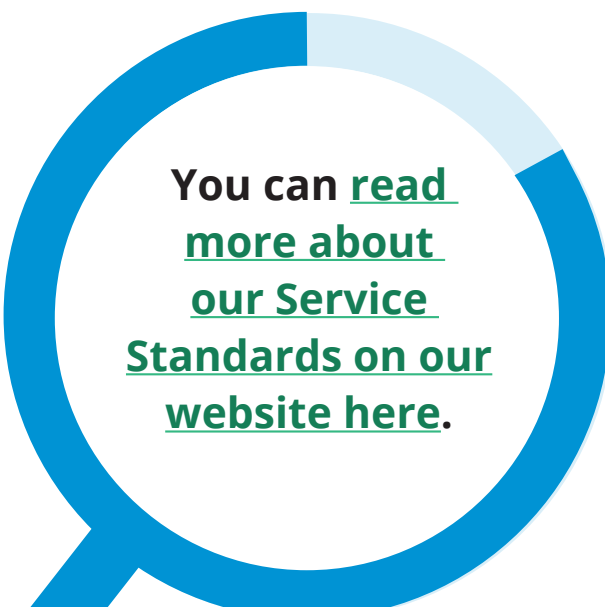
43% of all respondents and 89% of those happy with the outcome said they were happy with our customer service.

However, compared to 2020/21, fewer people were happy with how easy it was to find us and how helpful we were. Also, a lower proportion said they were happy with our customer service overall.

We use the survey findings to assess how we perform against our Service Standards:

1. We will ensure that our service is accessible to all.
2. We will communicate effectively with you.
3. We will ensure that you receive a professional service from us.
4. We will be fair in our dealings with you.
5. We will operate in a transparent way.

Overall, compared to 2020/21, people were generally less happy with how we met our Service Standards. Our challenge for 2022/23 is to improve our service whilst facing increased workload and static resources.



You can [read more about our Service Standards on our website here.](#)

Complaints about us

People who are unhappy with our service can complain to us. We value those complaints, as they help us to find out what we need to do better.

This year, we received 32 new complaints about us - 23% more than last year.

We upheld or partially upheld 41% of the complaints about us that we concluded - compared to 22% last year. Several complaints related to emails we sent but that were not received by complainants. To address this issue, we have moved to a new secure email system.

Other complaints related to delays and timeliness. This reflected our workload pressures and a mismatch between demand and our resources. These issues are harder to address but we are working to simplify our processes and become more efficient despite the increasing workload.

To ensure that we are open and accountable, if people are unhappy with how we handled their complaint about us, they can ask for that complaint to be considered by an external independent review service.

During 2021/22, 6 people referred their complaints to our external review service. Two were upheld in part. In one case, we did not include a complainant's reference number in our correspondence. In the other, the reviewer found that we had not responded sufficiently clearly to a councillor alleged to have breached the Code of Conduct.

Lessons

Overall, the results indicate that service users are less happy with our service. The feedback that we received this year suggests that there are some important issues that we need to address:

- what we communicate – we need to be more transparent and consistent in communicating our powers, process and criteria. This should help us to manage complainant expectations and improve trust in our process.
- how we communicate – we need to maintain more regular and personal contact with people who complain to us, including over the phone.
- how accessible we are – we need to make our processes clearer and more usable. We also need to make sure that we let people know how we can help them complain or understand our work.
- how we maintain a good service and make clear what level of service we can provide, when facing increasing workload and limited resources.

Bodies in our jurisdiction

We also invite comments on our work from the bodies in our jurisdiction.

This year, we issued an online survey to 92 public bodies. We asked them for comments on their most recent complaint with us, as well as on our work in general. We received 31 complete responses. The results were broadly positive. The respondents rated their last interaction with us and gave an overall satisfaction score of 8.35/10.

Following that, we held three Sounding Board sessions in March 2022, with 26 public bodies taking part. The meetings were split into sectors – so all Local Authorities featured in one, Health Boards in another, with a third meeting for housing associations. The feedback was very positive, but we also received some suggestions for improvements. The bodies told us that we need to:

- be clearer about our deadlines
- use less formal language in written communication
- help them reconcile their complaint records with our own complaint numbers.

We will be working to implement these suggestions in 2022/23.

26 public bodies

took part in our Sounding Boards this year

How accessible we are

We work to make sure that people are aware of and trust our service - and that we are accessible to all who need us. We had some successes this year, but we will continue to work to improve how accessible we are. In 2021/22:

43%

43% of people who responded to a national survey knew about us.

80%

80% of our complainants that we asked said that it was easy to contact us.

221

we took 221 oral complaints – compared to 63 last year.

Cymraeg

we complied with all our Welsh Language Standards.

14

we organised a Sounding Board with advice and advocacy bodies to understand how accessible we were. 14 organisations attended that session.

Awareness and trust

We regularly commission research to check how many people know about our office, understand what we can and cannot do and have trust in our work. This helps us to understand some barriers that may stop people from contacting us in the first place.

This year, 43% of people who responded to the national survey knew about us. This was less than the 48% in 2020, but still a high proportion.

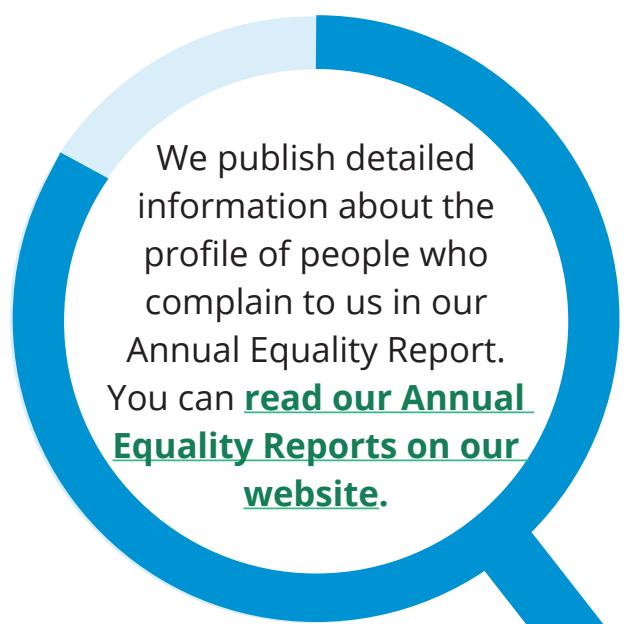
What people thought about our office in general was also overall positive.

Although we would want everyone to know about us, these are quite good results.

However, we are concerned that some groups were much less aware of us this year than in 2020 – especially people from diverse ethnic backgrounds. People in this group were also much less likely than in 2020 to feel that they could approach us if they needed to.

We are speaking to organisations that work with people from diverse ethnic backgrounds to see what we can do to raise our profile within those communities.

Of people who responded to the national survey,



Additional needs


Some people may find it more difficult to complain than others and there are many ways in which we can help.

80% of our complainants that we asked this year said that it was easy to contact us.

Our website has different options to make it easier to access, including by making the text larger, simplifying it, or reading it aloud. We publish information about our process in EasyRead format.

If asked, we can provide information in other formats, such as Braille. We can also organise translation and interpreting services and there is a link on our website to 'SignVideo' – an interpreting service for British Sign Language (BSL) users.

People can complain to us in different ways. Most people complain online, by email or by post. However, since 2019, we can also accept complaints that are not in writing. This year we took 221 oral complaints. This is a huge increase compared to 63 last year. We also took our first complaint in British Sign Language.

 Immensely helpful. I have dyslexia and wouldn't have been able to submit a complaint otherwise.

Our national survey showed this year that more people were aware that we can accept complaints other than in writing. 80% of people asked knew that we can accept a complaint over the phone and 54% knew that we can take a complaint in BSL.

We ask all people who complain to us to let us know if they need help and support and we consider and respond to all requests for adjustments. Of those who needed adjustments, 93% said that we did what they asked us to do.

EasyRead is an accessible format. It is used by people with learning disabilities and other people who have difficulty with reading. EasyRead is a way of translating difficult information and making it easy to understand.





Welsh language

We fully embrace the Welsh language and we want to make sure that we treat it no less favourably than English in all aspects of our work and that we meet the needs of Welsh speakers. People who complain to us can deal with us in Welsh if they wish. We have now completed the work to meet all our Welsh Language Standards. You can read our [Welsh Language Policy on our website](#).

Outreach

During the year, we met with many advice and advocacy groups to talk about work and learn what we can do better. These included Ethnic Minorities & Youth Support Team Wales (EYST), Learning Disability Wales, Autistic UK, the Chinese in Wales Association, the Wales Refugee Council, Carers Wales and many others.

In March, we organised a Sounding Board session which was attended by 14 advice and advocacy organisations. We also organised a small follow-up session with some members of Disability Wales.

Lessons

Through our research and talking to organisations, we gathered many constructive and detailed comments on what we can do to be easier to access. We need to:

- make sure that our processes are clearer and more usable
- ensure that we make people more aware of different ways in which we can help them access our service
- talk about our work and values in a simple and more approachable way.

We are working on a detailed action plan to adjust how we work based on this feedback.

Strategic Aim 2: Promote Learning

Despite the significant increase in our workload this year, we continued to promote learning from our complaints and improve broader public services.



Promote Learning: our work at a glance



We issued our Model Complaints Handling Policy and accompanying guidance to an initial 8 Housing Associations – bringing the total of bodies under Complaints Standards to 39.



We provided 140 virtual training sessions to public bodies across Wales



We launched the findings of our first wider Own Initiative Investigation – ‘Homelessness Reviewed: An open door to positive change’.



We published on our website statistics about complaints made to County and County Borough Councils for the first time.

We publish detailed information on our complaints standards work and own initiative investigations in our Report on Proactive Powers.



We issued 7 public interest reports.



We responded to 16 public consultations.



We launched the ‘Our Findings’ tool on our website, which replaces our traditional casebooks.



We published our third Equality and Human Rights Casebook.



We issued updated guidance – ‘Principles of Good Administration’ and ‘Good Records Management Matters’.

We worked with the bodies in our jurisdiction, especially Health Boards, to help them improve their services and their complaint handling.

Complaints Standards

The PSOW Act 2019 gave us new powers to proactively improve how public bodies handle complaints. In 2021/22, we further developed how we use those powers. In 2021/22:



We issued our Model Complaints Handling Policy and accompanying guidance to an initial 8 Housing Associations – bringing the total of bodies under Complaints Standards to 39.



We provided 140 virtual training sessions to public bodies across Wales



We published on our website statistics about complaints made to County and County Borough Councils for the first time.

Model Policies

Following our work on Complaints Standards in 2020/21, we have increased the number of public bodies who now comply with our model policy.

In April 2021, 22 County and County Borough Councils become subject to complaint handling standards, followed by all the Welsh Health Boards and Trusts in June 2021.

Housing Associations are the next largest group of bodies that people complain to us about. This year, we focused our attention on that sector.

In October 2021, we issued our model complaints policy to Housing Associations. An initial 8 Housing Associations will need to comply with that policy from April 2022. This means there are now 39 public bodies following a single model complaints policy.

You can find [our model complaint policy on our website here.](#)



Training

In the last year, we delivered even more training sessions that we did in 2020/21 – 140 in total, with around 3,000 people attending. We delivered all our sessions remotely over Microsoft Teams and we provided them to public bodies free of charge.

The feedback we receive from the attendees continues to be consistently excellent. We are very proud of how we have been able to support public bodies at a particularly challenging time for them but also for our own office.

Statistics

In 2021/22, for the first time, we published on our website information on complaints received by County and County Borough Councils. This information has not been available in one place before and we are pleased to be able to provide this for service users. This publication received media attention and [can be found on our website here](#).

