



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, 19 January 2024

Time: 10.00 am

Chair: Mike Lewis

Membership:

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

Community/Town Council Representative: Councillor Carlo Rabaiotti

Co-opted Members: Michaela Jones, Janet Pardue-Wood, Mark Rees and Margaret Williams

Watch Online: <https://rb.gy/zufrjy>

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Next Meeting: Friday, 22 March 2024 at 10.00 am

Huw Evans

Huw Evans
Head of Democratic Services
Friday, 12 January 2024

Contact: Democratic Services - 01792 636923

Councillors

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
Michaela Jones	01.10.2017 to 30.09.2023 Re-appointed to 30.09.2027	Mike Lewis (Chair)	01.10.2017 to 30.09.2023 Re-appointed to 30.09.2027
Janet Pardue-Wood	24.05.2022 to 23.05.2028	Mark Rees	19.10.2022 to 18.10.2028
Margaret Williams*	01.04.2015 to 31.03.2021 Re-appointed to 31.03.2025		

Community / Town Council Representative

Name	Term of Office
Carlo Rabaiotti	06.10.2022 to next Local Government Election 2027

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, 13 October 2023 at 10.00 am

Present: Mike Lewis (Chair) Presided

Councillor(s)

O G James

Councillor(s)

M B Lewis

Co-opted Member(s)

Carlo Rabaiotti

Michaela Jones

Co-opted Member(s)

Janet Pardue-Wood

Mark Rees

Officer(s)

Huw Evans

Adrian Jeremiah

Head of Democratic Services

Associate Lawyer

Also present

Louise Thomas

Leigh McAndrew

Matt Phelps

Sara Keeton

Former Mumbles Community Councillor

Office of the Public Services Ombudsman for Wales

Office of the Public Services Ombudsman for Wales

Witness & Mumbles Community Councillor

Apologies for Absence

Councillor(s): L G Thomas

5 Disclosures of Personal and Prejudicial Interests.

In accordance with the Code of Conduct adopted by the City & County of Swansea, the following interests were declared:

- 1) Councillor O G James declared a Personal Interest in Minute 7 "Public Services Ombudsman for Wales Referral - Alleged Breach of the Code of Conduct by a Former Community Councillor".

6 Minutes.

Resolved that the Minutes of the Standards Committee held on 23 June 2023 be approved and signed as a correct record subject to Town Councillor Carlo Rabaiotti being shown as being present.

7 Public Services Ombudsman for Wales Referral - Alleged Breach of the Code of Conduct by a Former Community Councillor.

The Monitoring Officer submitted a report which sought consideration of the Public Services Ombudsman for Wales (PSOW) referral to the Monitoring Officer for the Standards Committee to consider in relation to an alleged breach of the Code of Conduct by former Community Councillor Louise Thomas.

The Chair welcomed all to the Committee and introduced the Committee Members and Officers.

The Chair stated that the Committee had previously adopted the Standards Committee Hearing Procedure. He outlined the three stages of the process that would be followed:

- Stage 1 – Finding of Fact.
- Stage 2 – Did the Councillor Fail to follow the Code.
- Stage 3 – Breach of the Code / Consideration of Sanctions.

Stage 1 - Finding of Fact

The Chair queried if there was any disagreement with the Undisputed facts listed in the Public Services Ombudsman for Wales report. Louise Thomas stated that she disputed Paragraphs 47 & 49 of the report:

- i) *Paragraph 47 “Former Councillor Thomas did not attend training on the Code of Conduct, even though she had been booked onto One Voice Wales training courses.”*

Louise Thomas agreed that she had not attended the One Voice Wales, Code of Conduct training; however, she had attended a Code of Conduct training course with an alternative provider. Louise Thomas stated that she had attended Code of Conduct training in June.

The Chair stated that the Committee would consider this issue later in the meeting.

- ii) *Paragraph 49 “None of the complaints made by Former Councillor Thomas to my office passed the 2-stage test and were therefore not investigated as no evidence of a breach of the Code of Conduct had been presented.”*

Louise Thomas disputed this fact. Leigh McAndrew confirmed that the Paragraph was accurate. The Chair clarified that the Paragraph related solely to the Ombudsman’s findings and not to Louise Thomas’ belief that her complaints were valid. Following the clarification, Louise Thomas accepted the Paragraph as fact.

The Chair queried if there was any disagreement with the Disputed facts listed in the Public Services Ombudsman for Wales report. Louise Thomas stated that she now accepted Paragraph 56 as an Undisputed fact. Louise Thomas accepted that Community Councillor Erasmus did not attend the vote count on Friday, 6 May 2022.

Leigh McAndrew, Office of the Public Services Ombudsman for Wales referred "The investigation of complaints against Former Councillor Louise Thomas of Mumbles Community Council" as outlined in Appendix B of the report and made representations to the Committee.

Louise Thomas made her representations to the Committee.

Leigh McAndrew & Louise Thomas were asked questions by Members of the Standards Committee. They responded accordingly.

The Chair referred to Pages 269 & 270 of the Agenda Pack. Those pages indicate that Louise Thomas received a copy of the Public Services Ombudsman for Wales draft report on 21 February 2023 and had a deadline to submit any comments to the Ombudsman by 14 March 2023. The Chair asked Louise Thomas whether she accepted these facts and why she did not reply to the Ombudsman.

Louise Thomas confirmed receipt of the Ombudsman's draft report and stated that she had not responded to the draft report as she no longer lived in Wales, was very busy and that there had been a family bereavement.

The Standards Committee retired to consider Stage 1 - Findings of Fact. The only issue disputed related to Louise Thomas having attended Code of Conduct training.

Closed Session

(Standards Committee Members & Swansea Council Officers remained)

The Committee discussed the issues relating to the investigation.

Open Session

(Louise Thomas, Officers of the Public Services Ombudsman for Wales & Members of the Public returned)

The Chair stated that the Standards Committee had deliberated the findings of fact as set out in the Public Services Ombudsman for Wales (PSOW) report. He stated that One Voice Wales had confirmed that Louise Thomas had not attended Code of Conduct training. He also stated that Swansea Council had confirmed that it had not held any Code of Conduct training courses during the period in question.

The Chair stated that the Committee had found no evidence that Louise Thomas had attended Code of Conduct training and on the balance of probability found that she had not received said training.

The Chair asked whether Leigh McAndrew still intending calling Mumbles Community Councillor Sara Keeton as a witness. Leigh McAndrew indicated that he did.

Louise Thomas indicated that she would like the opportunity to cross examine the witness as she disputed Community Councillor Sara Keeton's evidence. Louise Thomas stated that she believed all the Ombudsman's witnesses should be present for her to cross examine.

Closed Session

(Standards Committee Members & Swansea Council Officers remained)

The Committee discussed the issues relating to the investigation.

Open Session

(Louise Thomas, Officers of the Public Services Ombudsman for Wales & Members of the Public returned)

The Chair stated that the Committee had considered the question of calling and cross examining the witness. The witness would be setting out the personal impact that Louise Thomas had on Community Councillor Sara Keeton.

Leigh McAndrew stated that he was happy to rely on Community Councillor Sara Keeton's written witness statement.

The Chair stated that the witness would not be called at this time; however, the Committee reserved the right to call the witness should Louise Thomas be found to have breached the Code of Conduct.

Stage 2 - Did the Councillor Fail to follow the Code

The Chair asked Louise Thomas if she accepted that she had breached the following Paragraphs of the Code of Conduct:

- i) *Paragraph 6 (1) (a) "You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute."*
- ii) *Paragraph 6 (1) (d) "You must not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority."*

Louise Thomas indicated that she believed that there was no breach on either point. Louise Thomas made her representations to the Committee.

Leigh McAndrew, Office of the Public Services Ombudsman for Wales made representations to the Committee.

Leigh McAndrew & Louise Thomas were asked questions by Members of the Standards Committee. They responded accordingly.

Louise Thomas & Leigh McAndrew were afforded the opportunity to make any final relevant representations.

The Committee retired to consider their decision as to whether Louise Thomas had breached the Code of Conduct.

Closed Session

(Standards Committee Members & Swansea Council Officers remained)

The Committee discussed the issues relating to the potential breach of the Code of Conduct.

Open Session

(Louise Thomas, Officers of the Public Services Ombudsman for Wales & Members of the Public returned)

The Chair stated that the Committee had considered the contents of the Public Services Ombudsman for Wales report dated 21 March 2023, the evidence contained in the Ombudsman's report, the agreed facts and representations made by Louise Thomas.

The Chair stated that the Committee had found that Louise Thomas had breached Paragraphs 6 (1) (a) and 6 (1) (d) of the Code of Conduct.

Stage 3 - Breach of the Code / Consideration of Sanctions

The Chair stated that the Committee would proceed to Stage 3 of the hearing and invited representations from Leigh McAndrew, Public Services Ombudsman for Wales Investigating Officer and from Former Community Councillor Louise Thomas.

Leigh McAndrew made his representations and stated that there should be a sanction. He highlighted the Sanctions Guidance issued by the Adjudication Panel for Wales under Section 75 (10) of the Local Government Act 2000. He also outlined the mitigating and aggravating factors that the Committee should consider.

Louise Thomas made her representations and stated that there were lies in the statement and that the Witnesses should have been called for her to cross examine.

The Standards Committee did not ask questions of Leigh McAndrew or of Louise Thomas.

The Committee retired to consider their decision as to whether a sanction be imposed and if so, the nature of the sanction.

Closed Session

(Standards Committee Members & Swansea Council Officers remained)

The Committee discussed whether a sanction be imposed and if so, the nature of the sanction.

Open Session

(Louise Thomas, Officers of the Public Services Ombudsman for Wales & Members of the Public returned)

The Chair of the Standards Committee informed former Councillor Louise Thomas that the Standards Committee had considered what, if any, sanction to impose against the background of the Sanctions Guidance issued by the Adjudication Panel for Wales and its 5-stage approach. The guidance was not binding on the Committee; however, it was a useful template. The Standards Committee considered the seriousness of the breaches of Paragraphs 6 (1) (a) and 6 (1) (d) of the Code of Conduct, the recording

being made of a confidential meeting and the offer to share that recording, the refusal to accept evidence and the pattern of complaints to the Public Services Ombudsman for Wales over several months.

The Chair stated that the Committee found the effect the complaints had on others, the lack of reflection, the absence of attending training on the Code of Conduct, the failure to take advice from the Clerk or the Chair of the Mumbles Community Council and the failure to use the Local Dispute Resolution Procedure, and that there was some element of planning in recording the confidential Committee meeting to be aggravating factors.

The Chair stated that the Committee found the inexperience of former Councillor Thomas, the fact that former Councillor Thomas co-operated with the Ombudsman and the fact that former Councillor Thomas may have genuinely held concerns as to what was going on at the Council to be mitigating factors.

The Chair stated that the Committee had considered the range of sanctions available and were mindful of the representations made by the Ombudsman both as to mitigating / aggravating circumstances and that the Ombudsman was of the view that a censure or limited form of suspension was in the public interest in this matter. The Committee also considered the representations made by Louise Thomas and the fact that she had apologised for her actions and cooperated with the Ombudsman's investigation.

Resolved that:

- 1) Former Councillor Louise Thomas be found to be in breach of Paragraphs 6 (1) (a) and 6 (1) (d) of the Code of Conduct.
- 2) Former Councillor Louise Thomas be formally censured for breaching Paragraphs 6 (1) (a) and 6 (1) (d) of the Code of Conduct.
- 3) Should Former Councillor Louise Thomas still have been a serving Community Councillor, the Standards Committee would have imposed a 6-month suspension, which is the maximum period of suspension that the Committee could impose.

8 Workplan 2023-2024.

This item was deferred to the next meeting.

The meeting ended at 1.59 pm

Chair

Agenda Item 4



Report of the Head of Democratic Services

Standards Committee – 19 January 2024

Standards Committee Annual Report 2022-2023

Purpose:	The Standards Committee must produce a Statutory annual report at the end of the financial year. The report describes how the Committee's functions have been discharged during the previous year
Policy Framework:	None.
Consultation:	Access to Services, Finance, Legal.
Recommendation(s):	It is recommended that: 1) The Standards Committee Annual Report 2022-2023 be approved and forwarded to Council for information.
Report Authors:	Huw Evans & Allison Lowe
Finance Officer:	Ben Smith
Legal Officer:	Stephanie Williams
Access to Services Officer:	Rhian Millar

1. Introduction

- 1.1 There is a legal requirement (pursuant to the Local Government and Elections (Wales) Act 2021 for the Councils Standards Committees to make an annual report to Swansea Council on the standards regime within its Council. The report must:
- (a) describe how the Standards Committee has discharged its functions during the preceding financial
 - (b) include a summary of reports and recommendations made or referred to the Standards Committee by the Public Services Ombudsman for Wales relating to the investigation of alleged breaches of the member code of conduct, and any subsequent action taken by the committee
 - (c) include a summary of notices given to the Standards Committee by the Adjudication Panel for Wales, relating to the Panel's decisions on possible breaches of the member code of conduct; and
 - (d) include the Standards Committee's assessment of how political group leaders have complied with their new duty to promote high standards of conduct.

- 1.2 The requirement to make an annual report is intended to ensure there is a regular and consistent approach to the reporting and consideration of standards of conduct by elected members. This is intended to promote local ownership and collective responsibility by members for ensuring high standards of conduct within their authority. Swansea Council must consider the report and any recommendations made by its standards committee within three months of its receipt.
- 1.3 Attached as **Appendix A** is the Draft Standards Committee Annual Report 2022-2023. If the Standards Committee agrees the Annual Report it will be forwarded to Council for information on x March 2024.

2. Integrated Assessment Implications

- 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 2005 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 There are no integrated assessment implications associated with this report.

3. Financial Implications

- 3.1 There are no financial implications associated with this report.

4. Legal Implications

4.1 There are no legal implications other than those set out in the body of the report.

Background Papers: None.

Appendices:

Appendix A Standards Committee Annual Report 2022-2023



Standards Committee Annual Report 2022-2023

City & County of Swansea



The Ten General Principles of Public Life

<p>Selflessness. Members must act solely in the public interest. They must never use their position as members to improperly confer an advantage on themselves or to improperly confer an advantage or disadvantage on others.</p>	<p>Equality and Respect. Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others.</p>
<p>Honesty. Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.</p>	<p>Openness. Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.</p>
<p>Integrity and Propriety. Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.</p>	<p>Objectivity in Decision-making. In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, members must make decisions on merit. Whilst members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.</p>
<p>Duty to Uphold the Law. Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.</p>	<p>Accountability. Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.</p>
<p>Stewardship. In discharging their duties and responsibilities members must ensure that their authority's resources are used both lawfully and prudently.</p>	<p>Leadership. Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.</p>
<p align="center">“Nolan Committee on Standards in Public Life”</p>	

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Chair's Foreword

The Committee has continued to meet remotely and has undertaken some challenging work during the year. Significantly the Committee has been kept up to date with legislative changes brought about by the Local Government and Elections (Wales) Act 2021 which has seen changes in the Committee's terms of reference to reflect changing functions.

I would like to acknowledge the positive engagement with the Standards Committee demonstrated by Group Leaders in recent years, and this puts us in a strong position as we consider the new duty on them contained in the above Act.

Pleasingly, the conduct of members is high. The Committee notes that the number of Code of Conduct complaints made to the Ombudsman was 15, with the PSOW only investigating one of those complaints. The number of complaints relating to Community / Town Councils during 2022-2023 has reduced from the previous year.

The process of recruiting two replacement Independent (Co-opted) Members commenced for the one current vacancy on the Committee, together with a replacement member for the former Chair Jill Burgess, whose term of office ceased in October 2022.

We are pleased to announce that Janet Pardue-Wood and Mark Rees were appointed by Council for the 2022-2023 Municipal Year. In addition, Councillor Rabaiotti was appointed as the new Community / Town Council representative.

Mike Lewis, former Vice Chair, was elected Chair in November 2022.

Jill Burgess, Chair of Standards Committee (up to October 2022)
Mike Lewis, Chair of Standards Committee (From November 2022)

1. The Role of the Standards Committee

- 1.1 The Committee operates within a statutory framework and the following terms of reference applied for the municipal year 2022-2023:
- a) The Standards Committee is made up of 5 Independent Members, 3 Councillors and 1 Community/Town Councillor. By virtue of Section 53 (10) of the Local Government Act 2000 a Standards Committee and the Standards Committees (Wales) Regulations 2001, the Standards Committee is not required to comply with Section 15 of the Local Government and Housing Act 1989 (duty to allocate to Political Groups).
 - b) To promote and maintain high standards of conduct and probity in respect of Councillors & Co-opted Members of the Authority and Community / Town Councillors within the area of the City and County of Swansea.
 - c) To assist Members of the Authority and Community / Town Councils to observe their Authority's Code of Conduct.
 - d) To advise the Authority and Community / Town Councils on the adoption, monitoring and review of their Code of Conduct.
 - e) To advise and train Members on matters relating to the Code of Conduct.
 - f) To grant dispensations to Members in accordance with the Standards Committees (Grant of dispensations) (Wales) Regulations 2001 and Section 81 (5) of the Local Government Act 2000.
 - g) To consider allegations of breaches of Code of Conduct made against Members.
 - h) To oversee the Authority's protocol on Member and Officer working relationships.
 - i) To oversee and monitor the Authority's Whistle Blowing Policy and general confidential reporting Procedures.
 - j) To provide training to Members on conduct and ethical standards issues and any developments relevant to these areas.
 - k) To specifically consider and deal with less serious allegations of impropriety concerning Members.
 - l) To oversee the register of Members interests required under Section 81(1) of the Local Government Act 2000.
 - m) To consider all appeals relating to the Dealing with Unreasonable or Unacceptable Behaviour by Members of the Public Policy.

- n) To consider any other matters placed before the Committee by the Monitoring Officer.

2. The Committee's Work in 2022-2023

2.1 Standards Committee – New Duties

- 2.1.1 The Committee considered its new duties under the Local Government & Elections (Wales) Act 2021 and agreed the following action:

- 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.
- That 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 to promote high standards within their groups.

2.2 Standards Committee Annual Report 2021-2022

- 2.2.1 The Chair presented the Standards Committee Annual Report for 2021-2022 to Council on 7 July 2022.

- 2.2.2 The Annual report outlined the work undertaken by the Committee in 2021-2022.