More detailed information on our work as the Complaints Standards Authority for Wales can be found in our Report on Proactive Powers.

Own Initiative investigations

We can undertake two different types of 'own initiative' investigations:

- extended investigation – when we are already investigating a problem and we extend the investigation to other issues or complainants
- wider investigation – when we conduct a stand-alone investigation which does not relate to a complaint made by an individual.

In 2021/22:

3

We completed 3 extended investigations.



We launched the findings of our first wider Own Initiative Investigation – 'Homelessness Reviewed: An open door to positive change'.

Our extended investigations

During 2021/22, we completed three extended investigations. We issued the findings of one of those investigations as a public interest report, and we include a summary of that report in [the Sharing our findings section](#).

You can find the summaries of the other two investigations in our Proactive Powers report.

Two further extended investigations are ongoing.

Homelessness Reviewed – our first wider own initiative investigation

In October 2021, we published the report on our first wider Own Initiative Investigation – 'Homelessness Reviewed: An open door to positive change'. The investigation considered how local authorities conducted homelessness assessments and looked at the work of three County Councils – Cardiff, Wrexham, and Carmarthenshire.

In our report, we praised the work done by these Councils during the COVID pandemic and we acknowledged elements of good practice. However, we identified several

serious failings. This led us to make recommendations for improvements by the three Councils that we investigated. We invited the other 19 County Councils in Wales to make similar improvements:

- providing human rights and equality training to officers
- reviewing communication methods
- revising template letters.

We also invited the Welsh Government to consider introducing a housing regulator to help standardise practices in relation to homelessness assessments across Wales.

We presented the findings at an event with the Chartered Institute of Housing, discussed the report with Welsh Government and Audit Wales and the report was debated by the Local Government and Housing Committee at the Senedd. We were very pleased with how the final report was received and expect that it will lead to positive change.

We discuss our own initiative investigations work in more detail in our Report on Proactive Powers.

Policy work

If we have relevant insights to share about our work, we contribute them to public inquiries and consultations. In 2021/22:

16

we responded to 16 public consultations.

We use our expertise and the evidence from our casework to contribute to the development of public policy in areas such as health, social care and local government.

Many responses that we submitted this year related to the changes under the Local Government and Elections (Wales) Act 2021.

The Act set up Corporate Joint Committees (CJCs), the new statutory mechanism for regional collaboration, covering four areas in Wales. The Welsh Government has consulted during the year on regulations and statutory guidance which defines how these bodies should work in practice. When responding, we pointed out that people will be able to complain to us about members of CJCs breaching the Code of Conduct. However, the Welsh Government had not appeared to have assessed at the time how much it would cost us to process those complaints.

In another example, we shared our concerns about waiting times for treatment in the health service. We do not usually investigate complaints about waiting times, unless the delay caused unnecessary pain and suffering. However, with over 22% of the Welsh population on waiting lists, we are very concerned that we will soon start to receive many complaints like that. We spoke about our concerns in a consultation response to the Senedd's Health and Social Care Committee, but also in interviews on ITV and the BBC and in press articles.

Sharing our findings

We believe that it is very important that we share findings from our casework as widely as possible to help improve public services. This year, we issued even more public interest reports, launched new guidance and a new tool to help people search for our findings. In 2021/22:



we issued 7 public interest reports.



we launched the 'Our Findings' tool on our website, which replaces our traditional casebooks.



we published our third Equality and Human Rights Casebook.



we issued updated guidance – 'Principles of Good Administration' and 'Good Records Management Matters'.



we worked with the bodies in our jurisdiction, especially Health Boards, to help them improve.



Public interest reports

When we investigate a complaint and we think that something has gone wrong, we usually prepare a report which explains our findings. Sometimes, we decide to issue a 'public interest' report. We do this for example when:

- there are wider lessons from our investigation for other bodies
- what went wrong was very significant
- the problem that we found may be affecting many people, not just the person who complained to us, or
- we had pointed out the problem to the body in the past, but the body did not address it.

When we issue a public interest report, we draw attention to it in the media. The body also must publish an announcement in the press about the report.

This year, we issued 7 public interest reports – one more than in 2020/21 and 3 more than in 2019/20.

Five of these reports were about health care. Our other two public interest reports were about social care and waste management.

Our reference: 202001285



Mr X complained to us about the diagnosis and treatment of his wife, Mrs X, by Cwm Taf Morgannwg University Health Board. He complained that Mrs X (who had been diagnosed with cancer 3 months earlier) did not receive a diagnosis and treatment quickly enough when she was admitted to the Emergency Department (ED) with a possible infection. Mrs X sadly died when in hospital.

We agreed that it took too long to diagnose Mrs X's condition and give her the correct treatment. We believed that Mrs X could have survived if she had the correct treatment sooner. We also found that the way Mrs X was cared for compromised her dignity and that she was denied the opportunity of spending the little time she had left with her family.

We recommended that the Health Board should:

- apologise to Mr X for service failure and distress caused to the family and
- arrange relevant training to all ED staff
- carry out an audit of a sample of patient ED records to ensure that similar cases were assessed and escalated appropriately
- create a standard procedure for management of patients whose clinical condition suggests special arrangements need to be made by the receiving hospital.

We issued our findings as a public interest report because this case was very serious and because it was possible that Mrs X's death was avoidable.

[Read about this report on our website here.](#)



Our reference: 202000661 and 202001667



Mr D complained to us that his late mother, Mrs M, did not receive the correct diagnosis and treatment for her symptoms of abdominal pain and weight loss by Betsi Cadwaladr University Health Board. He also complained about the discharge arrangements with Denbighshire County Council.

We found that clinicians did not diagnose Mrs M's condition correctly, explaining her weight loss and aversion to eating to as a "food phobia". We also agreed that Mrs M should not have been discharged when she was and that the Health Board and the Council did not plan and organise her discharge as they should have.

We recommended that each body should apologise to Mr D for the failings identified in our report and:

- share our report with their respective Equalities Officers to facilitate training on the principles of human rights in the delivery of care
- make a redress payment to the family of £250 in recognition of failings in complaint handling.

We also recommended that the Health Board should make a redress payment of £5,000 to the family in recognition of the distress that the findings of our report would have caused.

We issued our findings in this case as a public interest report because this was a serious case of wrong diagnosis. We could not be certain that this wrong diagnosis led to Mrs M's death. However, we decided that this uncertainty was a serious injustice to Mrs M and her family.

[Read about this report on our website here.](#)



Our reference: 202002273



Mr Y complained to us about treatment arrangements by Betsi Cadwaladr University Health Board. He complained that he had to wait too long for urgent treatment for his prostate cancer in 2019. When he was put on the waiting list for treatment, he joined 16 other patients awaiting the same procedure.

We used our proactive powers to investigate if the Health Board took too long to provide the treatment to these patients (we considered and upheld Mr Y's concerns in a separate public interest report).

We found that 8 of the patients were referred for treatment in England. For those patients, the Health Board did not produce a report to the Welsh Government about exceeding the waiting times target, nor did it carry out harm reviews. Although this was in line with the Welsh policy at that time, we decided that the Health Board still should have monitored what care these patients received and should have considered the impact of the delay in their treatment. We recommended that the Health Board should:

- return the affected patients to the position they would have been in had they been treated in Wales
- carry out a harm review for each patient and review its harm review process.

We issued our findings as a public interest report because we were concerned that there may be systemic problems in how the Health Board delivered prostate cancer treatment. We had also conducted previous investigations into the Health Board's urology services and we were concerned that issues we had raised previously had not been addressed.

[Read about this report on our website here.](#)



Our reference: 202002558



Ms B complained to us about the care provided by Hywel Dda University Health Board. Ms B complained that the Health Board did not provide her son, Mr C, with the right learning disability psychology services after a specialist support service for young people was closed.

We found that the Health Board did not arrange suitable services for Mr C. Although the Health Board was aware that Mr C was not receiving appropriate services, it did not plan how to meet his needs and this left Ms B without enough support to manage Mr C's behaviour.

We recommended that the Health Board should apologise to Ms B for the clinical, communication and complaint handling failings that we identified and:

- remind the relevant staff of the importance of good complaint handling practice
- review whether any other patients did not get the service they needed because of the closure of its specialist support service - and ensure that it works to meet those needs
- commission and complete its planned review of the Health Board's child psychology services and reports the findings back to us.

We issued a public interest report in this case because the Health Board closed the support service but did not replace it. This had led to significant injustice to Ms B and Mr C. We were also concerned that this issue may have impacted upon other vulnerable patients.

[Read about this report on our website here.](#)



Our reference: 202003539



Mr S complained to us about care and treatment provided by Cardiff and Vale University Health Board. Mr S complained that clinicians did not correctly diagnose his diseased colon. He also complained that, because he was not treated quickly enough, he suffered complications after emergency surgery to remove the right side of the colon. Mr S had Asperger's Syndrome and he also complained that clinicians did not clearly explain his treatment options.

We found that Mr S's condition was not diagnosed correctly and did not require extensive surgery. We also found that Mr S did not receive clear information about his condition and treatment.

We recommended that the Health Board should apologise to Mr S and:

- make him a redress payment of £10,000, in recognition of injustice that he suffered
- share our report with the Clinical Director and Director of Nursing responsible for the staff involved in Mr S's care
- make sure the staff undergo relevant training.

We issued a public interest report in this case because, due to the wrong diagnosis, Mr S needlessly went through extensive and risky surgery and a long, difficult recovery.

[Read about this report on our website here.](#)



Our reference: 201906202



Ms F complained to us about social care arrangements by Bridgend County Borough Council. Ms F complained that the Council did not properly manage her status as a Foster Carer for a young person, Ms G, and that the Council did not give Ms G enough support and assistance after she left its care (Pathway planning). Ms F was also unhappy with how the Council handled her complaint about these problems.

We upheld these complaints.

We recommended that the Council should apologise to the complainants and:

- pay Ms F and Ms G £8,500 each in recognition of the impact that its failings had had on them
- review and revise its Pathway planning documentation
- provide Pathway planning training for relevant staff
- review its approach to aspects of its complaint handling process.

We issued our findings as a public interest report because we were concerned that there may be systemic problems with how the Council planned care for 'looked after young people'. We also decided that the injustice suffered by Ms G and Ms F was significant and that it had implications for other looked after young people in the Council's area.

[Read about this report on our website here.](#)



Our reference: 202005937 / 202100061 / 202100409



Several vulnerable residents complained to us about waste management services operated by Cardiff Council. The residents complained that the Council's "Assisted Lift" waste collection service did not meet their needs and that the Council did not respond appropriately to their numerous complaints about the service.

We found that the service that the Council provided was not reliable, leading to stress and safety hazards for the residents. We also found that the Council did not respond as it should have to the residents' concerns, despite receiving repeated formal complaints and hundreds of calls about problems with the service.

We recommended that the Council should:

- apologise to the complainants
- resolve any ongoing concerns
- review and improve how it handles its complaints about the Assisted Lift service
- review the service and produce a plan for improvements.

We issued a public interest report in this case because we had considered complaints about this Council's waste management services in the past and we were concerned that it had not addressed the issues that we had previously raised.

[Read about this report on our website here.](#)





Our Findings

In August 2021, we launched on our website a search tool called **'Our Findings'**, to replace our casebooks. We add new summaries every month to make sure that the record is as up to date as possible.

'Our Findings' includes the summaries of all the reports that we issue on complaints about public services. It also includes the summaries of cases about public services where we agreed early resolutions and voluntary settlements.

'Our Findings' also includes summaries of some of our complaints about the Code of Conduct. We only publish summaries of the complaints that we investigate.