2.3 Requests for Dispensation

- 2.3.1 The Committee considered 4 requests for dispensation from Councillors.

2.4 Recruitment of Community / Town Councillor to the Standards Committee

- 2.4.1 Council approved the appointment of Town Councillor Rabaiotti of Gorseinon Town Council to the Standards Committee on 6 October 2022. He replaced Community Councillor Phil Crayford, as his term of office ended in May 2022.

2.5. Review of Member - v - Member Internal Dispute Resolution Protocol

- 2.5.1 The Committee reviewed the protocol and recommended its amendments to the Corporate Management Team for formal adoption.

2.6 Review of Officer / Member Relations Protocol

- 2.6.1 The Committee reviewed the protocol and recommended its amendments to the Corporate Management Team for formal adoption.

2.7 Group Leader Duty

2.7.1 The Committee considered a template for Group Leaders to complete in relation to their duty under the Local Government & Elections (Wales) Act 2021.

2.8 Public Services Ombudsman for Wales (PSOW) Annual Report and Accounts 2021-2022

2.8.1 The Committee discussed the report, which set out performance over the year including both complaints about public service providers as well as code of conduct complaints.

2.8.2 The Committee had regular briefings from the Monitoring Officer on cases which the PSOW had dealt with, and which were reported in either the PSOW Casebook or the Adjudication Panel for Wales' publications.

2.9 Annual Meeting with Political Group Leaders

2.9.1 The Standards Committee invited the Political Group Leaders to the Standards Committee to discuss relevant legislation and responsibilities outlined in the Local Government & Elections (Wales) Act 2021.

2.9.2 The Committee was interested in hearing the Group Leaders views on the new duty placed upon them under the Local Government and Elections (Wales) Act 2021 to ensure high standards of conduct within their political group.

2.9.3 The Standards Committee were also interested to hear from Group Leaders as to any additional training or support that they felt would be needed to fulfil their new duty.

2.10 Unreasonable Behaviour Policy Appeal

2.10.1 The Committee considered an appeal under the Unreasonable Behaviour Policy.

2.10.2 The Committee upheld the Authority's decision to invoke the Unreasonable Customer Behaviour Policy, however it recommended some improvements to the process.

2.11 Community / Town Council Training Plans

2.11.1 The Committee considered a report to consider how to review Community & Town Council training plans to ensure that appropriate training was being undertaken in Community & Town Councils in Swansea.

2.12 Dispensation Form & Guidance

2.12.1 The Committee reviewed and approved a revised Councillor request for Dispensation form.

2.13 Gifts & Hospitality

2.13.1 The Committee supported a proposal that Local Authorities in Wales should voluntarily harmonise their thresholds for the registration of gifts and hospitality, to ensure consistency across Wales.

2.14 Complaints of Breach of the Code of Conduct

2.14.1 During the period of this Annual Report the following matters were reported to the Standards Committee for information:

a) Complaints made but not investigated by the Ombudsman under the provisions of Section 69(2) of the Local Government Act 2000

There were 14 cases where the Ombudsman decided not to investigate an alleged breach of the Code of Conduct following a complaint.

b) Investigations completed by the Ombudsman where the decision was no evidence of breach or no action taken

There were no cases where the Ombudsman investigated but found that it was not in the public interest to take any further action.

c) Investigations undertaken by the Ombudsman where the decision was to discontinue the investigation

There were no cases where the Ombudsman had commenced an investigation and subsequently decided to discontinue that investigation.

d) Investigations under the provisions of Section 70 (4) of the Local Government Act 2000 – referred to the Standards Committee for consideration

Breaches of the Code of Conduct may be referred to the Monitoring Officer by the Ombudsman under the provisions of Section 69 (c) and 71(2) of the Local Government Act 2000 for consideration by the Standards Committee. Where there is a finding of a breach, public reports on such cases are published on the Council's website.

2.14.2 Two complaints from 2021 have been referred to the Standards Committee for consideration.

2.15 Reports “For Information”

2.15.1 Several reports were noted by the Committee, including the Ombudsman’s Code of Conduct Casebook and Adjudication Panel for Wales’s decisions.

2.16 Public Services Ombudsman for Wales Letter

2.16.1 The Committee received a report outlining minor changes to the Code of Complaints Guidance and process.

2.17 National Standards Committee Forum

2.17.1 The Standards Committee Chair attended the inaugural meeting of this forum in January 2023.

3. Future Priorities

3.1 The Committee regularly reviews its work programme and has identified the following priority areas for consideration in 2023/24:

- Community / Town Council Training Plans.
- Social Media Guidance for Councillors.
- Whistleblowing Policy.
- Indemnity Scheme.

4. Committee Membership

4.1 Jill Burgess (Independent member) term of office ceased on 18 October 2022. Mike Lewis (Independent member) was elected Chair on 25 November 2022.

4.1.1 The Standards Committee consists of 9 members:

5 x Independent Members
Jill Burgess (up to 18 October 2022)
Michaela Jones
Mike Lewis
Janet Pardue-Wood
Mark Rees (from 19 October 2022)
Margaret Williams

1 x Community / Town Councillor
Carlo Rabaiotti (from 6 October 2022)

3 x City & County of Swansea Councillors
Oliver James
Mike B Lewis
L Graham Thomas

4.2 Terms of Office - Independent Members of the Standards Committee

4.2.1 The term of office for Independent Members can be for not less than 4 years and for no more than 6 years. They can be reappointed for one further consecutive term, but that term cannot be for more than an additional four years.

4.2.2 The table below shows the dates of commencement and subsequent expiry dates of membership for all Independent (Co-opted) Members of the Standards Committee.

Note: Independent Members marked in *italics* and with “*” denotes that they are in their second term and cannot have their term extended further.

Independent Members	Appointment Terms	
	Start	End
<i>Jill Burgess*</i>	19.10.2012 Re-appointed to	18.10.2018 18.10.2022
Michaela Jones	01.10.2017	30.09.2023
Mike Lewis	01.10.2017	30.09.2023
Janet Pardue-Wood	24.05.2022	23.05.2028
Mark Rees	19.10.2022	18.10.2028
<i>Margaret Williams*</i>	01.04.2015 Reappointed to	31.03.2021 31.03.2025

4.3 Term of Office - Community / Town Council Member of the Standards Committee

4.3.1 The term of office shall be until the Ordinary Election for the Community Council of which the Community Councillor is a member. They may be reappointed for one further consecutive term.

4.3.2 A Community / Town Council member shall not take part in the proceedings of the Standards Committee when matters relating to their Community / Town Council are being considered.

Community / Town Council Member	Appointment Terms	
	Start	End
Councillor Carlo Rabaiotti	06.10.2022	Local Government Election 2027

5. Attendance Records

5.1 During 2022/2023, the Standards Committee met on the following dates:

- 24 June 2022.
- 5 October 2022 (Special).
- 7 October 2022.

- 25 November 2022 (Special).
- 20 January 2023.
- 17 February 2023 (Special).
- 2 March 2023 (Special).
- 22 March 2023 x 2 (one Special).


5.2 Attendance Statistics:

Committee Member	Attendance	
	Possible	Actual
Jill Burgess (Chair until 18.10.2022)	3	3
Mike Lewis (Chair from 25.11.2022)	9	6
Michaela Jones	9	8
Janet Pardue-Wood (Vice-Chair from 25.11.2022)	9	9
Mark Rees	6	6
Margaret Williams	9	7
Town Councillor Carlo Rabaiotti	7	5
Councillor Oliver James	9	4
Councillor Mike B Lewis	9	9
Councillor Graham Thomas	9	6

6. Biographies

	<p>Jill Burgess</p> <p>Former Chair of the Standards Committee</p>
<p>Jill has been a member of the Standards Committee since October 2012, Chair since October 2016. She is a retired businesswoman whose greatest contribution is in Entrepreneurship, and Business Enterprise. The innovative and complexity of her business start-up earned her the accolade of Welsh Businesswoman of the Year 1996 and still mentors students as part of her governorship with Swansea University. She also works with Gower College Swansea through their “Lions Lair” competitions for young entrepreneurs. She was the instigator of job sharing for Women in American Express UK and won the recognition and award for this being adopted UK wide. At the request of the Chief Executive of Neath Port Talbot Council she set up the first Businesswomen’s Network and was the first lady president of Neath and Port Talbot Business Club. She has been a</p>	


Constant Judge for Women in Business Awards for the last 9 years in conjunction with the Evening Post. She is Vice Chair of the Gower Society with responsibilities for the protection of the Lordship of Gower and a Super Lay member of the National Institute for Clinical Health Research (NICHHR). Jill is passionate about giving back - be it to someone young or old – who can STEP UP to reach their potential.

	<p>Mike Lewis</p> <p>Chair of the Standards Committee</p> <p>Statutory Co-opted (Independent) Member</p>
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Mike Lewis enjoyed a thirty-eight-year career with Lloyds Banking Group before joining the Standards Committee in 2017. He has previously been an Independent Member of South Wales Police Authority, a Senior Assessor with the College of Policing and an Independent Member of Hywel Dda University Health Board. He is currently a Non-Legal Member sitting on Employment Tribunals, an Independent Member of South Wales Police Ethics and Risk Committees and was elected as Vice Chair of the Standards Committee in December 2020 and Chair in November 2022.


	<p>Michaela Jones</p> <p>Statutory Co-opted (Independent) Member of the Standards Committee</p>
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Michaela was appointed to the Standards Committee in October 2017. She was a solicitor in private practice until 2016. She sits as a judge in the Mental Health Review Tribunal for Wales and is a lay member on professional conduct regulatory committees. In addition, she is an Independent Assessor for Student Loans Company appointed by DfE. Michaela currently lives in Cardiff.

	<p>Janet Pardue-Wood</p> <p>Vice-Chair of the Standards Committee</p> <p>Statutory Co-opted (Independent) Member</p>
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Janet has been a member of the Standards Committee since May 2022 and was elected Vice Chair in November 2022. Janet’s career has been in the Not-for-Profit sector working in senior roles with various charities involved in physical and mental health and child protection, notably being the first employee for Childline Cymru Wales launching the income generation appeal which resulted in the establishment of Childline’s first centre for Wales in Swansea. As a result of this work, she was a finalist in the Community Category of 1994 Welsh Woman of the Year awards.


Janet retired from her final role as Director of Mind Cymru in 2016 and then worked from 2017-to- date with Social Care Wales as both a panel member and chair of its Registration, Investigating and Fitness to Practice committees; with the Retail Motor Industry providing a range of business development services and with British Humanist Association as a Strategic Advisor.

	<p>Mark Rees</p> <p>Statutory Co-opted (Independent) Member of the Standards Committee</p>
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Mark has been a Member of the Standards Committee since October 2022. He is a Welsh learner and was a member of the Welsh medium secondary school Governing Body in Aberystwyth for 12 years with 6 years’ experience as Chair & Vice Chair. Alongside his membership of Swansea Standards Committee, Mark is currently a Board Member of Care & Repair Powys; a Member of the Office of Dyfed Powys Police Commissioner Quality Assurance Panel; a Member of Torfaen Council Governance & Audit Committee and Ethics & Standards Committee; a Member of Caerphilly Council Governance & Audit Committee; and a Member of Ceredigion Council Education Appeals Panel.

Having retired from Wales TUC Cymru as a union learning officer, Mark is a passionate advocate for workplace learning partnerships and greater opportunities for life-long learning. He is committed to the ethos of community involvement, social justice, and responsibility, all of which are integral to

ensuring high standards of behaviour in public life are maintained. He enjoys walking, reading about political history, military aviation, and the Bloomsbury Group of writers & artists.


	<p>Margaret Williams</p> <p>Statutory Co-opted (Independent) Member of the Standards Committee</p>
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Margaret Williams was appointed to the Standards Committee in 2015 and served as Vice Chair for two years. She studied Chemistry at Imperial College, London University, and was awarded a BSc Hons. degree. This led on to research leading to a PhD at University College of Wales, Swansea. Margaret pursued a thirty-five-year career in teaching, including fourteen years as Deputy Headteacher and a further fourteen years as Headteacher of a large Secondary School. Since retiring, Margaret regularly chairs Admissions Appeal hearings across South West Wales. Also, she is Vice Chair of Governors for a primary school in Carmarthenshire.

	<p>Town Councillor Carlo Rabaiotti</p> <p>Community / Town Councillor Representative of the Standards Committee</p>
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Councillor Rabaiotti is the Community / Town Council representative on the Standards Committee. He was appointed on 6 October 2022. He is a Councillor on Gorseinon Town Council and the Mayor for 2023-2024.

		<p>Councillor Oliver James</p> <p>Serving the Cockett Electoral Ward</p> <p>Term of Office: 08.05.2017-</p>
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		<p>Councillor Mike Lewis</p> <p>Serving the Mynyddbach Electoral Ward</p> <p>Term of Office: 05.05.2016-</p>
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		<p>Councillor Graham Thomas</p> <p>Serving the Cwmbwrla Electoral Ward</p> <p>Term of Office: 06.05.1999-</p>
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7. Helpful Contacts

Chair of Standards Committee. Mike Lewis	democracy@swansea.gov.uk
Chief Legal Officer & Monitoring Officer. Tracey Meredith	Tracey.meredith@swansea.gov.uk 01792 63 7521
Huw Evans, Head of Democratic Services. Huw Evans	Huw.evans@swansea.gov.uk 01792 63 5757
Democratic Services	democracy@swansea.gov.uk 01792 63 6923
Public Services Ombudsman for Wales	www.ombudsman.wales 0300 790 0203



Agenda Item 5



Report of the Head of Democratic Services

Standards Committee – 19 January 2024

Public Service Ombudsman for Wales Annual Report and Accounts 2022/2023

Purpose:	To update the Standards Committee on the Annual Report and Accounts of the Public Service Ombudsman for Wales 2022/2023
Report Authors:	Huw Evans / Allison Lowe
Finance Officer:	Ben Smith
Legal Officer:	Stephanie Williams
Access to Services Officer:	Rhian Millar
For Information	

1. Background

- 1.1 The Public Service Ombudsman for Wales (“the Ombudsman”) has two specific roles: (a) To consider complaints about public service providers in Wales; and (b) To consider complaints that members of local authorities or town and community councils have breached their Code of Conduct. The Ombudsman sends letters on an annual basis to county borough councils and local health boards concerning the complaints they have received and considered during the previous financial year. The aim of the Annual Report is to provide the relevant bodies with information to help them improve their complaint handling and the services that they provide.
- 1.2 The Public Service Ombudsman for Wales (PSOW) has published the Annual Report and Accounts for 2022/2023 (Appendix A).
- 1.3 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 was a small reduction in the number of new complaints about the Code of Conduct. In addition, fewer cases of potentially serious breaches were referred to local Standards Committees or the Adjudication Panel for Wales.
- 2.2 2022/2023 saw a decrease in Code of Conduct complaints (442) compared to the previous year, with over half of those complaints (56%) being about councillors at Town and Community Councils. However, for the first time since 2019/2020, there was a decrease in the number of complaints about this group of Councillors. In contrast, there were 7% more complaints about Councillors at Principal Councils.
- 2.3 61% of the complaints that the PSOW could look into were about the 'promotion of equality and respect'. This was a much higher proportion than last year (51%).
- 2.4 Generally, 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.
- 2.5 The complaints that they categorise under 'equality' commonly involve more serious allegations of bullying or discrimination.
- 2.6 In 2022/23 the PSOW assessed or investigated 280 complaints about the Code of Conduct – about the same as last year. They investigated 35 or 13% of these complaints, a slightly lower proportion than last year (14%).
- 2.7 Of the 35 complaints that were taken forward for investigation and constituted the most serious of the complaints (12) were referred to local Standards Committees (8) or the Adjudication Panel for Wales (4). Overall, this was much less than the previous year (20)
- 2.8 The PSOW welcome this decrease as it shows that they found fewer potentially serious issues that could undermine public confidence in the people who represent them.
- 2.9 The Adjudication Panel for Wales and Standards Committees upheld and found breaches in 96% of the referrals they considered in 2022/23. This provides the PSOW will additional assurance that their process for considering these complaints is sound.
- 2.10 Although they noted some positive trends this year, they continue to underline the value of more education and training for Councillors on the Code of Conduct. To raise awareness of the process, they produced a video for new Councillors following the May local elections.

- 2.11 The PSOW also encourages more use of local resolution procedures. These procedures can calm situations, deal with problems early and prevent the need for further escalation to their office.

3. Public Services Ombudsman (Wales) Annual Letter

- 3.1 The PSOW publishes the annual letters to all Councils on its website and is attached to this report at Appendix B. The letter highlights activities undertaken by the Ombudsman's office during the year and the Council's performance.

- 3.2 Further to the letter, the Ombudsman requests the Council presents the letter to the Standards Committee as it refers to Code of Conduct complaints which is within the Standards Committee's terms of reference.

4. Integrated Assessment Implications

- 4.1 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.

- 4.1.1 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'.

- 4.1.2 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.

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

5. Legal Implications

5.1 There are no legal implications associated with this report.

6. Financial Implications

6.1 There are no financial implications associated with this report.

Background papers: None

Appendices:

Appendix A – Public Services Ombudsman for Wales Annual Report and Accounts 2022/23

<https://www.ombudsman.wales/wp-content/uploads/2023/08/Annual-Report-and-Accounts-2022-23-19-07-2023-Auditor-signed.pdf>

Appendix B – Public Services Ombudsman for Wales Annual Letter 2022/23



**Ombwdsmon
Ombudsman**
Cymru • Wales

A year of change - a year of challenge

Annual Report and Accounts 2022/23

July 2023



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

Mae'r ddogfen hon hefyd ar gael yn y Gymraeg.

This document is also available in Welsh.



**Ombwdsmon
Ombudsman**
Cymru • Wales

A year of change - a year of challenge

Annual Report and Accounts 2022/23

of the Public Services Ombudsman for Wales
for the year ended 31 March 2023

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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Foreword

This annual report reflects my first year in office. It has been a year of many successes and positive change, but also some challenges.

One of the main themes of this year continues to be our increasing caseload. Compared to last year, we saw 3% more cases overall, and, within that, a 2% increase in public service and Code of Conduct complaints. We also closed 10% more complaints – a record number.

The increase in our workload this year has been entirely down to the volume of complaints about public services. Many more complaints means more opportunities to put things right for people. We found that something has gone wrong and intervened in about 19% of complaints about public services overall. This was a similar proportion to last year but, given the number of the complaints we closed, it means that we were able to deliver justice to many more people this year.

Positively, we welcomed this year a small reduction in the number of new complaints about the Code of Conduct for local Councillors. We were also glad

to see that, after the previous year's record numbers, we had to refer fewer cases of potentially serious breaches to local Standards Committees or the Adjudication Panel for Wales.

We have continued our work to promote systemic improvement of public services. 51 public bodies in Wales now operate under our complaints standards and this year alone we delivered 183 free training sessions to public bodies. We have also consulted on our next 'Own Initiative' investigation into carers needs assessments. By the time this report is published, that investigation will be under way. Together with 5 new Public Interest Reports and one Special Report, these are just some of the ways in which we continue to encourage public services to improve.

We also continue to look at ourselves – the quality of our decisions and our service as well as our responsibilities as an employer.

When we issue our decision on a complaint, people can ask for a review – this year, we found that we could do more in only 7% of the review requests that we handled, often because people gave us additional relevant information. We also launched our new Service Quality process, through which we will be looking at a selection of ongoing and closed cases during the year to ensure that the quality of our work meets our Service Standards.

We continue to support our staff who are dealing with year-on-year increases in caseloads and continue to work in a flexible way, allowing us to downsize our office accommodation. During the year we were delighted to see our mean gender pay decrease further and our median gender pay gap disappear altogether.

Despite these and other positives, it has also been a very challenging year. The number of new complaints to us about public services is now 41% higher than 5 years ago. In last year alone, the number of complaints about Health Boards rose by 21%, to a record high. Health continues to be the subject of over 80% of our investigations overall and these investigations are often lengthy and complex.

Whilst this is partially offset by reductions in local government complaints, this increasing caseload has impacted on our ability to meet our investigation time targets, and some people have had to wait longer for an outcome. It has also affected the well-being of our staff, with average number of days lost through sickness increasing again this year.

We understand that, to deal with these challenges, we must adjust how we operate, by adopting new ways of working and trying new solutions. Our big task this year has been to develop our new Strategic Plan, which we published in April. It sets out our vision and ambition for public services and local government in Wales. It also confirms our four new Strategic Aims:

- Delivering justice with a positive impact for people and public services
- Increasing accessibility and inclusion
- Increasing the impact of our proactive improvement work
- Ensuring that we are a healthy, efficient and accountable organisation.



We are now working to develop our new Business Plan and Key Performance Indicators (KPIs), which will help us drive better performance, influence change and capture more accurately the impact of our work. Throughout this Report, we signal how these commitments are likely to shape our future work.

I want to thank all staff for the effort and commitment they demonstrated this year. We trust that our new Strategic Plan will help us to identify opportunities to work more efficiently and have more impact, while also allowing us to remain a supportive and healthy workplace. Nevertheless, our increasing caseload pressures are a growing concern and we will be realistic about the resources and capacity available to us to deliver change as we embark on this new chapter in our service to the people of Wales.

Michelle Morris

Public Services
Ombudsman for Wales

July 2023



About us

We have three main roles.



We investigate complaints about public services.

We can look at the services provided by devolved public bodies in Wales such as local councils, Health Boards, social landlords and others. We can also look at complaints about private social care and end-of-life care, as well as some private healthcare.

We consider complaints about councillors breaching the Code of Conduct.

We look at complaints about councillors at local councils, fire authorities, national park authorities. We also look at complaints about police and crime panels. We are also a “prescribed person” under the Public Interest Disclosure Act for raising whistleblowing concerns about breaches of the Code of Conduct by members of local authorities.



We drive systemic improvement of public services and standards of conduct in local government in Wales.

We can investigate on our own initiative, even if we have not received a complaint. We can also set complaints standards for public bodies in Wales, monitor how they handle complaints and provide training to them.




Key statistics


2% more new complaints about public services and Code of Conduct received.



2% more new public service complaints – with **21%** increase in complaints about Health Boards.




10% more complaints about public services and Code of Conduct closed.




Intervention in **19%** of complaints about public services...
... with **75%** of interventions through early resolution.




90% of recommendations due during the year complied with during the year.



61% of Code of Conduct complaints about promotion of equality and respect.

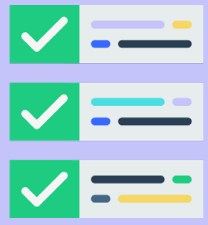


1 Special Report issued.




12 referrals of Code of Conduct complaints made to the Adjudication Panel for Wales or local Standards Committees.


New Service Quality process launched.



Only **7%** of review requests upheld.



48% of people – and **95%** of those satisfied with the outcome of their complaint – happy with our service.



183 online training sessions on good complaint handling delivered.



2 extended investigations completed.



5 Public Interest Reports issued.



Public consultation on our next wider 'Own Initiative' investigation - into carers needs assessments - completed.

No median gender pay gap.



Fourth Equality and Human Rights Casebook published.



16% reduction in cost per complaint closed.



Welsh language skills of our staff improved.



134 kgs of CO2 in emissions avoided.



New Strategic Plan developed.



Delivering justice



Introduction

This year we received more cases than ever.

8,423

We received **8,423 new cases** (enquiries, pre-assessments and complaints about public services and Code of Conduct). This was **3% more than last year** and means that our caseload continues to rise year on year.

3,073 of these cases were complaints about public services and Code of Conduct.

**3,073
(+2%)**

This was **2% more than last year** and marks another record number of complaints that we received in one year. This increase was entirely due to more complaints about public services.

**2,790
(+2%)** public service complaints

**283
(-4%)** Code of Conduct complaints

605

In addition, we started the year with **605 complaints that we did not close in the previous year**. This means that we handled over 9000 cases during the year.

Our cases *i*

In the [Appendix \(page 119\)](#) we explain in more detail some terms that we use to describe our cases.



We also closed a record number of cases.

8,475

We closed 8,475 cases overall. Most we closed after we initially checked them. This is where we offer people advice or point them to another organisation that could help.

**3,138
(+10%)**

However, **we also closed 3,138 complaints about public services or Code of Conduct overall – 10% more than last year.** This is a huge achievement by our staff, but with the rising caseload we expect it will become increasingly difficult to maintain this performance.

2,858 public service
(+11%) complaints

280
(-%) Code of
Conduct
complaints

553

Our open caseload at the end of the year has remained high - **we finished this year with 553 cases that we have not yet closed.** We are investigating almost a half of those cases and 70% of those investigations relate to health.

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

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

In our new Strategic Plan, we have committed to explore new digital tools and processes to help us manage our increasing complaints caseload and sustain performance.

Our complaints about public services

New complaints about public services

We again received a record number of complaints about public services, especially health, housing and complaint handling. We also saw increases in complaints about Health Boards and housing associations.

Health continued to be the most common subject of our complaints overall (37%, compared to 34% in 2021/22). Almost a half of those complaints were about clinical treatment in hospital, with the next largest group (20%) about treatment by GPs.



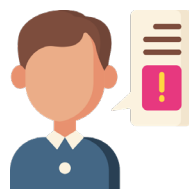
2,790 new public service complaints



37% about health care



18% about housing



18% about complaint handling

The next largest group of complaints related to housing (18%) and complaints handling (18%). The proportion of complaints about complaint handling has risen again, from 14% in 2021/22. We hoped that we would be starting 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.



The main bodies that people complain to us about are Health Boards, local councils and Housing Associations. We include detailed data on our new complaints in the Appendix.

New complaints numbers



On its own, the number of new complaints about an organisation does not have to mean that the service it offers is poor. For example, an organisation offering services to many people may receive more complaints than one that services a smaller population.

A significant increase in new complaints about an organisation may mean that there are issues about its service – but it could also reflect that its complaints process became more accessible or that it records its complaints better.

Health Boards



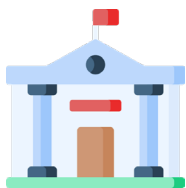
This year, we had 926 new complaints about Health Boards – 21% more than last year.

The number of new complaints increased for all Health Boards. As in previous years, the most complained about Health Board was Betsi Cadwaladr University Health Board.

However, when looking at the population, the Health Board with most complaints for every 1,000 residents was Swansea Bay University Health Board.

Whilst the number of complaints about Powys Teaching Health Board more than doubled, this remained by far the lowest number across all Health Boards in Wales.

Local councils



1,020 of our new complaints this year related to local councils - 11% less than in 2021/22.

The council that was the subject of most complaints was Cardiff Council, while we received fewest complaints about Blaenau Gwent County Borough Council and Torfaen County Borough Council.

However, in terms of the proportion of complaints to the population of each council, the most complained about council was Ceredigion.

Housing Associations



This year, we had 348 new complaints about Housing Associations - 15% more than last year.

The number of complaints about these bodies has more than doubled since 2020/21.

Although we have usually tended to receive a small number of complaints about most Housing Associations, this year 62 complaints related to Hafod Housing Association - more than double the number we received last year.

This increase may be influenced by our work with this organisation to better record complaints.

Almost a half of the complaints about Housing Associations overall - 48% - was about repairs and maintenance. This was higher than in the previous year (46%).



Closed complaints about public services

By looking at how many complaints we close, we can better understand how efficient we are in dealing with our casework. We know that people complaining to us are often desperate for help and our staff worked incredibly hard this year to consider complaints as efficiently as possible and to minimise delays.

We again closed a record number of complaints this year. We found that public services made mistakes, and we intervened, in a slightly higher proportion of complaints than last year. Overall, we were able to put things right for many more people this year.

Mostly, we were able to intervene without conducting a full investigation – **75% of our interventions happened through Early Resolution**. This is even a higher proportion than last year (69%). Many people complaining to us

want to see their case resolved quickly and investigations take significant time and resources.

We aim to close complaints as quickly as we can. This year, we have mostly managed to close cases in a timely way if we decided not to investigate, or if we intervened through Early Resolution. However, with our high workload, we have struggled to meet our investigation time targets. We include details of our performance against our targets in the Appendix.

Intervention



Intervention means that we found that the body made a mistake and it needs to put things right.

We can intervene without investigating or 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.

In general, we would want our intervention rate to be low.

2,858

We closed 2,858 complaints about public services – 11% more than last year.

Assess

**2,655
(93%)**

We closed 2,655 complaints after we assessed them.

We look at all complaints carefully, to decide if we should investigate and whether things need to be put right.

There are many cases that we cannot - or decide not to - take further action on. However, assessing all these cases requires a lot of detailed work from our staff.

Investigate

**203
(7%)**

We closed a further 203 of these complaints after investigating.

This was the same proportion as last year. We only investigate in more complex cases that we cannot resolve in any other way. Most of our investigations relate to health.

With our caseload increasing year on year, it is even more important that we investigate only when there is no other way for us to deliver justice.

2,251

We closed the complaint - for example, because we did not have the powers to look into it further.

402

We intervened by resolving the complaint early.

69

We did not uphold the complaint, or we discontinued the investigation.

136

We upheld the complaint or settled it.

**538
(19%)**

Overall, **we intervened in 538 or 19% of the complaints that we closed.** The proportion of our interventions was only slightly higher than last year (18%). However, because of the large number of the complaints that we closed this year, this means that we were able to put things right for many more people.



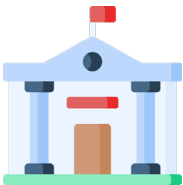
Health Boards



We intervened this year in 30% of the complaints about Health Boards that we closed – the same as last year.

The Health Board with the highest intervention rate was Hywel Dda University Health Board (41%), while we saw the lowest rate of intervention for Powys Teaching Health Board (22%). Our intervention rates into complaints about other Health Boards remained similar to last year.

Local councils



We intervened this year in 13% of complaints about local councils – a slightly lower proportion than last year (14%).

The council with the highest intervention rate was Ceredigion, at 30%. As in the previous year, we did not intervene in any complaints about Blaenau Gwent.

Housing Associations



We intervened this year in 13% of complaints about housing associations – compared to 14% last year.

We noted the highest intervention rate for Taff Housing Association (40%) but this only amounted to intervention in two complaints. We intervened in 1 in 4 complaints about Hafod Housing Association this year.

Recommendations

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

This year, we issued 1,259 recommendations to public service providers (compared to 1,131 last year).

As in previous years, we most commonly recommended that the organisation apologised.

We sometimes recommend some financial redress, for example, for the complainant's time and trouble, or for distress.

However, sometimes this 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.

About 9% of our recommendations this year were about steps to make sure that services improve – for example, through training for staff or review of current practice. This was lower than last year (15%).

Under our new Strategic Plan, we commit to seek assurance that our recommendations deliver systemic improvement of public services in Wales.



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. When we make recommendations, we agree a date by which the organisation needs to comply and we ask them to send evidence that they have complied.

During the year, we have stepped up our efforts to ensure that organisations show us how they complied with our recommendations. This year, the organisations gave us evidence that they complied with **90% of the recommendations that they agreed would be implemented during the year**, compared to 81% last year. We will be chasing up the evidence related to the remaining recommendations.

If organisations do not comply with our recommendations, we can issue a 'Special Report', which is a public report. We issue very few Special Reports - the last one was in 2020. However, this year we had to issue one such report - about Bannau Brycheiniog National Park Authority.



90% of recommendations due during the year were complied with during the year.



1 Special Report issued.

Our reference: 202104092

In 2015, Mr N complained to the Authority about how the water from the Authority's land affected an unmade track leading to his property.

The Authority issued its decision 3 years later and Mr N complained to us. We resolved that complaint in 2019. However, in 2021, Mr N complained to us again that the Authority had not acted as promised to put things right for him. We looked into this complaint, upheld it, and again recommended what the Authority should do. However, by the end of 2022, we still saw no evidence that the Authority had complied with our recommendations.

We therefore had no choice but to issue a Special Report about this case and make another recommendation to the Authority: to remedy further injustice to the complainant and ensure that its Audit & Governance Committee had regular oversight of the matter until it was satisfied that the work had been completed.



Our complaints about the Code of Conduct

New Code of Conduct complaints

Compared to last year, we received fewer complaints about the Code of Conduct. We were glad to see fewer complaints about members of Town and Community Councils. However, we are concerned that more of our complaints relate to promotion of equality and respect.

We received 442 complaints about the Code of Conduct but had enough information to look into 283 - 4% less than last year.

Over a half of these complaints (56%) were about councillors at Town and Community Councils. However, for the first time since 2019/20, we saw a decrease in the number of complaints about this group of councillors. In contrast, we had 7% more complaints about councillors at principal councils.

56% of new Code of Conduct complaints were about councillors at Town and Community Councils.

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. 61% of the complaints that we could look into were about the promotion of equality and respect. This was a much higher proportion than last year (51%).

Generally, the 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. The complaints that we categorise under 'equality' commonly involve more serious allegations of bullying or discrimination.



61% of our new Code of Conduct complaints were about promotion of equality and respect.

Our reference: 202005902

Carmarthenshire County Council's Standards Committee suspended a councillor for 1 month for breaches of the Council's Code of Conduct, which included a failure to show due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion.



Closed Code of Conduct complaints

We investigated this year a slightly lower proportion of Code of Conduct complaints than last year.

We also referred fewer complaints to the Adjudication Panel for Wales and Standards Committees.

This is positive, as it suggests that we saw fewer very serious breaches of the Code.

We apply our 'public interest test' to decide which cases we should investigate. Public interest can be described as something which is of serious concern or benefit to the public.

Generally, we investigate only a small proportion of the Code of Conduct complaints we receive. This shows that the standards of conduct in local government are generally good.

In 2022/23, we assessed or investigated 280 complaints about the Code of Conduct - about the same number as the previous year.

We investigated 35, or 13%, of these complaints - a slightly lower proportion than last year (14%).

35

Code of Conduct investigations.



12

referrals to the Adjudication Panel for Wales or local Standards Committees.

It is not up to us to decide whether a councillor has breached the Code of Conduct. In cases where we investigate and consider that 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 to determine.

These bodies then independently look at the evidence we have gathered, together with any information put forward by the councillor concerned. They then decide whether the councillor breached the Code of Conduct and if so, what penalty to impose.

In 2022/23, we referred 8 complaints to the Standards Committees of the relevant local authorities and 4 to the Adjudication Panel for Wales. Overall, this was much less than the previous year (20). We welcome this, as it shows that we found fewer potentially serious issues that could undermine public confidence in the people who represent them.

Here, we give examples of two decisions, following our referrals, that the Adjudication Panel for Wales issued this year.

Our reference: 202000660

A member of Pembrokeshire County Council was disqualified from holding office as a councillor for 3 years for bullying behaviour towards another councillor, harassment of a member of the public and other serious misconduct which brought his Council into disrepute.

You can read about this decision on the Adjudication Panel's website [here](#).

Our reference: 202004442

A former member of Llansantffraed Community Council was disqualified from holding office as a councillor because she brought her office as a councillor into disrepute, having been convicted of the criminal offence of causing bodily harm by 'wanton and furious driving' contrary to Section 35 of the Offences against the Person Act 1861.

You can read about this decision on the Adjudication Panel's website [here](#).



The Adjudication Panel for Wales and Standards Committees upheld and found breaches in 96% of our referrals they considered in 2022/23. This gives us additional assurance that our process for considering these complaints is sound.

Although we noted some positive trends this year, we continue to underline the value of more education and training for councillors on the Code of Conduct. To raise awareness of our process, we produced a video for new councillors following the May local elections.

We also encourage more use of local resolution procedures. These procedures can calm situations, deal with problems early and prevent the need for further escalation to our office.

Under our new Strategic Plan, we commit to support good standards of conduct by councillors in local government in Wales and explore new ways and resources to do this.

A golden scale of justice is positioned on a stack of dark blue books. In the foreground, a wooden gavel rests on a wooden surface. The background is a blurred bokeh of warm colors.

The Adjudication
Panel for Wales
and Standards
Committees
upheld and found
breaches in 96%
of our referrals
they considered in
2022/23.

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 2022/23, we received 24 Code of Conduct complaints that would potentially meet the statutory definition of disclosure from employees or former employees of a council. 8 of these complaints related to promotion of equality and respect.

We investigated 13 of these complaints. So far, we have closed 1 of those investigations. We discontinued that investigation, as we decided that it was not in the public interest to pursue it.