'Our Findings' includes all relevant case summaries from April 2021 onwards. You can still find summaries of our complaints before April 2021 in our traditional casebooks on our website.



Equality and Human Rights Casebook

This year we also published our third Equality and Human Rights Casebook.

We do not make definitive findings about whether a public body has breached an individual's human rights. However, if we find that something has gone wrong with public services, we consider whether a person's human rights may have been engaged. If we think it is relevant, we

comment on how the body providing the service considered those rights.

Our Equality and Human Rights Casebook assembles a selection of cases where human rights or equality issues have either been raised as part of the complaint or have been central to our findings.

[You can read the Casebook here.](#)



Annual letters

Every year, we send letters to Health Boards and Local Authorities about the complaints we received and considered about them during the year. We do this to help these bodies improve their complaint handling and the services that they provide. [We publish all annual letters on our website here.](#)



Guidance

In 2016, we issued the 'Principles of Good Administration and Good Records Management' to public bodies in Wales.

In 2021, we decided to review the 'Principles' and split them into two separate publications. We considered that this would provide public bodies and complainants with both clear general principles of good administrative practice and separate specific advice on good administrative practice in relation to records management.

After we consulted on draft guidance, we issued the final publications in January 2022.

You can find our [**revised Principles of Good Administration and Principles of Good Records Management on our website here.**](#)



Engagement

It is important that we directly engage with the bodies in our jurisdiction and other stakeholders operating in the sectors which account for most of our complaints.

As part of this work, during 2021/22, we:

- attended meetings of the Listening and Learning from Feedback group (LLFG) and Heads of Patient Experience (HOPE) network working with NHS bodies to make the most from their complaints
- attended two Healthcare Inspectorate Wales summits, which included all the healthcare regulators in Wales as well as Audit Wales, Community Health Councils and other bodies
- attended the NHS Confederation conference
- met with Health Board Chief Executives
- met the Local Authority contact officer group and held numerous meetings with those officers to discuss good practice

- presented to a Tai Pawb event on making complaints processes inclusive
- spoke at TPAS Cymru's webinars to promote the work we're doing with Housing Associations.

We also aim to share relevant information and insights with other key stakeholders responsible for the scrutiny of the health sector such as Healthcare Inspectorate Wales, Care and Social Services Inspectorate Wales, General Medical Council, Community Health Councils and Audit Wales, as well as the Welsh Commissioners.

Strategic Aim 3: Use Resources Wisely

We value and support our staff and are committed to creating an equal, diverse, and inclusive workplace. We want 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 make sure that our services are fit for the future.



Use Resources Wisely: our work at a glance

72%

72% of our staff completed 28 hours or more of continuing professional development.

2.7%

The average percentage of working days lost through staff sickness increased from 1.1% to 2.7%. This was largely because of long-term absences due to stress, mostly not work-related.



We continued to offer Mental Health First Aider support to staff. The Wellbeing Working Group introduced a range of new staff benefits and continued to focus on ways to support staff wellbeing.

84%

84% of our staff responded this year to our staff survey.



86% of those who responded agreed that we are committed to creating a diverse, equal and inclusive workplace.

**FAIRPLAY
EMPLOYER**

We again achieved the Chwarae Teg FairPlay Employer award at silver level.



We achieved Autism Awareness Employer Status.



We used 2% more energy than last year, but 29% less than in 2019/20.



we avoided 176 kg of CO2 in emissions

We sent 0% of our general waste to landfill.



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

Training and development

We support our staff to develop the knowledge and skills that they need to offer an efficient and professional service. However, the workload this year has made it challenging for our staff to dedicate time to develop their professional knowledge and skills. In 2021/22:

72% 72% of our staff completed 28 hours or more of continuing professional development.

100% All our staff completed their annual appraisal process.

Our staff are our key resource. We want to make sure that all staff members have the skills, knowledge and attitudes to enable them to deliver an excellent service.

Training

All new colleagues complete a comprehensive induction programme. In addition, every year we support our staff to access the training and development they need. We offer online training for key topics such as equality and in-house training and Good Practice Seminars which include specific public services and legislative change updates. We also provide skills training appropriate to staff roles.

We want all our staff to complete at least 28 hours of training and development each year (pro rata for staff who work part-time).

This year, 72% of staff achieved this (this figure excludes colleagues on maternity/adoption leave).

During the year, we held staff focus groups (facilitated externally by Chwarae Teg) to find out how we can improve training and development and ensure it is accessible to all. The feedback has been extremely valuable and has helped us to identify areas for improvement. This will include clarifying and communicating individual and organisation responsibilities for training and development.

64% of our staff who responded to our survey this year agreed that the training and development they received is appropriate and relevant to their job.

We will continue to encourage staff on their development journey in 2022/23.

Appraisal process

Through our appraisal process, we make sure that each member of staff sets clear objectives and priorities for the year ahead and that we review their progress regularly. New colleagues follow a separate process – we set them more immediate objectives and priorities. For staff returning from maternity/adoption leave or long-term sickness, we agree their objectives when they return.

This year, all our staff completed the appraisal process.

88% of our staff who responded to our survey agreed that they receive regular and constructive feedback on their performance.

During the year, we set up a Leadership Development Network for all Leaders with responsibility for line management within our organisation. This Network meets every quarter and provides skills development to build a coaching culture and style of leadership.



Health and wellbeing

We want our staff to be healthy and well. The very high caseload this year has put our staff under immense pressure. However, we have continuously looked for ways to support their health and wellbeing. In 2021/22:

2.7%

the average percentage of working days lost through staff sickness increased from 1.1% to 2.7%. This was mainly because of long-term absences due to stress, mostly not work-related.



we continued our focus on staff wellbeing and worked to support staff with flexible arrangements during another challenging year as we move to the “new normal”.



we continued to offer Mental Health First Aider support to staff. The Wellbeing Working Group introduced a range of new staff benefits and continued to focus on ways to support staff wellbeing.

84%

84% of our staff* responded this year to our staff survey – compared to 92% in 2019/20 (the last year when we held that survey).

* The total number of staff used to calculate this figure does not include colleagues on maternity/adoption leave

Challenges

Between the increasing caseload and the ongoing pressures of the COVID-19 public health crisis, it has been a very difficult year for our staff.

After improvements last year, in 2021/22 we saw again more staff absences. The

average percentage of working days lost through staff sickness this year was 2.7%, compared to 1.1% last year. This means that an average of 7.2 days per employee were lost because of sickness, compared to 3 days in 2020/21.

This increase has resulted in part from COVID-19 and in part from longer

term absences of several members of staff. 9% of working days were lost as the result of COVID-19 or 'Long COVID' (compared to 37% last year). 59% were lost because of stress (compared to 4% last year), though much of this was not work-related. 15% of days lost were lost as a result of work-related stress, including pressure from high caseloads and challenging complainants.

Supporting staff wellbeing

We worked hard to support our staff during this difficult year. We continued to offer staff some wellbeing activities (such as yoga) virtually. We also continued to encourage virtual lunch-time walks, as well as coffee mornings and 'meet ups' online.

We maintained our Mental Health First Aider support to staff and our Wellbeing Working Group continued to focus on ways to support staff wellbeing and introduced a range of new staff benefits. These included a new cycle to work scheme, gym membership scheme and health cash plan.

To support our staff to deal with potential stress and anxiety, we introduced a new internal process. We now use a stress risk assessment to help staff identify emerging issues. We adopted the Health and Safety Executive (HSE) Management Standards to help us prevent work-related stress. All Leaders, as part of the Development Network Programme, have now received training on the HSE management standards. They are continually developing the leadership skills that are known to help staff maintain wellbeing at work.

Staff survey

One of the key ways in which we measure the wellbeing of our staff is through our staff survey, which we hold every two years.

This year, 84% of our staff responded to this survey, compared to 92% in 2019/20. Its results show the impact on staff of sustained workload pressures.

In the year ahead, we will be working with managers across the organisation to support staff. We will also continue to seek efficiencies to mitigate staff concerns about resources and workload.

87%

said that PSOW is a good place to work, down from 96% in 2020.

93%

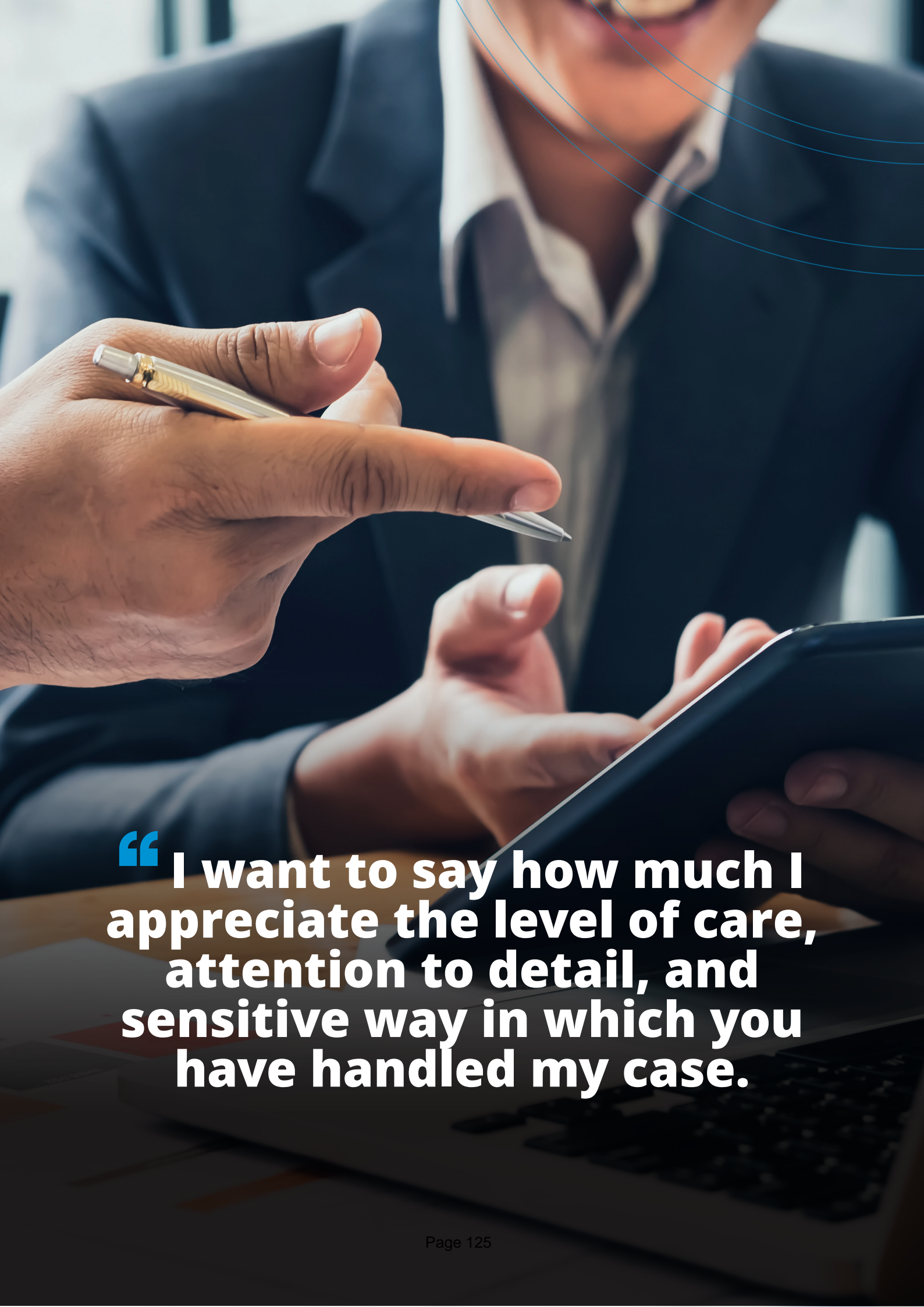
said that their working arrangements were sufficiently flexible to allow them to balance their work and home life priorities, up from 87% in 2020.

61%

said that they had sufficient resources to do their work, down from 90% in 2020.

58%

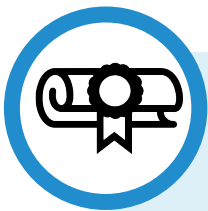
felt that workload pressure was reasonable, down from 76% in 2020.



“ I want to say how much I appreciate the level of care, attention to detail, and sensitive way in which you have handled my case.

Equality, diversity and inclusion

As an employer, we work hard to promote equality and diversity and tackle any barriers to inclusion. In 2021/22:



we reviewed and updated our Race and Ethnicity at Work Charter.



86% of our staff who responded to the staff survey this year agreed that we are committed to creating a diverse, equal and inclusive workplace.



Ymwbyddiaeth am Awtistiaeth
Autism Aware

we achieved Autism Awareness Employer Status.



we continued to be a Disability Confident Committed employer.



we again achieved the Chwarae Teg FairPlay Employer award at silver level.



we reduced our median Gender Pay Gap to 3%, from 5% last year.



we removed core working hours from our flexible working procedure to help our staff work as flexibly as possible. We also moved to a new model of “hybrid” working.

Equality, diversity and inclusion is important to us – as a service provider and as an employer.

We have a [Strategic Equality Plan which you can read here](#). We are also committed to strengthening our contribution to race equality, justice and inclusion in Wales and have in place a Race and Ethnicity at Work Charter. [You can read the Charter here](#). During the year, we reviewed the Charter and developed a detailed plan of actions.

We have a staff Equality Group that is responsible for developing and monitoring the equality actions we set ourselves each year. We report on all our equality, diversity and inclusion work every year in [our Equality Report which you can read here](#).

86% of our staff who responded to the staff survey this year agreed that we are committed to creating a diverse, equal and inclusive workplace.

Diversity of our workforce

Every year, we examine how diverse our staff and job applicants are and how well they reflect the population of Wales.

Positively, the proportion of people in our workforce who identified with diverse ethnic backgrounds has increased slightly to 8% and is now higher than the Welsh average. However, there were fewer people among our job candidates this year who identified like this (6% of all people who applied to work with us).

Under our Race and Equality at Work Charter, we aim to increase the proportion of applicants, and those shortlisted for interview, who are from diverse ethnic backgrounds. This year, 7% of our shortlisted candidates who responded to our equality monitoring were from those backgrounds.

Some groups are still not well represented among our staff. Very few members of staff are under 25, identify as disabled, come from diverse national backgrounds, or identify as LGBT+. These groups were slightly better represented among the people who applied this year to work for us.

We will work hard to address these trends under our new Equality Plan which we will publish in 2022.



Awareness of autism and neurodiverse conditions

With a rise in the number of autistic people that use our service, we want to be more aware and accepting of all neurodiverse conditions.

This year, we achieved Autism Awareness Employer Status. 93% of our staff this year completed Autism Awareness training.

We have designated a member of staff as an Autism Champion, who is gaining knowledge from various training courses and meetings with autism organisations to help us better understand and meet the needs of people on the neurodivergent spectrum.



Inclusion of disabled people

We are a Disability Confident Committed employer. We take part in this scheme to help us include more

disabled people within our workforce and amongst our job applicants.

In the year ahead, we are looking to designate a member of our staff as a Diversity Champion for issues such as disability.

Gender equality

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 encourage and facilitate development opportunities for female staff which aims to remove barriers to employment or career progression.

This year, we continued to work with Chwarae Teg under the FairPlay Employer scheme. The scheme benchmarks organisations in terms of gender equality across 4 levels: bronze, silver, gold and platinum.

We again achieved the Chwarae Teg FairPlay Employer award at silver level. The Chwarae Teg assessment identified some areas in which we need to do more work and we will do so during 2022/23.

Our work with Chwarae Teg, is showing positive dividends. Our median Gender Pay Gap decreased from 5% at March 2021 to 3% at March 2022. For comparison, **Chwarae Teg estimated that the median Gender Pay Gap in Wales in 2021 was 12.3%.**



	2021/22	2020/21
% of staff female	76%	76%
Median Pay Gap	3%	5%
Mean Pay Gap	17%	17%



Welsh Language skills of our staff

Under the Welsh Language Standards, every year we measure the Welsh language skills of our workforce.

In 2021/22, 14% of our staff said that Welsh was their main language (compared to 12% last year). However, the proportion of people with fairly good or fluent skills was higher:

- speaking: 27% (compared to 21% last year)
- reading: 30% (compared to 24% last year)
- writing: 27% (compared to 21% last year)
- understanding: 30% (compared to 25% last year)

We are happy with these results and will continue to support our staff to improve their Welsh language skills.

Working flexibly

This year, we removed core working hours from our flexible working procedure. We did this as a response to the COVID-19 pandemic and to help our staff to achieve as much flexibility and work life balance as possible.

We are currently reviewing our working arrangements and our office accommodation requirements for the future.

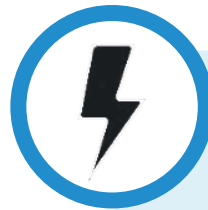


Sustainability

We understand that we need to play our part in protecting the environment and continue to develop sustainable working practices. In 2021/22:



we produced just over 9000kg of waste - 255% more than last year, but 66% less than in 2019/20.



we used 2% more energy than last year, but 29% less than in 2019/20.



we sent 0% of our general waste to landfill.



we avoided 176 kg of CO2 in emissions

During the year, we still worked mostly from home. However, as we started moving to “hybrid” working, more staff members began to use the office more regularly.

This meant that we produced much more waste on site compared to last year – though still 66% less than in 2019/20. Most of the waste that we produced was confidential waste, as we put a lot of work into destroying old paper files. However, we were able to recycle 94% of waste, compared to 76% last year and we sent no general waste to landfill.

We also used slightly more electricity than last year, though still much less than in 2019/20.

Commuting mileage during the year was also very low and we avoided 176 kg of CO2 in emissions.

We are required by law to publish a reports on our sustainability under the Biodiversity and Resilience of Ecosystems Duty (section 6 duty). We publish in these reports detailed information on how we managed waste, used electricity and calculated commuting emissions. You can [read these reports on our website here.](#)

Formal accountability

We are accountable to the Senedd for how we work and how we use our resources.

The Senedd

Each year we make a formal submission to the Senedd's Finance Committee, seeking funding for the following year. We make that submission in line with a set of principles specified by the Committee. The Committee considers our submission and makes a recommendation to the Senedd on how much funding we are to receive. If the Committee makes comments or recommendations on our submission, we take them into account in following years.

In our Annual Report and Accounts, we explain how we used our resources to deliver our service during the year. This Report is laid before the Senedd and is published on our website. The Report is then scrutinised by the Finance Committee. We work to implement recommendations made by the Committee in our following funding submissions and our Annual Report and Accounts.

Judicial review

The Ombudsman is a Corporation Sole. This means that the person appointed to the role is fully responsible for casework decisions. Complainants can request an internal review of a casework decision that they are unhappy with (we talk about this in more detail in the Review and Quality Assurance section of this Report). However, the appropriate route to challenge our decisions is through judicial review.

No cases were subject to judicial review proceedings in 2021/22.

One former councillor has applied to the High Court for permission to appeal a decision of the Adjudication Panel for Wales to disqualify them from being a member of a local authority in Wales for 12 months. The application has not yet been considered by the Court.

Working with similar bodies

We work closely with other accountability bodies, and we exchange best practice with other ombudsman services in the UK and beyond. In 2021/22:



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), Public Service Ombudsman Group and International Ombudsman Institute (IOI).

In 2021/22, we engaged with several OA networks, considering legal matters, human resources, first contact, casework, communications and policy.

We also attended a working seminar on the development of national Ombudsman institutions, organised by the Parliamentary and Health Services Ombudsman in Manchester, in November 2021.

The Welsh Commissioners and the Auditor General

During the year, Nick Bennett met the Welsh Commissioners and the Auditor General twice to discuss issues of mutual interest.

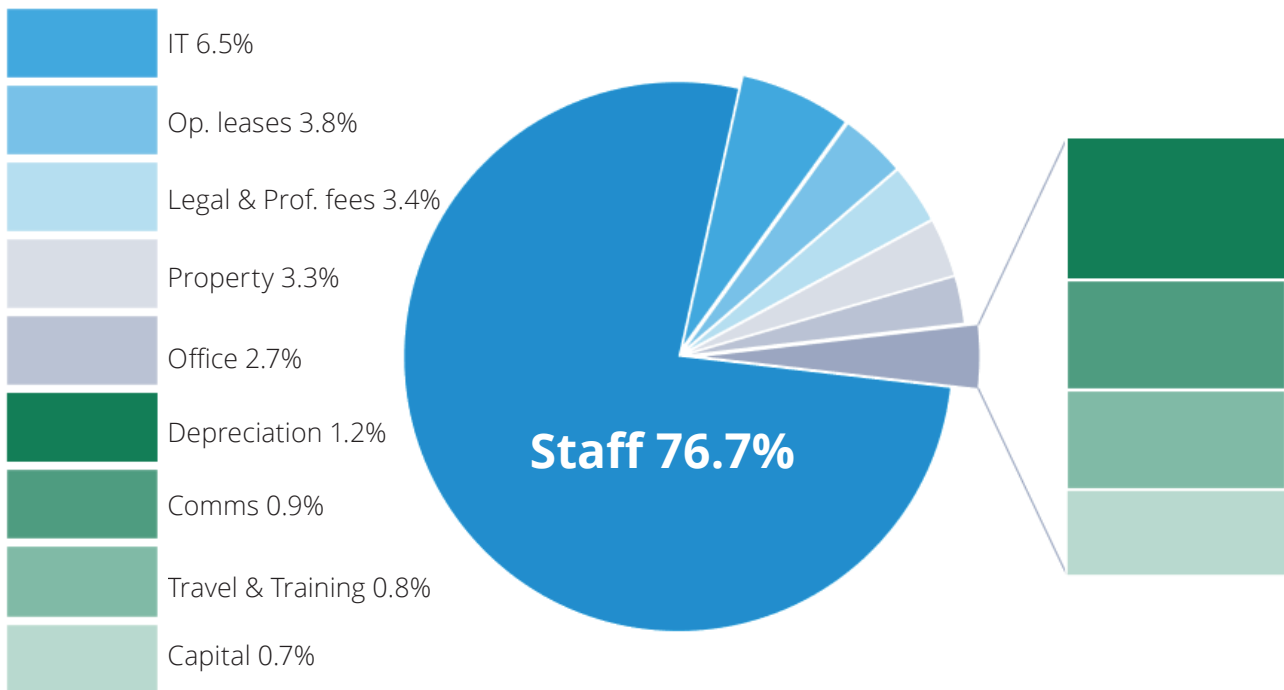
We also issued a joint statement with these bodies on the crisis in Ukraine. In that statement, we welcomed the commitment by the First Minister to make Wales a nation of sanctuary for refugees and asylum seekers.