We concluded an investigation into 1 relevant complaint that was ongoing since 2020/21. We found no evidence of breach.

We concluded investigations into 6 relevant complaints which were received in 2021/22. Of these:

- we referred 4 to the Adjudication Panel for Wales.
- for 2, we decided that we did not need to take any further action.

Of the 4 referred to the Adjudication Panel for Wales, a former member of St Harmon Community Council was disqualified by the Panel from holding office as a councillor for 12 months. The other 3 cases are awaiting hearing.

4 investigations opened in 2021/22 are still ongoing.

The quality of our decisions

We do our best to make sure that we handle complaints fairly and in a transparent way. As our caseload increases, we receive more and more requests for a review of our decision. Those reviews are considered by a member of staff who was not previously involved in the case.

In 2022/23, we handled 285 review requests and follow-ups to previous review decisions (including cases we carried over from the previous year). This was 10% more than the previous year. We managed to close 271 of these cases, 13% more than previously.

We upheld 7% of the review requests that we closed – the same proportion as in 2021/22. This is a very small number of cases overall and gives us confidence that our process is sound.

Where we re-opened cases, as in previous years this was often because we received more evidence from the complainant. However, our review sometimes concludes that we could have done more. When this happens, we take steps to make sure we learn any lessons.

Our reference: 202202850

The complainant sent us information in a number of emails. Although we had a lot of information to help us assess the complaint, one of the emails contained documents that were password protected. The complainant flagged this to us and asked us to contact him for the password, but we did not do so.

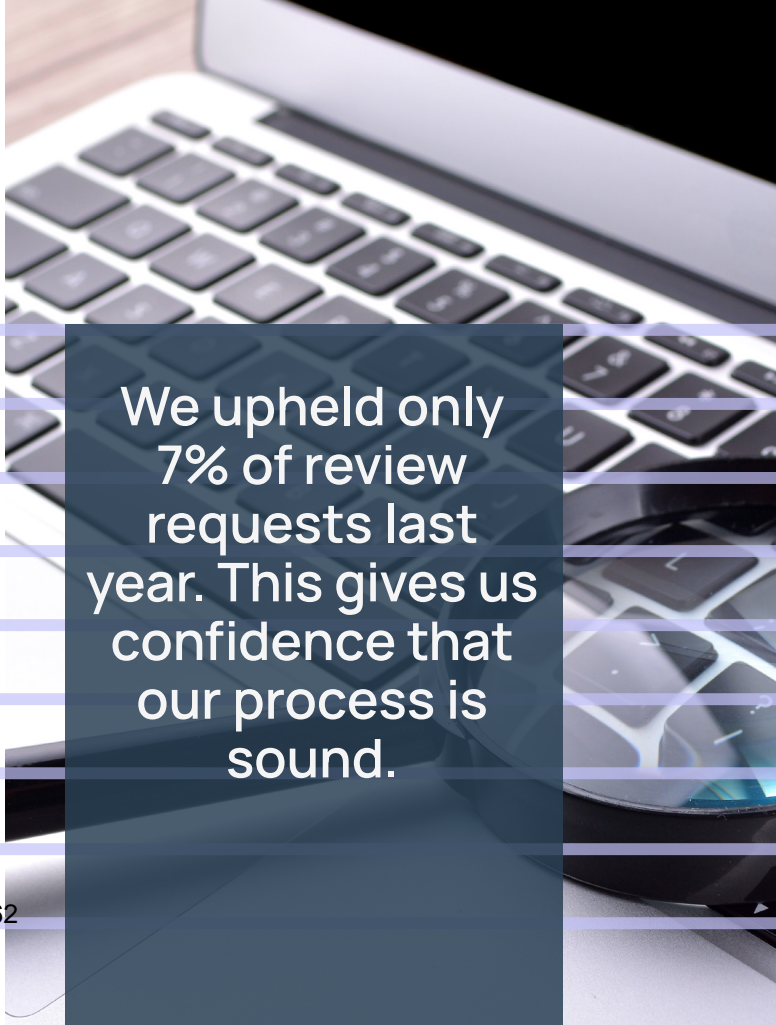
When we reviewed this case, we concluded that we had not properly listened to the complainant or fully considered his complaint and we opened a new file to ensure we did so.

We identified this as a learning point to ensure that we follow up with complainants on occasions where we cannot access all the information sent to us.

No cases were subject to judicial review proceedings in 2022/23.

During 2021/22, one former councillor applied to the High Court for permission to appeal a decision of the Adjudication Panel for Wales to disqualify them from being a councillor for 12 months. A hearing which had been set was adjourned, following a request by the former councillor. The application has not yet been considered by the Court.

Under our new Strategic Plan, we will develop new measures to check how we are performing. One of our Key Performance Indicators will be the proportion of reviews where we find that our original decision was appropriate.



We upheld only 7% of review requests last year. This gives us confidence that our process is sound.

The quality of our service

We want to deliver an excellent service. We have 5 Service Standards that explain what service people can expect from us. Read more about our Standards [here](#).

To check how we are doing, every year we monitor and analyse our performance and gather feedback from our service users and from organisations that we look into.

What complainants think about our service

Every year, we organise a telephone survey of about 200 people who complained to us during that year.

In the Annual Report for 2021/22, we noted with some concern a drop in how people judged our service overall. However, the results this year suggest that we have started to improve.

Generally, people tend to be happier with our service if they are happy with the outcome of their complaint.

In 2022/23, we also handled 32 complaints about us. Of the complaints about us that we closed, we upheld or partially upheld 36%. This is a lower proportion than last year (41%).

These complaints related to issues around how we communicated, how quickly we considered complaints and how we paid attention to detail. We communicated the findings internally to make sure we do not make the same mistakes again.

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 about our service to be considered by an external independent review service. During 2022/23, 19 people referred their complaints to our external review service (compared to 6 last year). The external review service upheld 10.5% of issues raised in these complaints.



48% of people – and 95% of those satisfied with the outcome of their complaint – said that they were happy with the service they received from us.

What organisations think about our service

We also invite comments on our work from the organisations that people complain about.

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 42 complete responses. The results were broadly positive. **Overall satisfaction with our service scored 8 /10** (about the same as last year).

We also held three Sounding Board sessions in April 2023, with local councils, Health Boards and Housing Associations. 44 organisations were represented. We had feedback on some areas that we could improve – for example, how consistent we are when setting deadlines for organisations to send us evidence. However, overall, the feedback was very positive.



84% of public bodies that responded to our survey said that our findings positively influence their organisation.

Service quality

During the year, we introduced our new Service Quality process. From now on, we will look at a selection of ongoing as well as closed cases during the year, to ensure that the quality of our work meets our Service Standards.

By the end of 2023/24, we are hoping to be able to have our first service quality scores, which will help us to identify areas for improvement and set targets for the years to come.

Under our new Strategic Plan, we commit to further enhance the quality of our service delivery, in line with our Service Standards and service user feedback.



Accessibility and inclusion

We want to make sure that we offer a fair and equal service to all. We had some successes this year, but we will continue to work to improve how accessible we are.

We publish detailed information about the profile of people who complain to us in our Annual Equality Report. You can read our Annual Equality Reports [on our website](#).

Contacting us

Some people may find it more difficult to complain than others and there are many ways in which we can help. We were glad to see that **87% of our complainants that we asked said that it was easy to contact us** – compared to 80% last year.

Most people complain to us online, by email or by post. However, since 2019, we can also accept complaints that are not in writing. This year, we took 160 oral complaints – compared to 221 last year. We know that this service is demand led.

However, we will be highlighting the option to complain to us other than in writing as part of our future communications and engagement work.

Additional support

We are committed to asking all people who complain to us if they need help and support. We ask anyone who contacts us how they would want us to communicate – by phone, email or by post. In addition, this year, 79 people asked us to make some additional adjustments to help them use our service.

We also asked in our telephone survey whether, where people needed such support, we met their needs. Only 4% of people said they needed such support. Of those, 37% said that we met their needs. Although the number of people who said that we did not was very small (6), we will look to improve how we make our complainants aware of the additional support that we can offer.

Outreach and engagement **Welsh language**

We know that some communities rarely complain to us and we want to change that.

During the year, we have sought to reach our target communities mainly through our social media. Our content has helped us build a better following – we gained 223 new followers on LinkedIn and 46 new followers on Twitter.

We also worked hard to develop our new brand identity, which features much more accessible, high contrast colours. With that work completed, we are now starting to develop new visual resources that will support our future face-to-face outreach activities.

Finally, we stepped up our conversations with advice and advocacy bodies in Wales. We reached out to over a hundred organisations to create an up-to-date directory of advice and advocacy support that could be available for our complainants. This work is ongoing. We also convened our annual Sounding Board with advice and advocacy bodies. 14 organisations attended that session and shared with us valuable feedback.

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. You can read our revised Welsh Language Policy [on our website](#).

We are confident that we meet all our Welsh Language Standards. We received no complaints about the Welsh language this year.

People who complain to us can deal with us in Welsh if they wish. In 2022/23, only 26 people chose that option. During the next year, we will do more to find out why so few people use our service in Welsh.

Under our new Strategic Plan, we commit to do much more to make sure that our service is relevant and accessible and that people across Wales are aware of our office and understand how we can help.



Promote Learning



Complaints Standards

In 2019, we gained new powers to proactively improve how public bodies handle complaints. We continue to develop how we use those powers.

51 public bodies in Wales now operate under our complaints standards. This includes all Health Boards and local councils, as well as 19 housing associations.

We published more statistics about complaints handled by local councils and – for the first time – by Health Boards and Trusts. More information can be found on our website [here](#).

We provided **183 training sessions to public bodies across Wales** in 2022/2023. We delivered almost all of our sessions remotely over Microsoft Teams and we provided them to organisations for free.

The feedback we receive from the attendees continues to be universally 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.



183 online sessions on good complaint handling delivered.

“Since the training I am trying to change my behaviour so that I listen to incoming calls with an open mind and not type up the log notes before they have finished speaking.”

“My many thanks for the training sessions. They really did make me think very deeply about how we respond to clients.”

Under our new Strategic Plan, we will enhance the impact of our Complaints Standards work.



Own Initiative investigations

We can undertake two different types of own initiative investigations: extended and wider.

Extended investigation happens when we are already investigating a problem and we extend the investigation to other issues or complainants.

In 2022/23, we closed 2 extended investigations. 3 further investigations are ongoing.

Our reference: 202102797

By extending our investigation, we found that a patient with respiratory problems in the care of Betsi Cadwaladr Health Board was wrongly given medication which had the potential to slow breathing and which should have been used only with caution in elderly patients. We also found that the patient was not adequately monitored for several hours afterwards.

Our reference: 202102797

We extended an investigation into a complaint about the Welsh Ambulance Services NHS Trust, related to ambulance delay, to include the actions of Aneurin Bevan University Health Board and handover delays once the ambulance arrived at a hospital.

We found that the Emergency Department of the hospital in question was under severe pressure at that time and that, in the circumstances, the care that the patient received was reasonable. We also found that, although the delay must have caused the patient and her family distress, it did not change her health outcomes.

Wider investigation happens when we conduct a stand-alone investigation which does not relate to a complaint made by an individual.

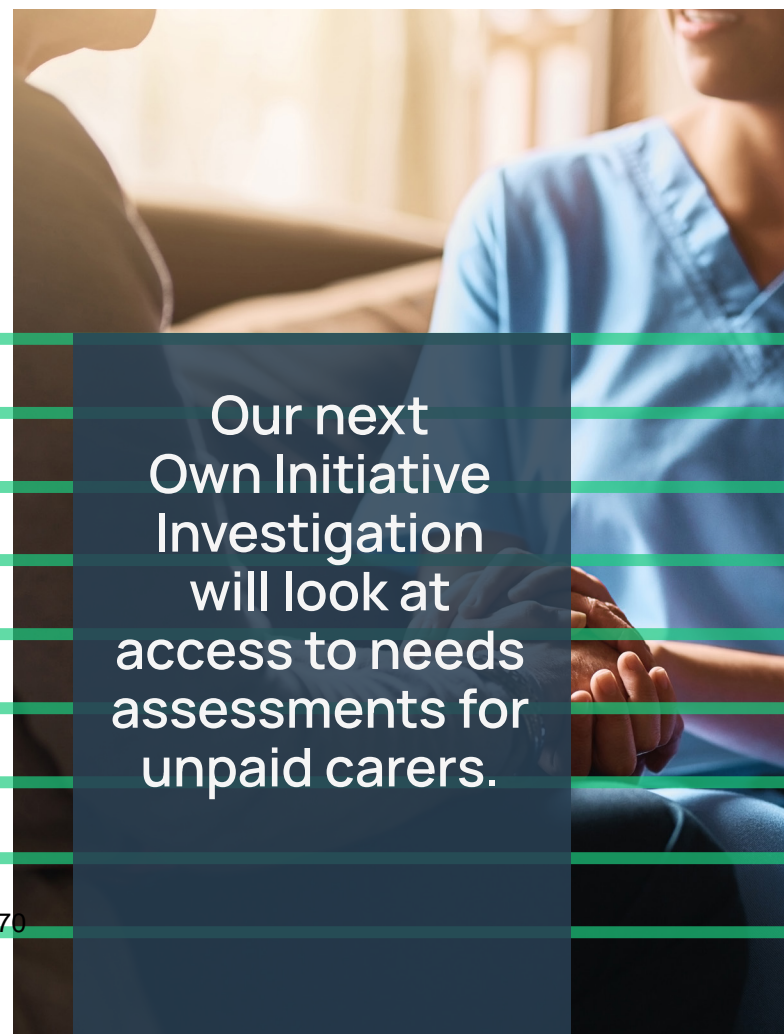
During the year, we consulted on **our next wider own initiative investigation**. Our initial plan was to look at accessibility of complaints processes and needs assessments for unpaid carers. We identified this as the potential area for investigation after engaging closely with Carers Wales and taking soundings from other regulatory and audit bodies. We received 76 responses, with almost half of those respondents being unpaid carers.

After reviewing those responses, we decided to narrow the focus of our investigation to **access to needs assessments** only. We then consulted on the detailed investigation proposal with the specific local councils that

we planned to investigate - Caerphilly, Ceredigion, Flintshire and Neath Port Talbot. That consultation closed in May and we launched the investigation at the beginning of June.

We have also continued to gather evidence of **the impact of our previous wider own initiative investigation into homelessness assessments and reviews**.

Updated data about homelessness assessments and reviews is being collated from councils. We have also liaised with Shelter and Tai Pawb to gather their views about current homelessness services.



Our next
Own Initiative
Investigation
will look at
access to needs
assessments for
unpaid carers.

Sharing our findings and insights

We believe that it is very important that we share findings and insights from our casework as widely as possible to help improve public services. We publish summaries of all our investigations on our website and share our public interest reports with a wide range of organisations, including the Welsh Government.

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 must also publish an announcement in the press about the Report.

This year, we issued 5 Public Interest Reports – compared to 7 in 2021/22. You can find them on our website [here](#).

Our reference: 202102797 and 202105931

We found that Cwm Taf Morgannwg University Health Board missed two opportunities to correctly diagnose and treat a patient's ruptured appendix, resulting in her death from sepsis in August 2020.

Our reference: 202100024

We found that Wrexham County Borough Council did not adequately support a vulnerable adult with learning disabilities in the Council's supported living accommodation.

Our reference: 202102604

We found that a patient with multiple sclerosis suffered significant injustice as Betsi Cadwaladr University Health Board failed to adequately monitor and oversee his commissioned care.

Our reference: 202102028

We found that Cardiff and Vale University Health Board failed to adequately assess the patient's clinical history and new symptoms and did not admit him to the ITU after surgery. This ultimately led to his deterioration and death.

Our reference: 202101000

We found that the dignity of a patient with bowel care needs was compromised after Betsi Cadwaladr University Health Board failed to deliver appropriate medical and nursing care.



Our Equality and Human Rights Casebook

This year we published our fourth 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 in the delivery of 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 councils about the complaints we received and considered about them during the year. We do this to help these organisations improve their complaint handling and the services that they provide. The organisations must report this information through their internal governance arrangements and use it to see how they can improve. We publish all annual letters on our website [here](#).

Public policy

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.

In 2022/23, we responded to 9 public inquiries and consultations. One of our key responses was about the introduction of the Duty of Candour - a legal requirement for all NHS organisations in Wales to be open and transparent with service users when they experience harm whilst receiving health care.

We welcomed this Duty, but underlined that it would not be successful without the right culture in place. We pointed out that the introduction of this Duty could mean that we receive more complaints or that we will have to consider how the Duty was implemented in cases that reach us. We also opposed any legal changes that would allow health bodies to reconsider complaints following our findings. We are glad that the Welsh Government accepted some of our points, but remain concerned about the broader impact of this Duty.

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. We continue to focus our main improvement efforts on Health Boards.

As part of this work during 2022/23, the Ombudsman met with Chief Executives of all Welsh Health Boards and many local councils and 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 Inspectorate Wales, General Medical Council, Community Health Councils (now Llais) and Audit Wales, as well as the Welsh Commissioners.



Use Resources Wisely



Our people

We value and support our staff. We want them to develop the knowledge and skills that they need to offer an efficient and professional service. We are also committed to creating a healthy, equal, diverse and inclusive workplace. We are proud of how our staff performed this year, but are concerned about their health and well-being if the pressures on our service continue.

Training and development

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). In 2022/23, 80% of our staff achieved this. This was a higher proportion than last year and a significant achievement, given our workload pressures.

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.**

Health and wellbeing

We want our staff to be healthy and well. The very high caseload this year has put them under immense pressure.

The average percentage of working days lost through staff sickness increased from 2.7% to 3.29%. This means that **an average of 8.59 days per employee were lost because of sickness**, compared to 7.15 days in 2021/22. However, this was mainly because of long-term absences, with short-term absences marginally lower than last year.

We have continued to offer our staff support to improve their wellbeing. This has included using stress risk assessments to help staff identify emerging issues. We also kept offering Mental Health First Aider support to staff. We will continue to look for ways to handle work more efficiently and continue to recruit excellent staff when vacancies arise.



Equality, diversity and inclusion

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

Every year, we look at how well the profile of our staff reflects the population of Wales.

The proportion of people in our workforce who identified with diverse ethnic backgrounds decreased only slightly to 7% and remained slightly higher than the Welsh average.