Financial Management

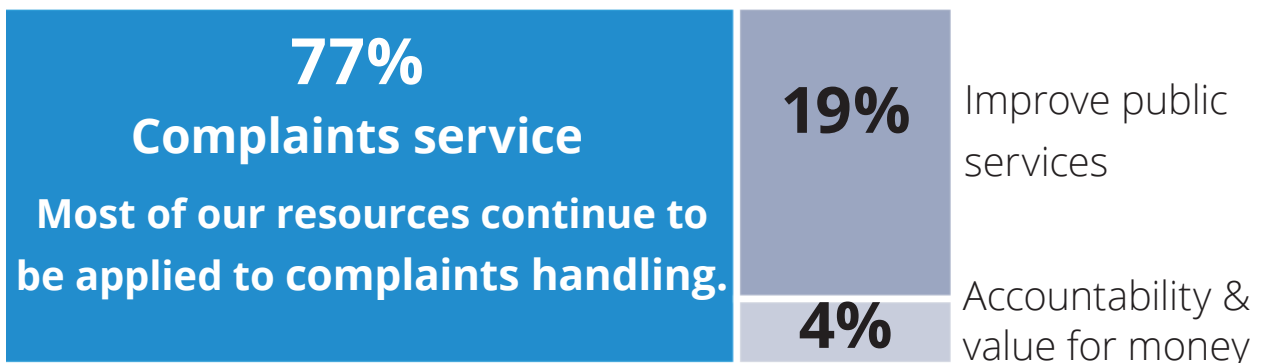
Overall resource has decreased compared to last year as a result of a reduction in our annual leave accrual. Cash expenditure has increased compared to the same period as we received a one-off £974,000 pension surplus repayment which reduced our net cash requirement in 2020/21.

Resource Out-turn	2021/22	2020/21	Change
	£000s	£000s	£000s
Total Resource	5,114	5,143	-29
Cash Requirement	5,126	4,096	+1,030

Gross Resource Expenditure 2021/22



Analysis of Spending by Strategic Aims

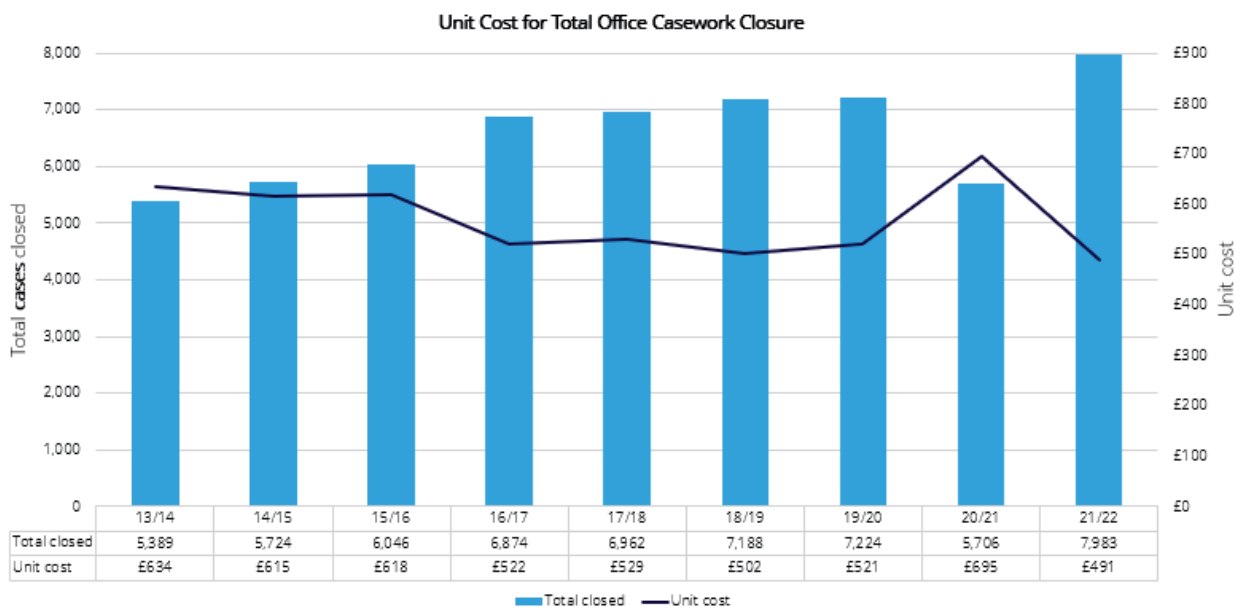


Unit Costs

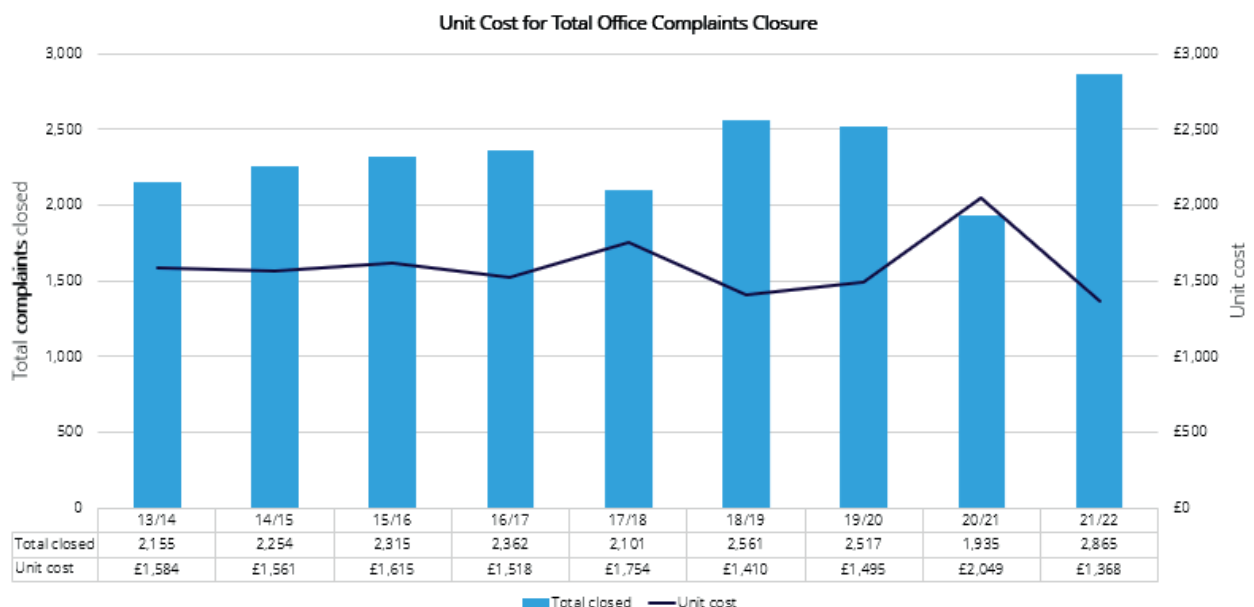
As outlined in last year's Annual Report & Accounts we will now present unit costs as calculated for our main activity – receiving, considering, investigating and responding to enquiries and complaints. This is our activity under Strategic Aim 1 and we will use the audited figures for Operating Costs by Strategic Aims, presented within these accounts.

The graphs below show firstly unit cost for all enquiry and complaints work closed in the year and secondly for complaints cases closed in the year.

Unit Cost for Total Office Casework Closure



Unit Cost for Total Office Complaints Closure



Note: These graphs are based on expenditure on this Strategic Objective and adjusted to 2021/22 prices. Figures reported here for previous years have been adjusted to reflect this approach.

The unit costs reflect changes to costs and to the number of complaints and enquiries completed during the year. The variation in unit costs reflects:

- In 2020/21, case closures were lower than in recent years, particularly in the first quarter due to the pandemic. In addition, there were delays, again particularly in the early months of the year, as public bodies were unable to respond to us normally in the early stages of the pandemic.
- In 2021/22, case closures were the highest ever since the creation of the Ombudsman’s office, whilst our unit costs were significantly lower when adjusted for CPI inflation as at March 2022.

Expenditure on activities under PSOW Act 2019

In 2021/22, we once again budgeted funding to be used specifically on the proactive implementation of the PSOW Act 2019. Spending in the year was:

PSOW Act 2019: Expenditure in 2021/22	£000s
Staff costs	267
Premises	14
Communications	10
Computer Services	8
Advisory and Legal	2
Training	1
Total	302
Budget	332
Variance	30

Expenditure to 31 March 2022 compared to previous year

	2021/22	2020/21	Reasons for significant changes
	£000	£000	
Salaries	2,863	2,905	1.75% pay award, FTE decrease of 1 and greater use of Associate Investigation Officers during 2020/21.
Social Security costs	273	283	
Pension costs	745	758	
Pension fund charges	39	20	
Total Pay	3,920	3,966	
Rentals under operating leases	193	193	
External Audit fee	19	17	
Legal and professional fees	173	193	Continued management of professional advice and reduced legal fees.
Other property costs	171	168	
Computer services	331	309	Security and resilience upgrades.
Office costs	137	151	Equipment provided for staff to enable home working purchased in 2020/21.
Travel and Subsistence	6	1	Continued minimal travel due to COVID-19 pandemic.
Training and Recruitment	36	55	Most training delivered online at lower cost.
Communications	47	41	
Depreciation	61	61	
Total other Administration Costs	1,174	1,189	
Gross Costs	5,094	5,155	
Income	(17)	(991)	One-off repayment of Pension Fund Surplus in 2020/21.
Net Expenditure	5,077	4,164	
Capital	37	5	IT security and resilience upgrades.
Net Resource	5,114	4,169	

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

MM Morris

Michelle Morris
Accounting Officer

Public Services Ombudsman for Wales

20 July 2022

Accountability Report 2021/22



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 Welsh Parliament. 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 Welsh Parliament.

As at 31 March 2022, the Office comprised 74 permanent 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.

For the year 2021/22, my predecessor Nick Bennett was the Accounting Officer for the public funds with which the Welsh Parliament entrusts the Office to undertake its functions.

He has provided me with a letter of assurance confirming he has properly discharged the duties and responsibilities of Accounting Officer which I have considered when preparing this report.

The Welsh Parliament provided cash of £5.2 million for the funding of the Office. £120k of this overall funding is due to be returned to the WCF, being the unused cash balance at the year-end of £35k and a contingency sum of £85k which made available to us to fund any pay award above 1.75%. The pay award was settled at 1.75% therefore we are returning the full amount. The expenditure of the office was kept within the Estimate agreed in November 2020 and amended by a Supplementary Budget during 2021/22.

As referred to previously in the Report, our unit costs have fallen to their lowest levels and reflect the highest number of complaints and enquiries closed by the Office.

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) 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.

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, the Ombudsman is required to prepare accounts for the financial year ended 31 March 2022 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 2021/22.

The accounts have been prepared to:

- Give a true and fair view of the state of affairs at 31 March 2022 and of the net resource out-turn, 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 Welsh Parliament 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 2021/22 was £19k (2020/21 = £17k).

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

MM Morris.

Michelle Morris

Accounting Officer

Public Services Ombudsman for Wales

20 July 2022

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 out-turn, 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.
- 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 2021/22

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. The Ombudsman discharges the functions set down in legislation 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

My predecessor Nick Bennett was Accounting Officer for the whole of the 2021/22 financial year and he has provided me with a letter of assurance confirming he has properly discharged the duties and responsibilities of Accounting Officer.

In undertaking the role of Accounting Officer, I and my predecessor have ensured that the office operates effectively and to a high standard of probity. In addition, the Ombudsman has 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 the Ombudsman is personally responsible, in accordance with the responsibilities set out in 'Managing Welsh Public Money'.