However, several groups remain not well represented among our staff. Very few members of staff were under 25. The proportion of people who identify as disabled increased slightly, but was still much lower than the Welsh average. Very few people said they came from diverse national backgrounds, or identified as LGB+.

We also look at gender equality in our workplace. Women among our job applicants and staff consistently outnumber men by a significant margin. 75% of our current staff identified as female (compared to 76% last year).

We further **reduced our mean gender pay gap**, from 17% to 12%. We are also delighted to report that **we no longer have a median gender pay gap**. For comparison, Chwarae Teg estimated that median Gender Pay Gap in Wales in 2021 was 12.3%.

During the year, we developed a new Menopause Policy and signed the Menopause Pledge.



This year we had no median gender pay gap.

Welsh Language skills of our staff

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

In 2022/23, 13% of our staff said that Welsh was their main language (compared to 14% last year). However, the proportion of people with fairly good or fluent skills was generally higher than last year:

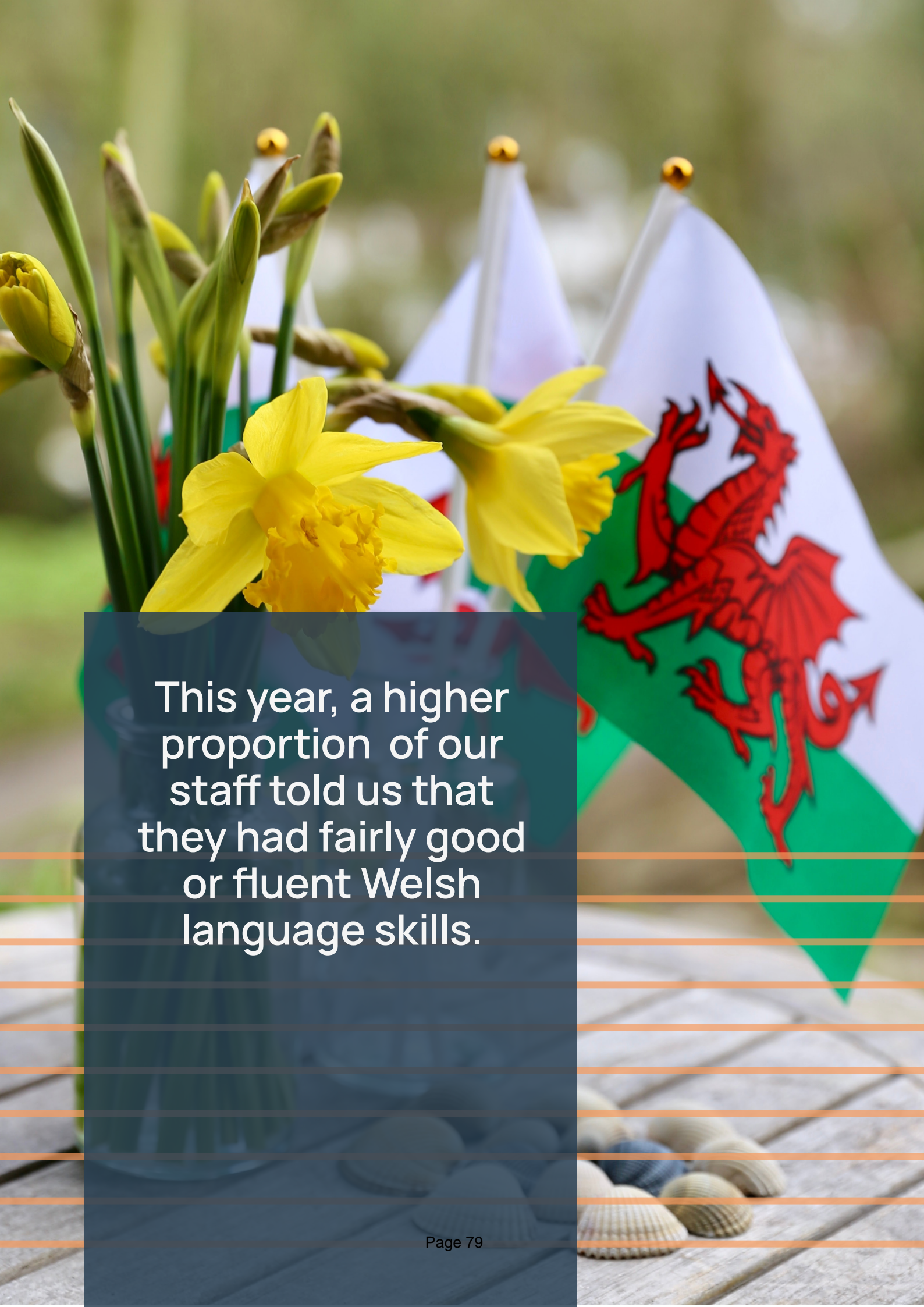
- speaking: 26% (compared to 26% last year)
- reading: 31% (compared to 29% last year)
- writing: 27% (compared to 26% last year)
- understanding: 32% (compared to 30% last year).

We are very happy with these results but continue to build our capacity to offer a Welsh medium service. We supported 8 colleagues to undertake Welsh language training during the year, with many more attending Welsh language awareness course.



Welsh language skills of our staff have improved.





This year, a higher proportion of our staff told us that they had fairly good or fluent Welsh language skills.

Sustainability

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

We produced just over 17,500 kg of waste. This was 92% more than last year and reflects the fact that, during the year, we downsized our office space and staff cleared their desks and cupboards. We were able to recycle 95% of waste and sent no general waste to landfill.

We used only slightly more energy than last year.

We avoided 134 kgs of CO2 in emissions. This was 24% less than last year and reflects the fact that more of our staff now work more regularly in the office.

We are required by law to publish a report on our sustainability under the Biodiversity and Resilience of Ecosystems Duty (section 6 duty). We publish in that report detailed information on how we managed waste, used electricity and calculated commuting emissions.



We avoided 134 kgs of CO2 in emissions.

Under our new Strategic Plan, we commit to reduce our carbon footprint.

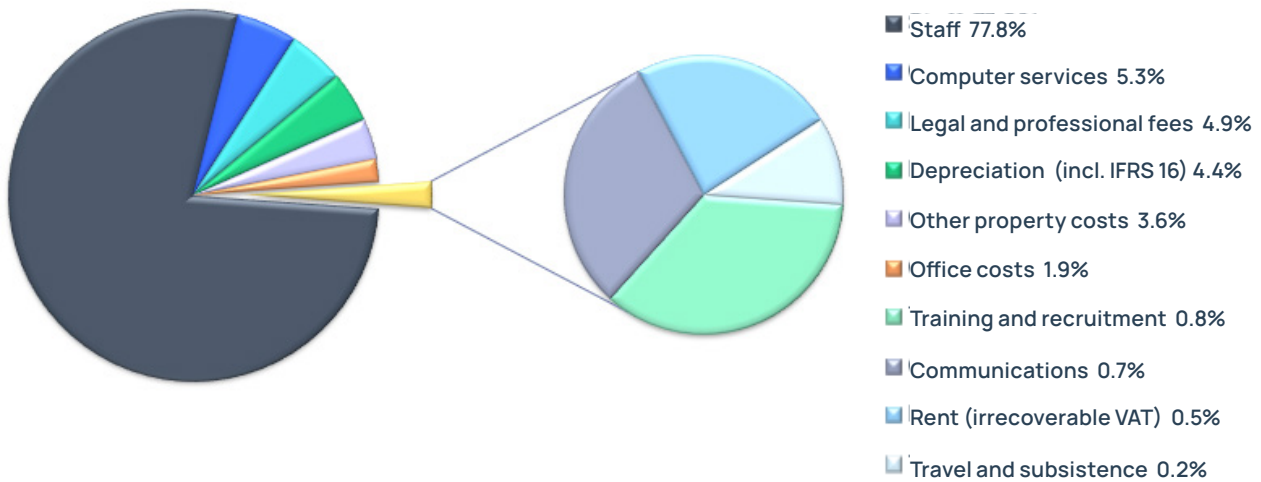


Financial Management

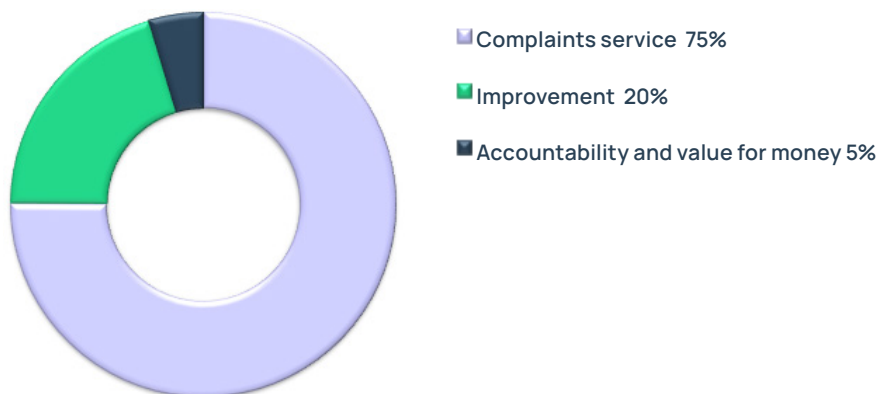
Overall resource and cash expenditure has increased as a result of the additional funding provided to us from the Welsh Consolidated Fund to fund pay awards and inflation.

	2022/23	2021/22	Change
Resource Out-turn	£000s	£000s	£000s
Total Resource	5,341	5,114	+227
Cash Requirement	5,308	5,126	+182

Gross Resource Expenditure 2022/23



Analysis of Spending by Strategic Aims

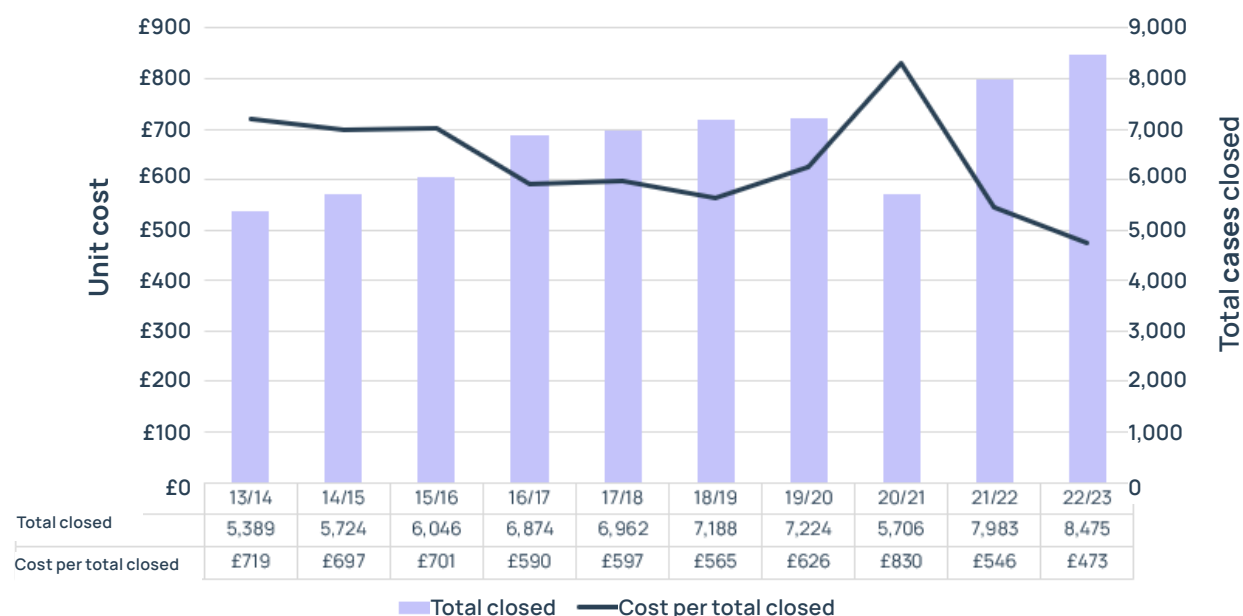


Casework Costs

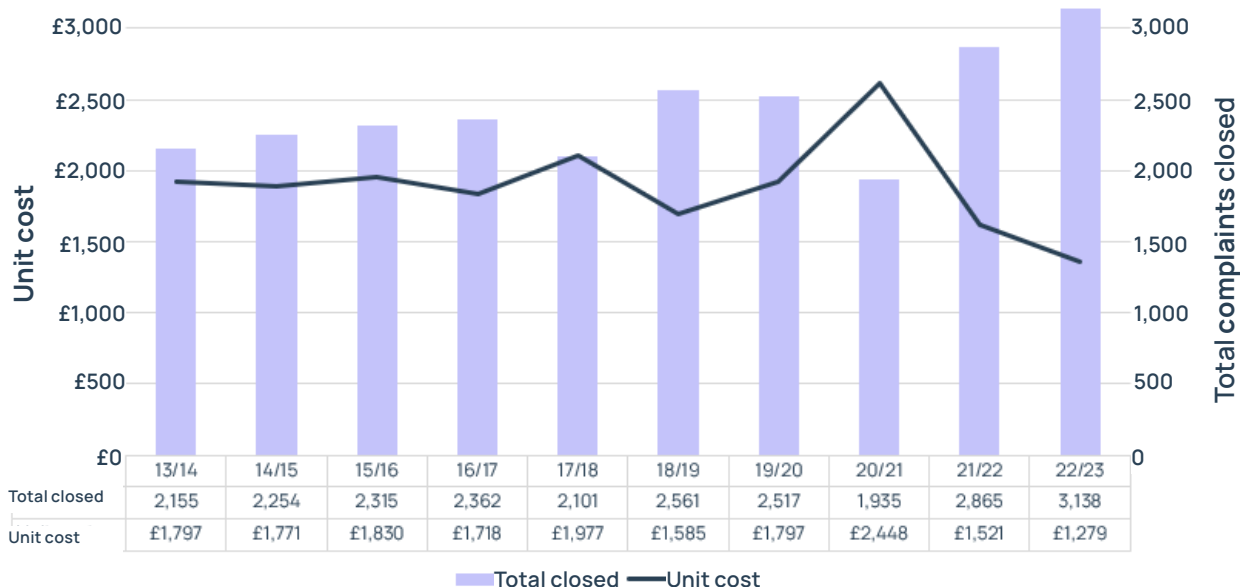
As outlined in previous years' Annual Report & Accounts we will now present average costs as calculated for our main activity – receiving, considering, investigating and responding to enquiries and complaints. This is our activity under Strategic Aim 1, and we will use the analysis figures for Operating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

The graphs below show firstly cost per case for the full enquiry and complaints work completed in the year and secondly for cases completed in the year.

Cost per Case for Total Office Casework Closure



Cost per Case for Total Office Complaints Closure



Note: These graphs are based on expenditure on this Strategic Objective and adjusted to 2022/23 prices.

The casework costs reflect changes to costs and to the number of complaints and enquiries completed during the year. The variation in costs per case reflects the fact that in 2022/23, case closures were the highest ever since the creation of the Ombudsman's office, whilst our costs were significantly lower when adjusted for CPI inflation as at March 2023.

Proactive powers

We identify expenditure related to the additional powers provided to the Ombudsman under the Public Services Ombudsman (Wales) Act 2019, and for 2022/23 this is as reported below:

PSOW Act 2019: Expenditure in 2022/23	£000s
Staff costs	304
Premises	15
Computer Services	12
Office costs	3
Training	2
Communications	1
Advisory and Legal	1
Total	338
Budget	349
Variance	11

We also continue to work to identify the benefits realised by our work using these powers, as well as the costs avoided as a result of the legislation and our work. Our work on this refers in particular to the Regulatory Impact Assessment and Explanatory Memorandum prepared on behalf of the Senedd Cymru Finance Committee to support the (then) proposed legislation.

Whilst there have been, of course, many factors affecting public services and complaints in Wales since the Explanatory Memorandum was prepared, we have worked to assess the impact of the additional powers and compare that with the estimated impact. The legislation reflected the fact that the number of complaints to the Ombudsman was likely to increase by between 5% and 12% per annum. The 'do nothing' option reflected that additional resources would need to be provided to the Ombudsman to meet this demand and used a unit cost approach to identifying the resulting additional costs.

The actual number of complaints received in 2022/23 was lower than the lowest projection, suggesting that our active improvement work has helped slow the increase in complaints. Using the methodology in the Explanatory Memorandum (using a unit cost per complaint), this equates to a cost avoidance saving of between £300k and £2.3m in 2022/23 alone. Whilst our improvement work will have made a significant contribution to this saving, there will, of course, have been other factors too. The powers under the Act were also intended to increase access to justice and support wider public service improvement. These are harder to quantify but no less important, and we are confident that our Own Initiative investigations and acceptance of complaints other than in writing (primarily oral complaints) have contributed to these aims.



Expenditure to 31 March 2023 compared to previous year

	2022/23	2021/22	Reasons for significant changes
	£000	£000	
Salaries	3,017	2,863	Pay award of £1,925 per FTE and increase in staff numbers (2 FTE)
Social Security costs	314	273	
Pension costs	809	745	
Pension fund charges	28	39	
Total Pay	4,168	3,920	
Rent	28	193	2022/23 figures on IFRS 16 basis
External Audit fee	17	19	
Legal and professional fees	243	173	Additional professional fees incurred
Other property costs	192	171	Includes IFRS 16 interest charge
Computer services	284	331	Security & resilience upgrades in 2021/22
Office costs	104	137	Reduced library & telephone costs
Travel and Subsistence	12	6	Increased travel post-pandemic
Training and Recruitment	42	36	Increased recruitment in 2022/23
Communications	36	47	Reduced translation costs in 2022/23
Depreciation	234	61	2022/23 figures on IFRS 16 basis
Total other Administration Costs	1,192	1,174	
Gross Costs	5,360	5,094	
Income	(19)	(17)	Additional income for payroll services to Future Generations Commissioner
Net Expenditure	5,341	5,077	
Capital	-	37	Security & resilience upgrades in 2021/22
Net Resource	5,341	5,114	

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

M.M. Morris.

Michelle Morris

Accounting Officer

Public Services Ombudsman for Wales

19 July 2023



Accountability Report 2022/23



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 2023, the Office comprised 82 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.

The Welsh Parliament provided cash of £5.3 million for the funding of the Office. £1k of this overall funding is due to be returned to the WCF, being the unused cash balance at the year-end. The expenditure of the Office was kept within the Estimate agreed in November 2021 and amended by Supplementary Budgets during 2022/23.

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, whilst our costs were significantly lower when adjusted for CPI inflation.



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 2023 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 2022/23.

The accounts have been prepared to:

- Give a true and fair view of the state of affairs at 31 March 2023 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 2022/23 was £17k (2021/22 = £19k).

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.

M.M. Morris.

Michelle Morris

Accounting Officer

Public Services Ombudsman for Wales

19 July 2023



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 2022/23

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 His 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

In undertaking the role of Accounting Officer, I 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 Senedd Cymru 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 Senedd Cymru 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 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

The [Strategic Plan](#) for the 3 years 2019/20 to 2021/22 was extended for a further year (2022/23) to allow for the development of a new 3-year Plan.

The Plan in place during 2022/23 included the following:

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 2023 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. The Committee has a scrutiny and advisory role only and has no role or remit in relation to casework decisions made by the PSOW.

b) Membership

Membership comprises a minimum of four, and a maximum of eight, independent external members. The membership of the Committee during 2022/23 was:

- Mr Ian Williams, former Group Chief Executive of Hendre Limited - Chair
- Mr Trevor Coxon, former Monitoring Officer of Wrexham County Borough Council (until April 2022)
- Mr John McSherry, former Senior Manager at Admiral Group Limited
- Mr Mike Usher, a former Director of Audit Wales
- Mrs Joanest Varney-Jackson, former Senior Lawyer for Senedd Cymru
- Dr Jane Martin CBE (from October 2022), former Local Government Ombudsman
- Mr Dave Tosh (from January 2023), former Director of Resources for the Senedd Commission.

During the year I reviewed the ARAC and Advisory Panel governance arrangements, including the sizes of the Committee / Panel, terms of office, timing of meetings, training arrangements and skills gaps. As a result of that review, I made a number of changes to increase continuity, resilience and the range of skills. The changes, which took account of recommendations from Senedd Public Accounts Committee and Senedd Finance Committee, also made provision for more regular training for members.

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 2022/23 members took part in a Cyber Security Workshop (October 2022) and attended a training session (February 2023) which included presentations from staff across the office on their areas of work.

d) Meetings

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

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

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



Counter-Fraud Framework. The Committee also reviewed the Office's anti-fraud policy, to satisfy itself that appropriate arrangements are in place.

The Committee provided advice to me to ensure that this 2022/23 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 previously considered at a workshop facilitated by the internal auditors and was reviewed by the Committee in October 2022. A further workshop has been arranged for 2023. In addition, the Committee undertakes, at alternate meetings, an in-depth review of a specific risk selected from the risk register.

During the year, one member's terms of office ended, and one new member joined the Committee. In addition, the Chair of the Ombudsman's Advisory Panel joined the Committee. This provides continuity and supports informed scrutiny. The Committee includes 3 independent members who are not members of the Advisory Panel. 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 (until April 2022)	1	1	100
John McSherry	4	4	100
Mike Usher	4	4	100
Joanest Varney-Jackson	4	3	75
Jane Martin (from October 2022)	2	1	50
Dave Tosh (from January 2023)	1	1	100

e) Internal and External Audit

The Committee received regular reports from both the internal and external auditors. 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 audits the level of assurance was considered 'Substantial', the highest assurance level. 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 2022/23 and overall assessments were as follows:

	Assurance level
Risk Management – Mitigating Controls	SUBSTANTIAL
Information Security - GDPR	SUBSTANTIAL
Equality, Diversity and Inclusion	SUBSTANTIAL
New / Proactive Powers	SUBSTANTIAL
Staff Performance Management	SUBSTANTIAL
Key Financial Controls:	
Payroll	SUBSTANTIAL
General Ledger	SUBSTANTIAL
Fixed Assets	SUBSTANTIAL
Post Implementation Review of Sage 200	SUBSTANTIAL



In addition, an audit of previous internal audit recommendations was undertaken. This found that all previous recommendations had been implemented. The internal auditors' Annual Report for 2022/23 stated:

'TIAA is satisfied that, for the areas reviewed during the year, 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 2021/22 Annual Report and Accounts that included the Governance Statement of the office for 2021/22, 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 2021/22 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 cooperating 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 holds an annual meeting with representatives of the External and Internal Auditors. Such a meeting was held on 27 April 2023.

f) Monitoring processes

At each meeting during 2022/23, 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 2022/23.

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

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

Advisory Panel

The Advisory Panel is a non-statutory forum whose main role is to provide support and advice to 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's work during the year included advising on the development of the new Strategic Plan and the Estimate for 2023/24, reviewing the organisation's performance and assessing the impact of the Ombudsman's proactive powers.

Following a recruitment exercise, three new members were appointed to the Panel from January 2023.

The Advisory Panel has an advisory role and has no role or remit in relation to operational or casework decisions made by the PSOW.



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 2022/23, there were no incidents that required reporting to the ICO.

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 2023, I am supported by a Chief Operating Officer to whom some of my responsibilities have been delegated.

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, governance and legal risks
- reputational risks
- data and information management risks.

Key risks

The last Annual Governance Statement (2021/22) highlighted two high risks. The first of these related to the impact of increasing numbers of complaints without a corresponding increase in resources. That risk remained high for 2022/23. The other high risk related to the risk of cyber-attack, malware, virus or ransomware on our IT systems. Whilst that risk remains relatively high, considerable work has been done during the year to reduce the likelihood and impact of a successful attack. This risk requires constant and active management, but the risk rating at the year-end was slightly below high / red level, so is not reported in detail here. At the end of 2022/23, the two high / red risks were:

Risk horizon	Risk and risk impact:	Risk management and mitigation:	Residual risk:
Operations & operational support	<p>Risks from continued high number of complaints and limited staff resources. Public service complaints are up 2% on 2021/22 (and 49% up on 2020/21), without an increase in staff.</p> <p>Impact: slower service to complainants, increased pressure on staff, adverse impact on wellbeing and risk of stress.</p>	<p>Maximise staff resources within budget available. Support staff performance. Streamline our processes. Monitor caseloads and work progression. Work closely and supportively with public bodies to improve their complaints handling.</p>	<p>Increases in number of new complaints, without a commensurate increase in resources, means that the residual risk is considered RED.</p>



Risk horizon	Risk and risk impact:	Risk management and mitigation:	Residual risk:
<p>Financial</p>	<p>Future years budget settlement insufficient to meet Strategic Plan priorities. Impact: Strategic Plan objectives not delivered, meaning we are unable to deliver justice as we wish, that we are unable to invest in improving our service and in helping us to manage growing numbers of complaints and that we do not achieve public service improvements and increased accessibility to our service.</p>	<p>The Strategic Plan for 2023/26 sets out four Strategic Aims to deliver justice, to increase accessibility and inclusion, to increase the impact of our proactive work and to be a healthy, efficient and accountable organisation. These require ongoing funding and investment. There is a substantial risk that budgets will be insufficient to invest to meet service demands, to improve accessibility and drive public service improvement.</p>	<p>We will use resources wisely and make the case for investment, but the residual risk is considered RED.</p>



Risk Assurance Framework Arrangements

PSOW Framework			
<ul style="list-style-type: none"> • Strategic objectives from Corporate Plan <ul style="list-style-type: none"> • 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. FReM. 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.

As far as the process of producing the PSOW's financial estimate for 2023/24 is concerned, a paper setting out initial budget criteria was considered by the Advisory Panel in July 2022. Overall, the submission sought an increase of 11.8% (resource) to reflect pay and price increases, substantial caseload increases and the need to invest in service improvement. Following Finance Committee scrutiny in October, the Committee did not support the submission. A revised submission, seeking a 6.7% increase, was submitted and supported by the Committee. This was included in the Wales Annual Budget Motion March 2023.

Conclusion

I can report that there were no significant weaknesses in the office's system of internal controls in 2022/23 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.



Michelle Morris

Accounting Officer

Public Services Ombudsman for Wales

19 July 2023

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: Michelle Morris - Ombudsman, Chris Vinestock - Chief Operating Officer & Director of Improvement and Katrin Shaw - Chief Legal Adviser & Director of Investigations. Nick Bennett was in post as Ombudsman during the 2021/22 financial year.

Single Total Figure of Remuneration					
2022/23					
Officials	Salary (£'000)	Bonus payments (£'000)	Benefits in Kind (to nearest £100)	Pension benefits (to nearest £1,000)	Total (£'000)
Michelle Morris	145-150	-	-	57,000	205-210
Chris Vinestock	105-110	-	-	-47,000	60-65
Katrin Shaw	90-95	-	-	-12,000	80-85

There are negative pension benefits because the increase in pension due to extra service was not sufficient enough to offset the significant inflationary increase. Therefore, in real terms the value of the pension has reduced.

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



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 2022/23 was £145-£150,000 (2021/22 = £150-£155,000), a reduction of 3.3%.

The FreM for 2022/23 requires increased reporting on fair pay disclosures.

	2022/23	2021/22
25 th percentile remuneration	£35,069	£32,799
25 th percentile pay ratio	4.2	4.6
50 th percentile remuneration	£46,551	£44,625
50 th percentile pay ratio	3.2	3.4
75 th percentile remuneration	£50,799	£48,876
75 th percentile pay ratio	2.9	3.1

The percentage increase in median salary is 4.3%. In 2022/23, no employee received remuneration in excess of the highest-paid director (2021/22 = none).

Remuneration ranged from £23,000 to £150,000 (2021/22 = £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.

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 pay award of £1,925 per full time equivalent was awarded to staff in November 2022 backdated to April 2022.

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 31/03/23					As at 31/03/22
	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
Michelle Morris	0-5	2.5-5	48	37	-	n/a
Chris Vinestock	75-80	0	1151	-41	-	1068
Katrin Shaw	45-50	0	723	-21	-	666

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 8.7 days per employee were lost through sickness, compared with 7.2 days in 2021/22. This is the equivalent of 3.3% (2.7% in 2021/22) of total possible workdays. This reflects typical short-term absences and a small number of staff incurring long-term sickness.

Reporting of Civil Service and other compensation schemes

No exit packages were paid in 2022/23 (2021/22 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:

	2022/23	2021/22
Ian Williams	3,875	3,150
Jane Martin	2,500	2,350
Mike Usher	2,475	2,100
Carys Evans	2,050	1,050
John McSherry	1,550	1,800
Joanest Varney-Jackson	1,050	1,200
Dave Tosh	500	-
Sue Phelps	500	-
Bernie Davies	500	-
Nia Roberts	500	-
Trevor Coxon	350	1,925
Jim Martin	-	1,925
Anne Jones	-	1,575
Tom Frawley	-	1,225

These figures also include payments made to members for attendance at risk workshops and training sessions during 2022/23.

For staff reporting issues see the Annual Equality Report.

M.M. Morris.

Michelle Morris

Accounting Officer

Public Services Ombudsman for Wales

19 July 2023



Welsh Parliament Accountability and Audit Report

In addition to the primary statements prepared under **International Financial Reporting Standards (IFRS)**, the Government Financial Reporting Manual (FRm) 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 2023

	Revised Estimate			Out-turn				2021/22
	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	5,386	(19)	5,367	5,360	(19)	5,341	26	5,077
Capital	5	-	5	-	-	-	5	37
Resource DEL	5,391	(19)	5,372	5,360	(19)	5,341	31	5,114
Total Resources	5,391	(19)	5,372	5,360	(19)	5,341	31	5,114
Net Cash Requirement	5,328	(19)	5,309	5,327	(19)	5,308	1	5,126

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 2023

	Note	2022/23			2021/22
		Revised Estimate	Net Total Out-turn	Net total out-turn compared to revised estimate	Out-turn
		£000	£000	£000	£000
Net Revenue	2-4	5,367	5,341	26	5,077
Net Capital	6	5	-	5	37
Total Resources		5,372	5,341	31	5,114
Depreciation	6	(274)	(234)	(40)	(61)
Movements in working capital	6-9	191	184	7	84
Movements in provisions	10	20	17	3	(11)
Net cash requirement		5,309	5,308	1	5,126

M.M. Morris.

Michelle Morris

Accounting Officer

Public Services Ombudsman for Wales

19 July 2023



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

Opinion on financial statements

I certify that I have audited the financial statements of the Public Services Ombudsman for Wales for the year ended 31 March 2023 under paragraph 18 (2) of Schedule 1 of the Public Services Ombudsman (Wales) Act 2019.

The financial statements comprise the Statement of Comprehensive Net Expenditure, Statement of Financial Position, Statement of Cash Flows, Statement of Changes in Taxpayers Equity and related notes, including the significant accounting policies.

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, in all material respects, the financial statements:

- give a true and fair view of the state of the Public Services Ombudsman for Wales' affairs as at 31 March 2023 and of its net operating cost for the year then ended;
- have been properly prepared in accordance with UK adopted 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 Statement of Resource Outturn properly presents the outturn against the sums authorised by the Senedd for the year ended 31 March 2023 and shows that those totals have not been exceeded; and
- the income and expenditure 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.

Opinion on arrangements for the economic, efficient and effective use of resources

In my opinion, the Public Services Ombudsman for Wales has made proper arrangements for securing economy, efficiency, and effectiveness in its use of resources throughout the financial year ended 31 March 2023.

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 certificate.

My staff and I are 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 12 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 certificate.

The going concern basis of accounting for the Public Services Ombudsman for Wales is adopted in consideration of the requirements set out in HM Treasury's Government Financial Reporting Manual, which require entities to adopt the going concern basis of accounting in the preparation of the financial statements where it anticipated that the services which they provide will continue into the future.

Other information

The other information comprises the information included in the annual report other than the financial statements and my auditor's report thereon. 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 certificate, 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.

Opinion on other matters

In my opinion, the part of the Remuneration Report to be audited has been properly prepared in accordance with HM Treasury directions made under paragraph 17(1) of Schedule 1 the Public Services Ombudsman (Wales) Act 2019.

In my opinion, based on the work undertaken in the course of my audit:

- the parts of the Accountability Report subject to audit have been properly prepared in accordance with HM Treasury directions made under paragraph 17(1) of Schedule 1 of the Public Services Ombudsman (Wales) Act 2019; and
- the information given in the Annual Report for the financial year for which the financial statements are prepared is consistent with the financial statements and is in accordance with the applicable legal requirements.

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:

- I have not received all of the information and explanations I require for my audit;
- 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 and the audited part of the Accountability Report are not in agreement with the accounting records and returns;
- information specified by HM Treasury regarding the remuneration and other transactions is not disclosed;



- certain disclosures of remuneration specified by HM Treasury's Government Financial Reporting Manual are not made or parts of the Remuneration Report to be audited are not in agreement with the accounting records and returns; or
- the Governance Statement does not reflect compliance with HM Treasury's guidance.

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:

- maintaining proper accounting records;
- the preparation of the financial statements and Annual Report in accordance with the applicable financial reporting framework and for being satisfied that they give a true and fair view;
- ensuring that the Annual Report and financial statements as a whole are fair, balanced and understandable;
- ensuring the regularity of financial transactions;
- internal controls as the Accounting Officer determines is necessary to enable the preparation of financial statements to be free from material misstatement, whether due to fraud or error;
- 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 the Accounting Officer anticipates that the services provided by the Public Services Ombudsman for Wales will not continue to be provided in the future; and
- for putting in place proper arrangements for the economic, efficient and effective use of the Public Services Ombudsman for Wales resources.

Auditor's responsibilities for the audit of the financial statements

My responsibility is to examine, certify and report on the financial statements in accordance with paragraph 18 (2) of Schedule 1 of the Public Services Ombudsman (Wales) Act 2019.

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 a certificate 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.
- 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, expenditure recognition, and posting of unusual journals.
- 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.

- obtaining an understanding of related party relationships.

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 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.

I also communicated relevant identified laws and regulations and potential fraud risks to all audit team members 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.

Other auditor's responsibilities

I am required to obtain evidence sufficient to give:

- reasonable assurance that the Statement of Resource Outturn properly presents the outturn against the sums authorised by the Senedd for the year ended 31 March 2023 and shows that those totals have not been exceeded;
- reasonable assurance that the expenditure and income recorded 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; and
- assurance that the Accounting Officer has made appropriate arrangements for the economic, efficient and effective use of the Public Services Ombudsman for Wales resources.

I communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

Electronic publication of financial statements

The maintenance and integrity of the Public Service Ombudsman for Wales website is the responsibility of the Ombudsman. The work carried out by the auditor does not involve consideration of these matters and, accordingly, the auditors accept no responsibility for any changes that may have occurred, since audit certification, to the Statement of Accounts on the website.

Report

I have no observations to make on these financial statements.



Adrian Crompton

Auditor General for Wales

20 July 2023

**1 Capital Quarter
Tyndall Street
Cardiff, CF10 4BZ**



Annual Accounts 2022/23



Statement of Comprehensive Net Expenditure

for the year ended 31 March 2023

Administration costs	Note	2022/23	2021/22
		£000	£000
Staff costs	2	4,168	3,920
Other non-staff administration costs	3	1,192	1,174
Gross Administration Costs		5,360	5,094
Operating Income	4	(19)	(17)
Net Administration Costs		5,341	5,077
Net Revenue Out-turn		5,341	5,077

Notes 1 to 18 form part of these statements.

All activities commenced in the period are continuing.



Statement of Financial Position

for the year ended 31 March 2023

	Note	2022/23 £000	2021/22 £000
Non-current assets			
Property, Plant and Equipment	6a	113	150
Intangible assets	6b	93	120
Right of use asset	6c	401	-
Receivables due after more than 1 year	7	-	-
		607	270
Current Assets			
Trade and other receivables	7	280	255
Cash and cash equivalents	8	1	120
		281	375
Total assets		888	645
Current liabilities			
Trade and other payables	9	(594)	(297)
Provisions less than 1 year	10	(49)	(45)
		(643)	(342)
Total assets less current liabilities		245	303
Non-current liabilities			
Trade and other payables due after 1 year	9	(6)	(10)
Provisions greater than 1 year	10	(461)	(482)
		(467)	(492)
Total assets less liabilities		(222)	(189)
General Fund		(222)	(189)

Notes 1 to 18 and the Pension Disclosures form part of these statements.