The Ombudsman is independent of the Welsh Parliament but is accountable to its Finance Committee and Public Accounts and Public Administration Committee for the use of resources provided. In determining the level of resources available to the office, the PSOW's budget proposals are considered by the Finance Committee of the Welsh Parliament in accordance with the process laid down in the Act. A combined Annual Report and Accounts is prepared for consideration by 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 and my predecessor have maintained 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 the **Strategic Plan** for the 3 years 2019/20 to 2021/22, my predecessor 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 2022 and up to the date of approval of these accounts and accords with HM Treasury guidance. Internal controls were unaffected by changes resulting from the COVID-19 pandemic. 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 me 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 a minimum of four, and a maximum of eight, independent external members.

The membership of the Committee during 2021/22 was:

- Mr Ian Williams, former Group Chief Executive of Hendre Limited - Chair
- Mr Trevor Coxon, former Monitoring Officer of Wrexham County Borough Council
- Dr Tom Frawley CBE (until October 2021), former Assembly Ombudsman and Northern Ireland Commissioner for Complaints
- Mrs Anne Jones (until July 2021), former Assistant Information Commissioner
- Mr Jim Martin (until October 2021), former Scottish Public Services Ombudsman
- Mr John McSherry, former Senior Manager at Admiral Group Limited
- Mr Mike Usher, a former Director of Audit Wales
- Mrs Joanest Varney-Jackson (from October 2021), former Senior Lawyer for Welsh Parliament.

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. During 2021 members took part in a Risk Workshop (June) and undertook Governance and Accountability training (October).

d) Meetings

The Committee sets itself an annual work programme. There are generally four meetings of the Committee during the year. Due to the ongoing COVID-19 pandemic the majority of meetings in 2021/22 were held remotely using Zoom.

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 of 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, internal audit reports, a review of the Whistleblowing Policy, updates on major IT developments, relevant financial and corporate governance matters. The Committee reviewed the Office's counter-fraud arrangements, in the context of the Cabinet Office Counter-Fraud Framework, and reviewed a proposed new anti-fraud policy, to satisfy itself that appropriate arrangements are in place. The Committee provided advice to me to ensure that the 2021/22 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 key risks had been identified. The overall approach to risk management and risk mitigation was also considered at a workshop facilitated by the internal auditors. This resulted in a number of improvements to the risk management policy and process.

During the year, three members' terms of office ended, and one new member joined the Committee. The number of meetings attended, along with the number of meetings each member was eligible to attend, was as follows:

Committee Member	Maximum number of attendances possible	Actual number of attendances	% attended
Ian Williams (Chair)	4	4	100
Trevor Coxon	4	4	100
Tom Frawley	3	2	67
Anne Jones	2	2	100
Jim Martin	3	3	100
John McSherry	4	4	100
Mike Usher	4	4	100
Joanest Varney-Jackson	2	2	100

e) Internal and External Audit

The Committee received regular reports from both the internal and external auditors. This was the first year for new internal auditors TIAA who attended all meetings. The work of internal audit during the year was planned based on their overall needs assessment and carried out through their agreed annual programme. Their reports highlighted a satisfactory internal control framework within the organisation and made recommendations for improvement where necessary.

In all but one audit, the level of assurance was considered 'Substantial', the highest assurance level, with one report giving 'Reasonable' assurance. A number of recommendations were made, and these have either been completed or will be completed in accordance with agreed timescales. The internal audits undertaken in 2021/22 and overall assessments were as follows:

	Assurance level
Systems – transition to Sage 200	SUBSTANTIAL
Complaints Handling (Casework)	SUBSTANTIAL
Governance – Audit & Risk Assurance Committee	SUBSTANTIAL
Cyber security	REASONABLE
Financial Systems:	
Budgetary Control	SUBSTANTIAL
Purchasing & payments	SUBSTANTIAL
Income	SUBSTANTIAL

The internal auditors' Annual Report for 2021/22 stated: "The Public Services Ombudsman for Wales has reasonable and effective risk management, control and governance processes in place". 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.

In respect of the previous financial year, the Committee considered the 2020/21 Annual Report and Accounts that included the Governance Statement of the office for 2020/21, together with the External Audit of Financial Statements Report and Management Letter. An unqualified opinion was given, following external audit work undertaken by Audit Wales, on the 2020/21 Accounts. There were no recommendations arising from the Audit.

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.

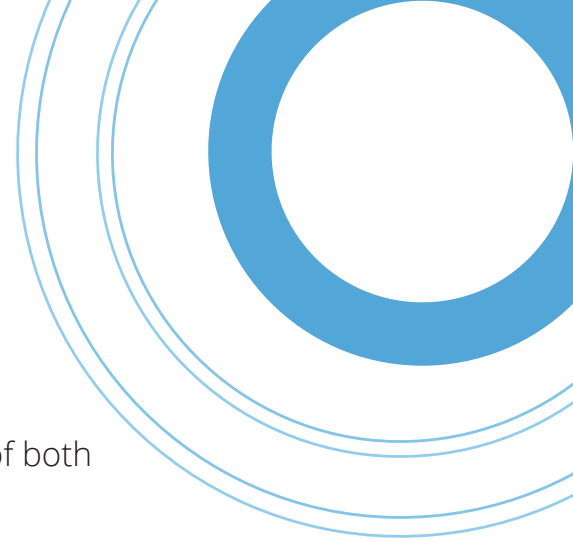
To ensure that appropriate matters can be raised in confidence, the Chair of the Committee generally holds an annual meeting with representatives of the External and Internal Auditors. Such a meeting was held on 25 March 2022.

f) Monitoring processes

At each meeting during 2021/22, 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 in accordance with agreed timescales.

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 2021/22.



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.

Reporting of Personal Data Related Incidents

All incidents involving personal data are reported to the Audit & Risk Assurance Committee, regardless of whether PSOW is at fault. Where PSOW is at fault, guidance issued by the Information Commissioner's Office (ICO) is considered to establish whether it is necessary to report the incident to that office. During 2021/22, there were no incidents that required reporting to the ICO.

Advisory Panel

The Advisory Panel is a non-statutory forum whose main role is to provide support and advice to me 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.

The Panel was chaired by Anne Jones until July 2021 when her term of office concluded. Dr Jane Martin, former Local Government Ombudsman, took over as Chair in October 2021 on recommendation of Panel members. Trevor Coxon, Mike Usher and Ian Williams were members throughout the year. Dr Tom Frawley and Jim Martin reached the end of their terms of office during the year

Following a recruitment exercise, Ms Carys Evans, former Head of Data and Insight at S4C, joined the panel in October 2021.

The Advisory Panel is an advisory-only body and does not make decisions in its own right.

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 2022, my predecessor was supported by a Chief Operating Officer to whom some of his responsibilities have been delegated.

Bearing in mind the letter of assurance I have received from my predecessor, 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:

- operations, including operational support
- financial risks
- governance and legal risks
- reputational risks
- data and information management risks.

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

Risk horizon	Risk affects:	Risk management and mitigation:	Residual risk:
Operations & operational support	<p>Risks from continued high number of complaints received and fixed staff resources.</p> <p>Year-end open caseload up 48% on last year (and 34% up on 2019/20). Maladministration complaints up 45% on 2020/21 (and 22% on 2019/20).</p> <p>Impact – slower service, increased pressure on staff and risk of stress.</p>	<p>Maximise staff resources within resources available. Support staff performance. Work closely and supportively with public bodies to improve their complaints handling.</p>	<p>The continuing increase in number of new complaints, with fixed staff, means that the residual risk is considered RED.</p>
Data and information management	<p>Risk of cyber-attack, malware, ransomware or virus</p>	<p>Systems have been upgraded in accordance with recommendations. Maintain and monitor currency of antivirus and other security software and test effectiveness. Increase staff awareness and vigilance through training. Pursue Cyber Essentials Plus accreditation.</p>	<p>The increase in adverse cyber activity and the potential scale of the impact on PSOW of any successful attack means that the residual risk is considered RED.</p>

Risk Assurance Framework Arrangements

PSOW Framework			
<ul style="list-style-type: none"> • Strategic objectives from Corporate Plan • Work programme • Risk management • Anti-fraud policy • Governance framework • Policies, procedures and code of conduct 			
Advisory Panel	Accounting Officer	Audit & Risk Assurance Committee	Management Team
Provides support and advice on vision, values and purposes as well as strategic direction and planning.	Governance. Decision making. Financial management. Risk management.	Reviews and monitors governance, risks and internal controls. Agrees annual governance statement.	3-year Corporate Plan. Operational Plan. Performance monitoring. Corporate policies. Risk management. Value for money.
Central Guidance	PSOW policies, plans and risk register		Annual Governance Statement
HM Treasury. FRoM. Managing Welsh Public Money. Public Sector Internal Audit.			
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.
Other assurances External audit. Scrutiny by Finance Committee and PA&PAC.			

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.

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 so that appropriate action can be taken to remain within the budgeted expenditure where possible or to seek additional resources where cost pressures cannot be contained. In 2021/22 the April 2021 pay award was not settled until March 2022, creating uncertainty as to affordability of what might be agreed. In addition, the Ombudsman received a report recommending priority action to improve IT systems resilience, security and performance. Additional resources were secured to address these two issues. The additional resources to cover for a higher than anticipated pay award were not ultimately required and those funds are being returned.

As far as the process of producing the PSOW's financial estimate for 2022/23 is concerned, a paper setting out initial budget criteria was considered by the Advisory Panel in July 2021. Overall, the submission sought an increase of 5.7% (resource) to reflect pay and price increases and the substantial caseload increases experienced throughout the year. Following Finance Committee scrutiny in October, the Committee did not support the submission. A revised submission, seeking a 4.4% increase, was submitted and supported by the Committee. This was included in the Wales Annual Budget Motion March 2022.

Conclusion

The Office's system of internal controls was unaffected by the pandemic and by homeworking. I can report that there were no significant weaknesses in the office's system of internal controls in 2021/22 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.

MM. Morris.

Michelle Morris
Accounting Officer

Public Services Ombudsman for Wales

20 July 2022

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					
2021/22					
Officials	Salary (£'000)	Bonus payments (£'000)	Benefits in Kind (to nearest £100)	Pension benefits (to nearest £1,000)	Total (£'000)
Nick Bennett	150-155	-	-	59,000	210-215
Chris Vinestock	105-110	-	-	27,000	135-140
Katrin Shaw	90-95	-	-	28,000	120-125

Single Total Figure of Remuneration					
2020/21					
Officials	Salary (£'000)	Bonus payments (£'000)	Benefits in Kind (to nearest £100)	Pension benefits (to nearest £1,000)	Total (£'000)
Nick Bennett	150-155	-	-	59,000	210-215
Chris Vinestock	105-110	-	-	75,000	180-185
Katrin Shaw	90-95	-	-	61,000	150-155

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 2021/22 was £150-£155,000 (2020/21 = £150-£155,000).

The FreM for 2021/22 requires increased reporting on fair pay disclosures.

	2021/22	2020/21
25 th percentile remuneration	£32,799	£32,235
25 th percentile pay ratio	4.6	4.7
50 th percentile remuneration	£44,625	£43,857
50 th percentile pay ratio	3.4	3.5
75 th percentile remuneration	£48,876	£44,865
75 th percentile pay ratio	3.1	3.4

In 2021/22, no employee received remuneration in excess of the highest-paid director (2020/21 = none).

Remuneration ranged from £20,000 to £155,000 (2020/21= £20,000-£155,000). Total remuneration includes salary, non-consolidated performance-related pay and benefits in kind. It does not include severance payments, temporary payments, employer pension contributions and the cash equivalent transfer value of pensions.

The percentage change from the previous financial year in respect of highest paid director was nil. The average percentage change from the previous financial year in respect of employees taken as a whole was 3%.

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 1.75% pay increase was awarded to staff in March 2022 backdated to April 2021.

Pensions

Pension entitlements for the persons shown earlier in the report are detailed below:

Pension Liabilities

The pension obligations to present and past employees are discharged through the Principal Civil Service Pension Scheme (PCSPS) and the pensions paid directly to former Commissioners or their dependants.

Name	As at 31/03/22					As at 31/03/21
	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	50-55	2.5-5	688	33	-	623
Chris Vinestock	70-75	0-2.5	1068	15	-	997
Katrin Shaw	40-45	0-2.5	666	13	-	617

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 7.2 days per employee were lost through sickness, compared with 3.0 days in 2020/21. This is the equivalent of 2.7% (1.1% in 2020/21) of total possible workdays. Short-term absences fluctuate from year to year and increased slightly in 2021/22. Long-term sickness increased from 0.5% of days to 1.7%.

This increase is due to several members of staff incurring absence due to stress, though much of this was not work-related. Stress overall accounted for 59% of days lost, with work-related stress accounting for 15% of days lost.

Reporting of Civil Service and other compensation schemes

No exit packages were paid in 2021/22 (2020/21 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:

	2021/22	2020/21
Ian Williams	3,150	2,011
Jane Martin	2,350	1,482
Mike Usher	2,100	1,050
Jim Martin	1,925	1,711
Trevor Coxon	1,925	1,711
John McSherry	1,800	900
Anne Jones	1,575	2,221
Tom Frawley	1,225	1,711
Joanest Varney-Jackson	1,200	-
Carys Evans	1,050	-
Jonathan Morgan	-	1,082
Rhiannon Ivens	-	900

These figures also include payments made to members for attendance at risk workshops and training sessions during 2021/22.

For staff reporting issues see the Annual Equality Report.

MM Morris

Michelle Morris

Accounting Officer

Public Services Ombudsman for Wales

20 July 2022

Welsh Parliament 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 out-turn against the Supply Estimate presented to the Senedd, in respect of each request for resource.

Summary of Net Resource Out-turn for year ending 31 March 2022

	Revised Estimate			Out-turn				2020/21
	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	5,259	(17)	5,242	5,094	(17)	5,077	165	4,164
Capital	46	-	46	37	-	37	9	5
Resource DEL	5,305	(17)	5,288	5,131	(17)	5,114	174	4,169
Resource AME	-	-	-	-	-	-	-	974
Total Resources	5,305	(17)	5,288	5,131	(17)	5,114	174	5,143
Net Cash Requirement	5,246	-	5,246	5,143	(17)	5,126	120	4,076

The Revised Estimate for 2021/22 includes a contingency of £85,000 for any additional pay award above 1.75%. The pay award was settled at 1.75% therefore we are returning the full amount. This gives a true operational net total out-turn compared to estimate of:

Resource £89,000
Cash £35,000

The 2020/21 figures include a one-off pension surplus adjustment. 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 2022

	Note	2021/22			2020/21
		Revised Estimate	Net Total Out-turn	Net total out-turn compared to revised estimate	Out-turn
		£000	£000	£000	£000
Net Revenue	2-4	5,242	5,077	165	4,164
Net Capital	6	46	37	9	5
Resource AME		-	-	-	974
Total Resources		5,288	5,114	174	5,143
Movement in provisions	10	-	(11)	11	10
Capital charges	6	(62)	(61)	(1)	(61)
Movements in working capital	7-9	20	84	(64)	(42)
Adjustments		-	-	-	(974)
Net cash requirement		5,246	5,126	120	4,076

MM Morris

Michelle Morris

Accounting Officer

Public Services Ombudsman for Wales

20 July 2022

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

Report on 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 2022 under paragraph 18 (2) of Schedule 1 of the Public Services Ombudsman (Wales) Act 2019. These comprise the Summary of Net Resource Out-turn, 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 UK adopted international accounting standards as interpreted and adapted by HM Treasury's Financial Reporting Manual.

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 31st March 2022 and of its net cash requirement, net resource outturn and net operating cost, for the year then ended;
- have been properly prepared in accordance with international accounting standards as interpreted and adapted by HM Treasury's Financial Reporting Manual and
- have been properly prepared in accordance with HM Treasury directions issued under the Public Services Ombudsman (Wales) Act 2019.

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.

Basis of opinions

I conducted my audit in accordance with applicable law and International Standards on Auditing in the UK (ISAs (UK)) and Practice Note 10 "Audit of Financial Statements

of Public Sector Entities in the United Kingdom". 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 opinions.

Conclusions relating to going concern

In auditing the financial statements, I have concluded that the use of the going concern basis of accounting in the preparation of the financial statements is appropriate.

Based on the work I have performed, I have not identified any material uncertainties relating to events or conditions that, individually or collectively, may cast significant doubt on the body's ability to continue to adopt the going concern basis of accounting for a period of at least twelve months from when the financial statements are authorised for issue.

My responsibilities and the responsibilities of the Accounting Officer with respect to going concern are described in the relevant sections of this report.

Other information

The other information comprises the information included in the annual report other than the financial statements and my auditor's report thereon. 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. The Accounting Officer is responsible for the other information in the annual report. 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. My responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or knowledge obtained in the course of the audit, or otherwise appears to be materially misstated. If I identify such material inconsistencies or apparent material misstatements, I am required to determine whether this gives rise to a material misstatement in the financial statements themselves. If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact.

I have nothing to report in this regard.

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 the other information to be issued with financial statements has been prepared in accordance with guidance.

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.

Although there are no legislative requirements for an Annual Governance Statement, 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 Annual 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 not identified material misstatements in the Annual Report.

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 or returns adequate for my audit have not been received from branches not visited by my team;
- the financial statements 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.

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 Services Ombudsman for 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.

Irregularities, including fraud, are instances of non-compliance with laws and regulations. I design procedures in line with my responsibilities, outlined above, to detect material misstatements in respect of irregularities, including fraud.

My procedures included the following:

- Enquiring of management, and those charged with governance, including obtaining and reviewing supporting documentation relating to the Public Services Ombudsman for Wales' policies and procedures concerned with:
 - identifying, evaluating and complying with laws and regulations and whether they were aware of any instances of non-compliance;
 - detecting and responding to the risks of fraud and whether they have knowledge of any actual, suspected or alleged fraud; and
 - the internal controls established to mitigate risks related to fraud or non-compliance with laws and regulations.

- Considering as an audit team how and where fraud might occur in the financial statements and any potential indicators of fraud. As part of this discussion, I identified potential for fraud in the following areas: revenue recognition, posting of unusual journals and
- Obtaining an understanding of the Public Services Ombudsman for Wales' framework of authority, as well as other legal and regulatory frameworks that the Public Services Ombudsman for Wales operates in, focusing on those laws and regulations that had a direct effect on the financial statements or that had a fundamental effect on the operations of the Public Services Ombudsman for Wales.

In addition to the above, my procedures to respond to identified risks included the following:

- reviewing the financial statement disclosures and testing to supporting documentation to assess compliance with relevant laws and regulations discussed above;
- enquiring of management, the Audit and Risk Assurance Committee and legal advisors about actual and potential litigation and claims;
- reading minutes of meetings of those charged with governance and the Advisory Board; and
- in addressing the risk of fraud through management override of controls, testing the appropriateness of journal entries and other adjustments; assessing whether the judgements made in making accounting estimates are indicative of a potential bias; and evaluating the business rationale of any significant transactions that are unusual or outside the normal course of business; and

I also communicated relevant identified laws and regulations and potential fraud risks to all audit team and remained alert to any indications of fraud or non-compliance with laws and regulations throughout the audit.

The extent to which my procedures are capable of detecting irregularities, including fraud, is affected by the inherent difficulty in detecting irregularities, the effectiveness of the Public Services Ombudsman for Wales' controls, and the nature, timing and extent of the audit procedures performed.

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. This description forms part of my auditor's report.

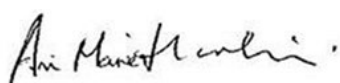
Responsibilities for regularity

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.

Report

I have no observations to make on these financial statements.



Ann-Marie Harkin
For and on behalf of
Auditor General for Wales
22 July 2022

24 Cathedral Road
Cardiff
CF11 9LJ

Annual Accounts 2021/22

Statement of Comprehensive Net Expenditure

for the year ended 31 March 2022

Administration costs	Note	2021/22	2020/21
		£000	£000
Staff costs	2	3,920	3,966
Other non-staff administration costs	3	1,174	1,189
Gross Administration Costs		5,094	5,155
Operating Income	4	(17)	(991)
Net Administration Costs		5,077	4,164
Net Revenue Out-turn		5,077	4,164

Notes 1 to 19 form part of these statements.

All activities commenced in the period are continuing.

Statement of Financial Position

for the year ended 31 March 2022

	Note	2021/22	2020/21
		£000	£000
Non-current assets			
Property, Plant and Equipment	6a	150	170
Intangible assets	6b	120	124
Receivables due after more than 1 year	7	-	1
		270	295
Current Assets			
Trade and other receivables	7	255	228
Cash and cash equivalents	8	120	20
		375	248
Total assets		645	543
Current liabilities			
Trade and other payables	9	(297)	(250)
Provisions less than 1 year	10	(45)	(45)
		(342)	(295)
Total assets less current liabilities		303	248
Non-current liabilities			
Trade and other payables due after 1 year	9	(10)	(15)
Provisions greater than 1 year	10	(482)	(471)
		(492)	(486)
Total assets less liabilities		(189)	(238)
General Fund		(189)	(238)

Notes 1 to 19 and the Pension Disclosures form part of these statements.

The financial statements were approved by the Accounting Officer and authorised for issue on 20 July 2022 by:

MM Morris.

Michelle Morris
Accounting Officer

Public Services Ombudsman for Wales

20 July 2022

Statement of Cash Flows

for the year ended 31 March 2022

	Note	2021/22	2020/21
		£000	£000
Net cash outflow from operating activities	11	(5,089)	(4,071)
Net cash outflow from investing activities	12	(37)	(5)
Financing from Welsh Parliament	13	5,246	4,096
Prior year cash balance repaid		(20)	(48)
Net increase (decrease) in cash equivalents after adjustments for payments to Welsh Consolidated Fund		100	(28)
Cash and cash equivalents at beginning of period		20	48
Cash and cash equivalents at end of period		120	20

Notes 1 to 19 form part of these statements.

Statement of Changes in Taxpayers' Equity

for the year ended 31 March 2022

General Fund	2021/22	2020/21
	£000	£000
Balance as at 1 April	(238)	930
Net operating costs	(5,077)	(4,164)
Funding by Welsh Parliament	5,246	4,096
Due back to Welsh Consolidated Fund:		
Cash	(120)	(20)
Non-operating income	-	-
Actuarial re-measurement of LGPS pension fund	-	(106)
Pension Fund Surplus	-	(974)
Total recognised income and expense for year	49	(1,168)
Balance as at 31 March	(189)	(238)

Notes 1 to 19 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 2021/22. 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) 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.