The 2022/23 figures are prepared on an IFRS 16 basis.

The financial statements were approved by the Accounting Officer and authorised for issue on 19 July 2023 by:

M.M. Morris.

Michelle Morris

Accounting Officer

Public Services Ombudsman for Wales

19 July 2023



Statement of Cash Flows

for the year ended 31 March 2023

	Note	2022/23 £000	2021/22 £000
Net cash outflow from operating activities	11	(5,308)	(5,089)
Net cash outflow from investing activities	12	-	(37)
Financing from Welsh Parliament	13	5,309	5,246
Prior year cash balance repaid		(120)	(20)
Net increase (decrease) in cash equivalents after adjustments for payments to Welsh Consolidated Fund		(119)	100
Cash and cash equivalents at beginning of period		120	20
Cash and cash equivalents at end of period		1	120

Notes 1 to 18 form part of these statements.

Statement of Changes in Taxpayers' Equity

for the year ended 31 March 2023

General Fund	2022/23	2021/22
	£000	£000
Balance as at 1 April	(189)	(238)
Net operating costs	(5,341)	(5,077)
Funding by Welsh Parliament	5,309	5,246
Due back to Welsh Consolidated Fund:		
Cash	(1)	(120)
Non-operating income	-	-
Total recognised income and expense for year	(33)	49
Balance as at 31 March	(222)	(189)

Notes 1 to 18 and the Pension Disclosures form part of these statements.



Notes to the Financial Statements

1. Statement of Accounting Policies

These financial statements have been prepared in accordance with the Government Financial Reporting Manual (the FReM) issued by HM Treasury which is in force for 2022/23. 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. PSOW does not include invoices where the total value is less than £500 in prepayments.

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. A right of use asset and liability has been recognised following IFRS 16 being implemented from 1 April 2022. There is also an associated depreciation charge and finance cost in the accounts.

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 riskadjusted 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 17 Insurance Contracts	2023-24 at earliest	IFRS 17 replaces IFRS 4 Insurance Contracts, and requires a current measurement model, using updated information on obligations and risks, and requiring service results to be presented separately from finance income or expense. It applies to all insurance contracts issued, irrespective of the type of entity issuing the contracts, so is not relevant only for insurance companies.

2. Staff Costs and Numbers

The aggregate employment costs were as follows:

	2022/23	2021/22
	£000	£000
Permanent staff:		
Salaries	2,999	2,836
Social Security costs	314	272
Pension costs	809	745
Pension fund charges	28	39
Total	4,150	3,892
Temporary staff:		
Salaries	18	27
Social Security costs	-	1
Pension costs	-	-
Total	18	28
Total Staff Costs	4,168	3,920



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

	2022/23	2021/22
	No.	No.
Directors	2	2
Communications and PA	3	3
Complaints and Investigations	50	49
Improvement Team	6	5
Support	8	8
Total	69	67

3. Non-Staff Administration Costs

	2022/23	2021/22
	£000	£000
Rent	28	193
External Audit fee	17	19
Legal and professional fees	243	173
Other property costs	187	171
IFRS 16 interest charge	5	-
Computer services	284	331
Office costs	104	137
Travel and Subsistence	12	6
Training and Recruitment	42	36
Communications	36	47
Sub-total	958	1,113
Depreciation	207	36
Amortisation charge	27	25
Loss on disposal	-	-
Sub-total	234	61
Total Other Administration Costs	1,192	1,174

The 2022/23 figures are prepared on an IFRS 16 basis.

4. Operating Income

	2022/23	2021/22
	£000	£000
Seconded staff	(18)	(16)
Other – Future Generations Commissioner	(1)	(1)
Total	(19)	(17)

5. Operating Costs by Strategic Aims

The costs of providing a first-class Ombudsman service to Wales are set out below. During 2022/23 we had 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.

	2022/23		2021/22	
	£000	%	£000	%
Strategic Aim 1: A fair, independent, inclusive and responsive complaints service.	4,012	75.1	3,918	77.2
Strategic Aim 2: Promote learning from complaints and stimulate improvements on a wider scale.	1,083	20.3	944	18.6
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.	246	4.6	215	4.2
Net Resources Out-turn	5,341	100.0	5,077	100.0

The Aims analysis excludes capital expenditure.



6a. Property, Plant and Equipment

2022/23	Plant	Computers and other equipment	Furniture and other fittings	Surplus assets	Total
	£000	£000	£000	£000	£000
Cost or valuation at 1 April	156	240	442	-	838
Additions	-	-	-	-	-
Reclassifications	-	(48)	(89)	137	-
Disposals	-	(45)	-	-	(45)
At 31 March	156	147	353	137	793
Depreciation as at 1 April	(156)	(171)	(361)	-	(688)
Charged in the year	-	(19)	(18)	-	(37)
Reclassifications	-	48	89	(137)	-
Disposals	-	45	-	-	45
At 31 March	(156)	(97)	(290)	(137)	(680)
Carrying amount as at 31 March 2023	-	50	63	-	113
Carrying amount as at 31 March 2022	-	69	81	-	150

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



6b. Intangible Assets

2022/23	Information Technology	Software Licences	Total
	£000	£000	£000
Cost or valuation at 1 April	518	52	570
Additions	-	-	-
Disposals	-	-	-
At 31 March	518	52	570
Amortisation as at 1 April	(398)	(52)	(450)
Amortisation charged in the year	(27)	-	(27)
Disposals	-	-	-
At 31 March	(425)	(52)	(477)
Carrying Value as at 31 March 2023	93	-	93
Carrying Value as at 31 March 2022	120	-	120

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

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.



6c. Right of Use Assets

2022/23	IFRS 16 right of use asset	Total
	£000	£000
Transition asset as at 1 April	571	571
Additions	-	-
Disposals	-	-
At 31 March	571	571
Depreciation as at 1 April	-	-
Charged in the year	(170)	(170)
Disposals	-	-
At 31 March	(170)	(170)
Carrying amount as at 31 March 2023	401	401
Carrying amount as at 31 March 2022	-	-

The discount factor used in our IFRS 16 calculations is 0.95% for the financial year in line with the guidance issued by the Treasury. There are no prior year figures as IFRS 16 was implemented from 1 April 2022.

7. Trade and other Receivables

	2022/23	2021/22
	£000	£000
Amounts falling due within 1 year		
Prepayments	280	255
Trade debtors	-	-
Amounts falling due after more than 1 year		
Prepayments	-	-
Total	280	255

8. Cash and Cash Equivalents

Any bank balance held at the year-end must be returned to the Welsh Consolidated Fund. A figure of £1k (£120k in 2021/22) has been included within the accounts, being the net balance at the year-end on all the bank accounts operated by the Public Services Ombudsman for Wales, irrespective of whether the individual account is in debit or credit.

The year-end balance will be repaid to the Welsh Consolidated Fund in 2023/24 under the Government of Wales Act 2006.

9. Trade Payables and other Current Liabilities

	2022/23	2021/22
	£000	£000
Amounts falling due in 1 year		
Untaken annual leave	115	122
Deferred rent reduction	5	5
Welsh Consolidated Fund - unspent balances	1	120
Trade payables	8	3
Right of use asset creditor	411	-
Accruals	54	47
	594	297
Amounts falling due in more than 1 year		
Deferred rent reduction	6	10
Total	600	307

The 2022/23 figures are prepared on an IFRS 16 basis.



10. Provisions for Liabilities and Charges

	2022/23				2021/22
	Pensions for Former Commissioners	Dilapidation Costs	Other Costs	Total	Total
	£000	£000	£000	£000	£000
Balance at 1 April	204	323	-	527	516
Additional provision required	43	-	-	43	54
Discount rate movement	(14)	-	-	(14)	2
Provisions utilised in the year	(46)	-	-	(46)	(45)
Balance at 31 March	187	323	-	510	527

Analysis of expected timings of payment of provisions:

	2022/23	2021/22
	£000	£000
Payable within 1 year	49	46
Payable within 2 to 5 years	461	474
Payable in more than 5 years	-	7
Balance at 31 March 2021	510	527

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 1.70% for the financial year (-1.30% in 2021/22) 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	2022/23	2021/22
		£000	£000
Net operating cost		(5,341)	(5,077)
Adjust for non-cash items	3	(337)	61
Decrease/(Increase) in trade and other receivables	7	(25)	(26)
Increase/(Decrease) in trade and other payables	9	293	42
Movement in provisions	10	(17)	11
Movement in cash repaid to Welsh Consolidated Fund	8	119	(100)
Net cash outflow from operating activities		(5,308)	(5,089)

The 2022/23 figures are prepared on an IFRS 16 basis.

12. Non-Current Asset Expenditure and Financial Investment

	2022/23	2021/22
	£000	£000
Purchases of property, plant and equipment	-	(16)
Proceeds of disposals of property, plant and equipment	-	-
Purchases of intangible assets	-	(21)
Net cash outflow from investing activities	-	(37)



13. Reconciliation of Net Cash Requirement to Increase/ (Decrease) in Cash

	2022/23	2021/22
	£000	£000
Net Cash Requirement:		
Operating activities	(5,308)	(5,089)
Capital Expenditure	-	(37)
	(5,308)	(5,126)
Financing from Welsh Parliament	5,309	5,246
Repayment to Welsh Consolidated Fund	(120)	(20)
Increase/ (Decrease) in cash and cash equivalents	(119)	100

14. Commitments under Operating Leases

	2022/23	2021/22
	£000	£000
Total future minimum operating lease payments on building:		
Payable within 1 year	198	198
Within 2 and 5 years	304	502
More than 5 years	-	-
	502	700
Other:		
Payable within 1 year	-	-
Within 2 and 5 years	-	-
More than 5 years	-	-
	-	-
Total of all operating leases	502	700

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 2023 (2021/22 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.



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 switch 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, 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 switch to **alpha** have their PCSPS benefits 'banked', with those with earlier benefits in one of the final salary sections of the PCSPS having those benefits based on their final salary when they leave **alpha**. (The pension figures quoted for officials show pension earned in PCSPS or **alpha** – as appropriate. Where the official has benefits in both the PCSPS and **alpha** the figure quoted is the combined value of

their benefits in the two schemes.) Members joining from October 2002 may opt for either the appropriate defined benefit arrangement or a 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 2023 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 2022/23 was 10.1%.

The total payments during 2022/23 were £46k (£45k in 2021/22). The liabilities arising out of the obligation to finance these pensions together with any dependant pensions has been calculated to be £186k (£204k in 2021/22). 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 (2022), of 1.70% (-1.30% in 2021/22) has been applied in accordance with the Treasury guidance that all pension liabilities should be discounted.



Appendices



Some terms that we use in this report

<p>Case: any matter raised with us by a member of the public</p>	<p>Caseload: all cases that we handle.</p>
<p>Enquiry: a case where a member of the public 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.</p>	<p>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 as preassessment.</p>
<p>Complaint: a case where we have had enough information to start looking into an issue to see what we can do. Once we consider the information received, we can reject a complaint, suggest how it can be resolved quickly ('early resolution') or start an investigation.</p>	
<p>Outcome: our decision after we have considered a complaint.</p>	
<p>Intervention: a complaint outcome when we decided that something has gone wrong with public services and things must be put right. This could be by making recommendations or agreeing early resolution or settlement of a complaint.</p>	<p>Referral: a type of outcome in Code of Conduct cases 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.</p>



The complaint journey

Check - we check that we can look into your complaint

What we will do

When you first contact us, we will check if we can look into your complaint. This includes checking that:

- we can look at the issue you are complaining about
- we can look into the organisation you are complaining about
- we have enough information about your complaint.

What can we decide?

If we can look into your complaint, we will let you know (see 'Assess').

If we cannot look into your issue further, we will let you know. We will do our best to suggest what you can do next. If we know of an organisation that could help, we will give you more information about it.

Assess – we take a closer look at your complaint to see if we can resolve it early or if we need to investigate

What we will do

We will look at your complaint in more detail. These are examples of the things we will think about:

- whether you complained to us within a year of knowing about the issue
- you have (or had) the option of taking legal action instead to put things right for you
- another organisation is better placed to deal with your complaint
- there are signs that the organisation potentially got things wrong and that it had a negative effect on you or the person you are complaining for
- there is more that the organisation could do to put things right for you.

What can we decide?

We are an independent decision-maker. To be fair to you and the organisation you have complained about, we will look at the evidence and the facts before we make a decision.

As we assess your complaint, we can:

- decide to investigate your complaint (see 'Investigate')
- arrange early action for the organisation to put things right for you. We will write to you to explain what we have arranged and we will close your complaint. We will make sure that the organisation did what it agreed to do (see 'Make sure').

If we can't do either of these things, we will write to you to tell you why.

We close most of our complaints at 'Assess'. We only investigate about 1 in 10 of our complaints, usually when the issue is very complicated or if it may affect other people.

How long will it take?

On average, it takes us about 25 days to assess a complaint. It can sometimes take longer, for example, if we are arranging early action for the organisation to put things right.



Investigate – we investigate some or all of your concerns

What we will do

We will talk to you about the investigation process. We will then write to you to let you know when the investigation starts and confirm what we are investigating.

We'll gather all the information we need, including from you and the organisation you have complained about. We will also often ask for advice from professional advisors. We will then make our decision on your complaint.

What can we decide?

As we investigate your complaint, we can:

- complete the investigation and decide to uphold your complaint
- complete the investigation and decide not to uphold your complaint
- decide to settle the complaint where the organisation can take action to put things right
- decide to end the investigation early if we find that there is not enough evidence to show that the organisation has done something wrong

If we uphold your complaint, we will recommend what the organisation should do to put things right.

At the end of the investigation we will explain what we found and why we did or did not uphold your complaint.

Of the complaints we investigate each year, we uphold or settle around 7 out of 10.

How long will it take?

An investigation can take around 12 months from when you first complain to us. When the complaint is very complicated it can take us longer to investigate it. We will keep in touch with you during the investigation.

Follow up – we check that the organisation did what it promised to do

What we will do

When we arrange early action for the organisation to put things right for you, or we settle or uphold your complaint after we investigated, we will recommend what the organisation should do to put things right for you.

We will tell the organisation how much time it has to show us that it did what it promised to do.

If the organisation does not show us that it acted on our recommendations, we will take further action.



Our Key Performance Indicators

We check how well we perform against a set of measures called Key Performance Indicators (KPIs). Below we explain how we aimed to perform and how we did.

Performance indicator	Target	2022/23	2021/22
Public services complaints			
decision that a complaint is not within jurisdiction within 3 weeks	90%	94%	90%
decision taken not to investigate a complaint (after making initial enquiries) within 6 weeks	90%	87%	83%
where we seek early resolution, decision within 9 weeks	90%	90%	88%
decision to investigate and start investigation within 6 weeks of the date sufficient information is received	80%	37%	69%
cases closed within 12 months	85%	37%	76%
Code of Conduct complaints			
decision taken not to investigate within 6 weeks.	90%	95%	98%
decision to investigate and start investigation within 6 weeks of the date sufficient information is received	90%	89%	80%
cases closed within 12 months	90%	66%	67%
Customer satisfaction*			
we are easy to find	-	87 / 95%	80 / 95%
we offer a helpful service	-	64 / 85%	60 / 86%
we clearly explain our process and decision	-	65 / 95%	65 / 91%
How bodies fulfil our recommendations ('compliance')			
proportion of recommendations due and complied with by public service providers	-	90%	81%
number of compliance visits	7	10	6

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

Performance indicator	Target	2022/23	2021/22
Human resources			
completion of appraisal process	-	100%	100%
employee response to staff survey	-	89%**	84%
Staff training			
proportion of staff achieving target number of days of continuing professional development	-	80%	72%
Staff attendance			
average number of days lost through sickness per member of staff	-	8.59	7.2
proportion of working days lost through staff sickness	-	3.29%	2.70%
proportion of working days lost through short term sickness	-	1.01%	1.04%
proportion of working days lost through long term sickness	-	2.28%	1.70%
Financial performance			
cash repaid to Welsh Consolidated Fund	< 3%	0.01%	2.3%
unit cost per case	£700	£473	£491***
support costs as percentage of budget	< 5%	4.6%	4.2%
external Audit Opinion on Accounts	Unqualified accounts	Unqualified accounts	Unqualified accounts
internal Audit Opinion on internal controls	Substantial Assurance	Substantial Assurance	Substantial Assurance
Complaints about us			
number of complaints received	N/A	30	32
number of complaints upheld	N/A	12	12
Sustainability			
waste (kg)	26,000	17,696	9,205
electricity (kWh)	104,000	74,102	73,754

** We carry out our main staff survey every two years. For 2022/23 we are reporting response rate on an interim survey linked to FairPlay Employer status.