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	2022-23	<p>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.</p> <p>From 1 April 2022, our office building will be recognised as a new right-of-use asset and it will be depreciated over the anticipated future lease period. This change will result in an increase to the depreciation and interest finance charges in the Ombudsman's budget.</p> <p>For PSOW the potential impact of implementing the standard will be:</p> <ul style="list-style-type: none"> • Creation of right-of-use asset valued at £685k • Premises and facilities – a decrease of £198k • Change in working capital – an increase of £198k • Interest – a new charge of £7k • Depreciation – an increase of £204k <p>Overall, there will be an increase in resource expenditure of £13k but no impact on the cash requirement from the Welsh Consolidated Fund.</p>
IFRS 17 Insurance Contracts	2023-24 at earliest	<p>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.</p>

2. Staff Costs and Numbers

The aggregate employment costs were as follows:

	2021/22	2020/21
	£000	£000
Permanent staff:		
Salaries	2,836	2,856
Social Security costs	272	280
Pension costs	745	751
Pension fund charges	39	20
Total	3,892	3,907
Temporary staff:		
Salaries	27	49
Social Security costs	1	3
Pension costs	-	7
Total	28	59
Total Staff Costs	3,920	3,966

The average number of whole-time equivalent persons employed (including senior management and fixed term appointments) during the year was as follows:

	2021/22	2020/21
	No.	No.
Directors	2	2
Communications and PA	3	3
Complaints and Investigations	49	51
Improvement Team	5	5
Support	8	7
Total	67	68

3. Non-Staff Administration Costs

	2021/22	2020/21
	£000	£000
Rentals under operating leases	193	193
External Audit fee	19	17
Legal and professional fees	173	193
Other property costs	171	168
Computer services	331	309
Office costs	137	151
Travel and Subsistence	6	1
Training and Recruitment	36	55
Communications	47	41
Sub-total	1,113	1,128
Depreciation	36	37
Amortisation charge	25	24
Loss on disposal	-	-
Sub-total	61	61
Total Other Administration Costs	1,174	1,189

The 2020/21 figures have been restated to move the £45k service charge cost from “rentals under operating leases” to “other property costs” in preparation for the implementation of IFRS 16 from 1 April 2022.

4. Operating Income

	2021/22	2020/21
	£000	£000
Seconded staff	(16)	(16)
Pension Fund Surplus Repayment	-	(974)
Other – Future Generations Commissioner	(1)	(1)
Total	(17)	(991)

The 2020/21 figures include a one-off pension surplus repayment of £974k.

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:

- an estimate of the staff time spent on the objective
- direct allocation of expenditure where applicable
- apportionment of other costs pro rata to the estimate of staff time.

	2021/22		2020/21	
	£000	%	£000	%
Strategic Aim 1: A fair, independent, inclusive and responsive complaints service.	3,918	77.2	3,965	77.2
Strategic Aim 2: Promote learning from complaints and stimulate improvements on a wider scale.	944	18.6	959	18.7
Strategic Aim 3: 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.	215	4.2	214	4.1
Net Resources Out-turn	5,077	100.0	5,138	100.0

The Aims analysis excludes capital expenditure.

6a. Property, Plant and Equipment

2021/22	Plant	Computers and other equipment	Furniture and other fittings	Total
	£000	£000	£000	£000
Cost or valuation at 1 April	156	224	442	822
Additions	-	16	-	16
Disposals	-	-	-	-
At 31 March	156	240	442	838
Depreciation as at 1 April	(156)	(154)	(342)	(652)
Charged in the year	-	(17)	(19)	(36)
Disposals	-	-	-	-
At 31 March	(156)	(171)	(361)	(688)
Carrying amount as at 31 March 2022	-	69	81	150
Carrying amount as at 31 March 2021	-	70	100	170

2020/21	Plant	Computers and other equipment	Furniture and other fittings	Total
	£000	£000	£000	£000
Cost or valuation at 1 April	156	223	438	817
Additions	-	1	4	5
Disposals	-	-	-	-
At 31 March	156	224	442	822
Depreciation as at 1 April	(156)	(136)	(323)	(615)
Charged in the year	-	(18)	(19)	(37)
Disposals	-	-	-	-
At 31 March	(156)	(154)	(342)	(652)
Carrying amount as at 31 March 2021	-	70	100	170
Carrying amount as at 31 March 2020	-	87	115	202

6b. Intangible Assets

2021/22	Information Technology	Software Licences	Total
	£000	£000	£000
Cost or valuation at 1 April	497	52	549
Additions	21	-	21
Disposals	-	-	-
At 31 March	518	52	570
Amortisation as at 1 April	(373)	(52)	(425)
Amortisation charged in the year	(25)	-	(25)
Disposals	-	-	-
At 31 March	(398)	(52)	(450)
Carrying Value as at 31 March 2022	120	-	120
Carrying Value as at 31 March 2021	124	-	124

2020/21	Information Technology	Software Licences	Total
	£000	£000	£000
Cost or valuation at 1 April	497	52	549
Additions	-	-	-
Disposals	-	-	-
At 31 March	497	52	549
Amortisation as at 1 April	(349)	(52)	(401)
Amortisation charged in the year	(24)	-	(24)
Disposals	-	-	-
At 31 March	(373)	(52)	(425)
Carrying Value as at 31 March 2021	124	-	124
Carrying Value as at 31 March 2020	148	-	148

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

	2021/22	2020/21
	£000	£000
Amounts falling due within 1 year		
Prepayments	255	228
Trade debtors	-	-
Amounts falling due after more than 1 year		
Prepayments	-	1
Total	255	229

8. Cash and Cash Equivalents

Any bank balance held at the year-end must be returned to the Welsh Consolidated Fund under the Government of Wales Act 2006.

A figure of £120k (£20k in 2020/21) 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 £120k balance due to be returned to the Welsh Consolidated Fund in 2022/23 is made up of a cash balance at the year-end of £35k, as well as an unused contingency sum of £85k which was made available to manage the risk of a late pay award settlement in March 2022.

9. Trade Payables and other Current Liabilities

	2021/22	2020/21
	£000	£000
Amounts falling due in 1 year		
Untaken annual leave	122	175
Deferred rent reduction	5	5
Welsh Consolidated Fund - unspent balances	120	20
Trade payables	3	5
Accruals	47	45
	297	250
Amounts falling due in more than 1 year		
Deferred rent reduction	10	15
Total	307	265

10. Provisions for Liabilities and Charges

	2021/22				2020/21
	Pensions for Former Commissioners	Dilapidation Costs	Other Costs	Total	Total
	£000	£000	£000	£000	£000
Balance at 1 April	210	306	-	516	526
Additional provision required	37	17	-	54	31
Discount rate movement	2	-	-	2	3
Provisions utilised in the year	(45)	-	-	(45)	(44)
Balance at 31 March	204	323	-	527	516

Analysis of expected timings of payment of provisions:

	2021/22	2020/21
	£000	£000
Payable within 1 year	46	45
Payable within 2 to 5 years	474	455
Payable in more than 5 years	7	16
Balance at 31 March 2022	527	516

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 -1.30% for the financial year (-0.95% in 2020/21) in line with the guidance issued by the Treasury. Two surviving spouses of former Commissioners remain as a pension liability.

11.Reconciliation of Operating Cost to Operating Cash Flows

	Notes	2021/22	2020/21
		£000	£000
Net operating cost		(5,077)	(4,164)
Adjust for non-cash items	3	61	61
Decrease/(Increase) in trade and other receivables	7	(26)	(21)
Increase/(Decrease) in trade and other payables	9	42	35
Movement in provisions	10	11	(10)
Movement in cash repaid to Welsh Consolidated Fund	8	(100)	28
Net cash outflow from operating activities		(5,089)	(4,071)

12.Non-Current Asset Expenditure and Financial Investment

	2021/22	2020/21
	£000	£000
Purchases of property, plant and equipment	(16)	(5)
Proceeds of disposals of property, plant and equipment	-	-
Purchases of intangible assets	(21)	-
Net cash outflow from investing activities	(37)	(5)

13. Reconciliation of Net Cash Requirement to Increase/ (Decrease) in Cash

	2021/22	2020/21
	£000	£000
Net Cash Requirement:		
Operating activities	(5,089)	(4,071)
Capital Expenditure	(37)	(5)
	(5,126)	(4,076)
Financing from Welsh Parliament	5,246	4,096
Repayment to Welsh Consolidated Fund	(20)	(48)
Increase/(Decrease) in cash and cash equivalents	100	(28)

14. Commitments under Operating Leases

	2021/22	2020/21
	£000	£000
Total future minimum operating lease payments on building:		
Payable within 1 year	198	198
Within 2 and 5 years	502	699
More than 5 years	-	-
	700	897
Other:		
Payable within 1 year	-	-
Within 2 and 5 years	-	-
More than 5 years	-	-
	-	-
Total of all operating leases	700	897

15. Contingent Liabilities

There are no claims or litigations that would affect the financial statements themselves but there is one Code of Conduct case where leave to appeal has been sought. The outcome is uncertain and the amount of any potential liability is unknown.

16. Capital Commitments

There were no capital commitments at 31 March 2022 (2020/21 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 Welsh Parliament, 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.

19. Special Payments

One payment totalling £29k was made to a member of staff who left PSOW's employment during the year.

Pension Disclosures

One pension scheme was operated on behalf of current staff during 2021/22 – The Principal Civil Service Pension Scheme (PCSPS). 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 four sections: 3 providing benefits on a final salary basis (classic, premium or classic plus) with a normal pension age of 60; and one 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 switched into alpha sometime between 1 June 2015 and 1 February 2022. Because the Government plans to remove discrimination identified by the courts in the way that the 2015 pension reforms were introduced for some members, it is expected that, in due course, eligible members with relevant service between 1 April 2015 and 31 March 2022 may be entitled to different pension benefits in relation to that period (and this may affect the Cash Equivalent Transfer Values shown in this report – see below). All members who switched 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 defined contribution (money purchase) 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 three 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 his 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 an occupational defined contribution pension arrangement which is part of the Legal & General Mastertrust. The employer makes a basic contribution of between 8% and 14.75% (depending on the age of the member). 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.

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.

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 2022 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 2021/22 was 0.50%.

The total payments during 2021/21 were £45k (£44k in 2020/21). The liabilities arising out of the obligation to finance these pensions together with any dependant pensions has been calculated to be £204k (£209k in 2020/21). 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 (2021), of -1.30% (-0.95% in 2020/21) 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

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Agenda Item 8



Report of the Monitoring Officer

Standards Committee – 7 October 2022

Breach of Code of Conduct - Complaints made to the Public Services Ombudsman for Wales (PSOW)

The Committee is advised of the following decisions by the PSOW in relation to allegations that Local Authority and Community and Town Councillors have breached the Code of Conduct.

Name of Council / Councillor	Name of Complainant	Ombudsman Reference	Result of Investigation and date of the current situation
Mumbles Community Council	Public	202202441	29 July 2022 – PSOW not investigating
Swansea Council	Public	202202259	18 August 2022 – PSOW not investigating
Mumbles Community Council	Public	202203558	26 September 2022 – PSOW investigating
Mumbles Community Council	Councillor	202203572	27 September 2022 – PSOW not investigating

Agenda Item 9



Report of the Chair

Standards Committee – 7 October 2022

Work Plan 2022-2023

Date	Item
24 June 2022	<ul style="list-style-type: none">• Dispensations• Draft Standards Committee Annual Report 2021-2022• Duty under the Local Government & Elections (Wales) Act 2021:<ul style="list-style-type: none">➤ Group Leaders responsibilities➤ Annual Report
5 October 2022 (Special)	<ul style="list-style-type: none">• Recruitment of Community / Town Councillor to the Standards Committee•
7 October 2022	<ul style="list-style-type: none">• Review of Officer / Member Relations Protocol• Review of Member –v- Member Internal Dispute Resolution Protocol•
20 January 2023	<ul style="list-style-type: none">• Annual Meeting with Group Leaders• Training (including financial training) for Community / Town Councils• Dispensation Form
17 March 2023	<ul style="list-style-type: none">• Social Media Guidance for Councillors• Whistleblowing Policy (Head of HR to provide background information)• Indemnity Scheme