*** 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.



Complaints data

Public services - new complaints

Subject	2022/23	2021/22
Health	37%	34%
Housing	18%	16%
Complaints Handling	18%	14%
Social Services	7%	8%
Planning and Building Control	4%	8%
COVID19	1%	3%
Other	15%	17%
Grand Total	100%	100%

Sector	2022/23	2021/22
NHS Bodies (including Health Boards, NHS Trusts, Dentist, GPs, Opticians and Pharmacists)	1288	1115
Local Authorities (including County/ County Borough Councils and School Appeal Panels)	1032	1162
Social Housing sector (housing associations)	348	302
Welsh Government and its sponsored bodies	61	74
Community Councils	30	31
Other	31	42
All sectors	2790	2726

Health Board	2022/23		2021/22	% change from 2021/22
	Number	Received per 1000 residents	Number	
Aneurin Bevan University Health Board	166	0.28	142	17%
Betsi Cadwaladr University Health Board	225	0.33	213	6%
Cardiff and Vale University Health Board	137	0.28	89	54%
Cwm Taf Morgannwg University Health Board	134	0.30	113	19%
Hywel Dda University Health Board	104	0.27	88	18%
Powys Teaching Health Board	23	0.17	10	130%
Swansea Bay University Health Board	137	0.36	110	25%
All Health Boards	926	0.30	765	21%



County and County Borough Council	2022/23		2021/22	% change from 2021/22
	Number	Received per 1000 residents	Number	
Blaenau Gwent County Borough Council	16	0.24	14	14%
Bridgend County Borough Council	55	0.38	55	0%
Caerphilly County Borough Council	49	0.28	60	-18%
Cardiff Council (Incl. Rent Smart Wales)	142	0.39	182	-22%
Carmarthenshire County Council	53	0.28	54	-2%
Ceredigion County Council	35	0.49	52	-33%
Conwy County Borough Council	31	0.27	27	15%
Denbighshire County Council	32	0.33	34	-6%
Flintshire County Council	65	0.42	99	-34%
Cyngor Gwynedd	36	0.31	39	-8%
Isle of Anglesey County Council	25	0.36	29	-14%
Merthyr Tydfil County Borough Council	17	0.29	27	-37%
Monmouthshire County Council	23	0.25	20	15%
Neath Port Talbot Council	39	0.27	45	-13%
Newport City Council	42	0.26	40	5%
Pembrokeshire County Council	44	0.36	39	13%
Powys County Council	38	0.29	55	-31%
Rhondda Cynon Taf County Borough Council (Incl South Wales Parking Group)	54	0.23	51	6%
Swansea Council	94	0.39	71	32%
Torfaen County Borough Council	16	0.17	18	-11%
Vale of Glamorgan Council	49	0.37	61	-20%
Wrexham County Borough Council	65	0.48	71	-8%
All County and County Borough Councils	1020	0.33	1143	-11%

Housing Association	2022/23	2021/22	% change from 2021/22
Adra	15	10	50%
Aelwyd Housing Association Ltd	1	2	-50%
Ateb Group Ltd	2	4	-50%
Barcud	4	3	33%
Bro Myrddin Housing Association	0	1	-100%
Bron Afon Community Housing Ltd	17	17	0%
Cadwyn Housing Association Ltd	6	0	
Cardiff Community Housing Association	7	15	-53%
Caredig	3	0	
Cartrefi Conwy	6	14	-57%
Charter Housing Association (part of the Pobl Group)	7	4	75%
Clwyd Alyn Housing Association	10	10	0%
Coastal Housing Group Ltd	6	14	-57%
Cynon Taf Community Housing Group	4	6	-33%
Derwen (part of the Pobl Group)	0	0	
Family Housing Association (Wales) Ltd	0	5	-100%
First Choice Housing Association Ltd	1	0	
Grwp Cynefin	5	4	25%
Hafan Cymru	0	1	-100%
Hafod Housing Association	62	28	121%
Linc Cymru Housing Association	14	9	56%
Melin Homes Ltd	3	5	-40%
Merthyr Tydfil Housing Association Ltd	1	5	-80%
Merthyr Valleys Homes	8	4	100%

Complaints data

Monmouthshire Housing Association	2	6	-67%
Newport City Homes	19	8	138%
Newydd Housing Association	9	9	0%
North Wales Housing	4	8	-50%
Pobl	23	19	21%
Rhondda Housing Association Ltd	9	1	800%
Taff Housing Association	4	3	33%
Tai Calon Community Housing	10	5	100%
Tai Ceredigion Ltd	0	0	
Tai Tarian	21	15	40%
Trivallis	13	17	-24%
Ty Gwalia (part of Pobl Group)	3	3	0%
United Welsh Housing Association	16	16	0%
Valleys To Coast Housing	19	20	-5%
Wales & West Housing Association	14	11	27%
All Housing Associations	348	302	15%

Public services - closed complaints

Health Board	2022/23			2021/22		
	No. of Interventions	No. of Closures	Intervention rate	No. of Interventions	No. of Closures	Intervention rate
Aneurin Bevan University Health Board	48	160	30%	42	125	34%
Betsi Cadwaladr University Health Board	80	231	35%	61	193	32%
Cardiff and Vale University Health Board	30	129	23%	18	81	22%
Cwm Taf Morgannwg University Health Board	37	141	26%	30	99	30%
Hywel Dda University Health Board	41	100	41%	23	82	28%
Powys Teaching Health Board	5	23	22%	3	6	50%
Swansea Bay University Health Board	33	134	25%	29	105	28%
All Health Boards	274	918	30%	206	691	30%



County and County Borough Council	2022/23			2021/22		
	No. of Interventions	No. of Closures	Intervention rate	No. of Interventions	No. of Closures	Intervention rate
Blaenau Gwent County Borough Council	0	16	0%	0	13	0%
Bridgend County Borough Council	5	57	9%	7	54	13%
Caerphilly County Borough Council	6	52	12%	7	58	12%
Cardiff Council (Incl Rent Smart Wales)	26	154	17%	46	175	26%
Carmarthenshire County Council	7	60	12%	7	49	14%
Ceredigion County Council	13	44	30%	13	46	28%
Conwy County Borough Council	5	35	14%	2	24	8%
Denbighshire County Council	2	33	6%	4	33	12%
Flintshire County Council	5	70	7%	15	94	16%
Cyngor Gwynedd	5	33	15%	6	41	15%
Isle of Anglesey County Council	5	25	20%	3	28	11%
Merthyr Tydfil County Borough Council	1	18	6%	2	26	8%
Monmouthshire County Council	1	22	5%	2	21	10%
Neath Port Talbot Council	7	38	18%	5	45	11%
Newport City Council	8	48	17%	4	36	11%
Pembrokeshire County Council	3	45	7%	2	40	5%
Powys County Council	8	44	18%	7	55	13%

Rhondda Cynon Taf County Borough Council (Incl South Wales Parking Group)	2	56	4%	3	45	7%
Swansea Council	10	99	10%	10	76	13%
Torfaen County Borough Council	1	17	6%	2	20	10%
Vale of Glamorgan Council	15	53	28%	9	62	15%
Wrexham County Borough Council	6	67	9%	4	67	6%
All County and County Borough Councils	141	1086	13%	160	1108	14%



Housing Association	2022/23			2021/22		
	No. of Interventions	No. of Closures	Intervention rate	No. of Interventions	No. of Closures	Intervention rate
Adra	2	16	13%	1	9	11%
Aelwyd Housing Association Ltd	0	1	-	0	2	-
Ateb Group Ltd	0	2	-	2	4	50%
Barcud	0	4	-	0	3	-
Bro Myrddin Housing Association	0	0	-	0	1	-
Bron Afon Community Housing Ltd	2	18	11%	3	18	17%
Cadwyn Housing Association Ltd	1	6	17%	0	0	-
Cardiff Community Housing Association	0	8	-	1	14	7%
Caredig	0	3	-	0	0	-
Cartrefi Conwy	2	7	29%	0	13	-
Charter Housing Association (Part of the Pobl Group)	0	7	-	1	5	20%
Clwyd Alyn Housing Association	0	9	-	0	10	-
Coastal Housing Group Ltd	0	6	-	1	14	7%
Cynon Taf Community Housing Group	0	4	-	1	6	17%
Family Housing Association (Wales) Ltd	0	0	-	0	5	-
First Choice Housing Association Ltd	0	1	-	0	0	-
Grwp Cynefin	0	5	-	1	4	25%
Hafan Cymru	0	1	-	0	0	-
Hafod Housing Association	15	59	25%	7	27	26%
Linc Cymru Housing Association	2	13	15%	2	10	20%
Melin Homes Ltd	0	3	-	0	6	-
Merthyr Tydfil Housing Association Ltd	0	1	-	1	7	14%
Merthyr Valleys Homes	1	8	13%	1	5	20%

Monmouthshire Housing Association	0	4	-	3	6	50%
Newport City Homes	2	18	11%	0	8	-
Newydd Housing Association	1	10	10%	1	9	11%
North Wales Housing	1	5	20%	1	8	13%
Pobl	3	22	14%	1	17	6%
Rhondda Housing Association Ltd	0	8	-	1	1	100%
Taff Housing Association	2	5	40%	0	1	-
Tai Calon Community Housing	0	9		0	5	-
Tai Tarian	0	22	-	2	14	14%
Trivallis	2	15	13%	3	17	18%
Ty Gwalia (Part Of Pobl Group)	0	3	-	0	3	-
United Welsh Housing Association	2	18	11%	2	14	14%
Valleys To Coast Housing	5	17	29%	3	22	14%
Wales & West Housing Association	1	14	7%	2	13	15%
Grand Total	44	352	13%	41	301	14%



Code of Conduct - new complaints

Subjects	2022/23	2021/22
Accountability and openness	10%	5%
Disclosure and registration of interests	9%	11%
Duty to uphold the law	8%	9%
Integrity	6%	8%
Objectivity and propriety	3%	11%
Promotion of equality and respect	61%	51%
Selflessness and stewardship	3%	5%

Body	2022/23	2021/22	% change from 2021/22
Town and Community Councils	158	171	-8%
County and County Borough Councils	122	114	7%
National Parks	3	5	-40%
Fire Authorities	0	0	n/a
Police and Crime Panels	0	4	-100%
Total	283	294	-4%



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Public Services Ombudsman for Wales

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Email: ask@ombudsman.wales

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Date: 17 August 2023
Communications
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Cllr. Rob Stewart
Swansea Council
By Email only: cllr.rob.stewart@swansea.gov.uk

Annual Letter 2022/23

Dear Councillor Stewart

I am pleased to provide you with the Annual letter (2022/23) for Swansea Council which deals with complaints relating to maladministration and service failure, complaints relating to alleged breaches of the Code of Conduct for Councillors and the actions being taken to improve public services.

This letter coincides with my Annual Report – “[A year of change – a year of challenge](#)” – a sentiment which will no doubt resonate with public bodies across Wales. My office has seen another increase in the number of people asking for our help – up 3% overall compared to the previous year, and my office now receives double the number of cases we received a decade ago.

In the last year, I have met with public bodies across Wales – speaking about our casework, our recommendations, and our proactive powers. The current climate will continue to provide challenges for public services, but I am grateful for the positive and productive way in which local authorities continue to engage with my office.

1,020 complaints were referred to us regarding local authorities last year - a reduction of 11% compared to the previous year. During this period, we intervened in (upheld, settled or resolved at an early stage) 13% of local authority complaints.

We received fewer Code of Conduct complaints in 22/23 compared to the previous year, relating to both Principal Councils and Town and Community Councils. My role is such that I do not make final findings about breaches of the Code of Conduct. Instead, where investigations find the most serious concerns, these are referred to the Standards Committee of the relevant local authority, or the

Adjudication Panel for Wales. In 2022/23, the Ombudsman made 12 such referrals – a welcome reduction from 20 last year.

Supporting improvement of public services

Despite the challenges of last year, we have pushed forward with our proactive improvement work and launched a new Service Quality process to ensure we deliver the standards we expect.

Last year, we began work on our second wider Own Initiative investigation – this time looking into carers assessments within local authorities. This investigation will take place throughout the coming year, and we look forward to sharing our findings with all local authorities – not just those involved in the investigation.

The Complaints Standards Authority (CSA) continued its work with public bodies in Wales last year, with more than 50 public bodies now operating our model policy. We've also now provided more than 400 training sessions since we started, with local authorities, in September 2020.

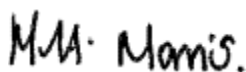
We continued our work to publish complaints statistics into a second year, with data now published twice a year. This data allows us to see information with greater context – for example, last year 6% of Swansea Council's complaints were referred to PSOW.

I would encourage Swansea Council, and specifically your Audit and Governance Committee, to use this data to better understand your performance on complaints and consider how well good complaints handling is embedded throughout the Authority.

Further to this letter can I ask that your Council takes the following actions:

- Present my Annual Letter to the Cabinet and to the Governance and Audit Committee at the next available opportunity and notify me of when these meetings will take place.
- Continue to engage with our Complaints Standards work, accessing training for your staff, fully implementing the model policy, and providing accurate and timely complaints data.
- Inform me of the outcome of the Council's considerations and proposed actions on the above matters at the earliest opportunity.

Yours sincerely,



Michelle Morris
Public Services Ombudsman

cc. Martin Nicholls, Chief Executive, Swansea Council.
By Email only: chiefexecutive@swansea.gov.uk



Factsheet

Appendix A - Complaints Received

Local Authority	Complaints Received	Received per 1000 residents
Blaenau Gwent County Borough Council	16	0.24
Bridgend County Borough Council	55	0.38
Caerphilly County Borough Council	49	0.28
Cardiff Council*	142	0.39
Carmarthenshire County Council	53	0.28
Ceredigion County Council	35	0.49
Conwy County Borough Council	31	0.27
Denbighshire County Council	32	0.33
Flintshire County Council	65	0.42
Cyngor Gwynedd	36	0.31
Isle of Anglesey County Council	25	0.36
Merthyr Tydfil County Borough Council	17	0.29
Monmouthshire County Council	23	0.25
Neath Port Talbot Council	39	0.27
Newport City Council	42	0.26
Pembrokeshire County Council	44	0.36
Powys County Council	38	0.29
Rhondda Cynon Taf County Borough Council**	54	0.23
Swansea Council	94	0.39
Torfaen County Borough Council	16	0.17
Vale of Glamorgan Council	49	0.37
Wrexham County Borough Council	65	0.48
Total	1020	0.33
* inc 9 Rent Smart Wales		
** inc 2 South Wales Parking Group		



Appendix B - Received by Subject

Swansea Council	Complaints Received	% share
Adult Social Services	6	6%
Benefits Administration	0	0%
Children's Social Services	12	13%
Community Facilities, Recreation and Leisure	1	1%
Complaints Handling	12	13%
Covid19	0	0%
Education	1	1%
Environment and Environmental Health	8	9%
Finance and Taxation	3	3%
Housing	23	24%
Licensing	3	3%
Planning and Building Control	10	11%
Roads and Transport	9	10%
Various Other	6	6%
Total	94	



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Appendix C - Complaint Outcomes (* denotes intervention)

Swansea Council		% Share
Out of Jurisdiction	29	29%
Premature	28	28%
Other cases closed after initial consideration	32	32%
Early Resolution/ voluntary settlement*	10	10%
Discontinued	0	0%
Other Reports - Not Upheld	0	0%
Other Reports Upheld*	0	0%
Public Interest Reports*	0	0%
Special Interest Reports*	0	0%
Total	99	

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Appendix D - Cases with PSOW Intervention

	No. of interventions	No. of closures	% of interventions
Blaenau Gwent County Borough Council	0	16	0%
Bridgend County Borough Council	5	57	9%
Caerphilly County Borough Council	6	52	12%
Cardiff Council	25	145	17%
Cardiff Council - Rent Smart Wales	1	9	11%
Carmarthenshire County Council	7	60	12%
Ceredigion County Council	13	44	30%
Conwy County Borough Council	5	35	14%
Denbighshire County Council	2	33	6%
Flintshire County Council	5	70	7%
Cyngor Gwynedd	5	33	15%
Isle of Anglesey County Council	5	25	20%
Merthyr Tydfil County Borough Council	1	18	6%
Monmouthshire County Council	1	22	5%
Neath Port Talbot Council	7	38	18%
Newport City Council	8	48	17%
Pembrokeshire County Council	3	45	7%
Powys County Council	8	44	18%
Rhondda Cynon Taf County Borough Council	2	54	4%
Rhondda Cynon Taf County Borough Council - South Wales Parking Group	0	2	0%
Swansea Council	10	99	10%
Torfaen County Borough Council	1	17	6%
Vale of Glamorgan Council	15	53	28%
Wrexham County Borough Council	6	67	9%
Total	141	1086	13%



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Appendix E - Code of Conduct Complaints

Swansea Council

Decision not to investigate	0
Discontinued	5
No evidence of breach	0
No action necessary	0
Refer to Adjudication Panel	0
Refer to Standards Committee	0
Total	5

Investigations
Page 174

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Appendix F - Town/Community Council Code of Complaints

Town/Community Council	Decision not to investigate	Investigations				Total	
		Discontinued	No evidence of breach	No action necessary	Refer to Adjudication Panel		Refer to Standards Committee
Clydach Community Council	2	0	0	0	0	0	2
Grovesend and Waungron Community Council	0	0	0	1	0	0	1
Gowerton Community Council	0	0	0	0	0	0	0
Mumbles Community Council	5	0	0	0	0	2	7
Pennard Community Council	1	0	0	0	0	0	1
Port Eynon Community Council	0	0	0	0	0	0	0
Three Crosses Community Council	0	0	0	0	0	0	0



Information Sheet

Appendix A shows the number of complaints received by PSOW for all Local Authorities in 2022/23. These complaints are contextualised by the population of each authority.

Appendix B shows the categorisation of each complaint received, and what proportion of received complaints represents for the Local Authority.

Appendix C shows outcomes of the complaints which PSOW closed for the Local Authority in 2022/23. This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

Appendix D shows Intervention Rates for all Local Authorities in 2022/23. An intervention is categorised by either an upheld complaint (either public interest or non-public interest), an early resolution, or a voluntary settlement.

Appendix E shows the outcomes of Code Of Conduct complaints closed by PSOW related to Local Authority in 2022/23. This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

Appendix F shows the outcomes of Code of Conduct complaints closed by PSOW related to Town and Community Councils in the Local Authority's area in 2022/23. This table shows both the volume, and the proportion that each outcome represents for each Town or Community Council.

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Agenda Item 6



Report of the Head of Democratic Services

Standards Committee - 19 January 2024

Review of Standards Committee Hearing Procedure

Purpose:	To Review the Standards Committee Hearing Procedure.
Policy Framework:	None.
Consultation:	Access to Services, Finance, Legal.
Recommendation(s):	It is recommended that: 1) The views of the Standards Committee are sought.
Report Authors:	Huw Evans
Finance Officer:	Ben Smith
Legal Officer:	Debbie Smith
Access to Services Officer:	Rhian Millar

1. Introduction

1.1 The Standards Committee Hearing Procedure assists the Standards Committee & Monitoring Officer by outlining the procedure to be followed in dealing with a referral from the Public Services Ombudsman for Wales (PSOW).

2. Standards Committee Hearing Procedure

2.1 The Standards Committee approved the “Standards Committee Hearing Procedure” at its meeting on 18 February 2021. The Hearing Procedure is attached at **Appendix 1**.

2.2 The Standards Committee Hearing Procedure has been used several times since its adoption. It is proposed that it be reviewed to ensure that any learning during its use over that period is reflected within the Hearing Procedure. This will ensure that the Procedure remains fit for purpose.

2.3 The Committee is asked to consider issues such as:

- Specific rules / deadlines for disclosure of documents for the Committee bundle.

- Adding a paragraph to the Hearing Procedure, requiring all participants to affirm that their statement is the truth to the best of their knowledge.
- Specific timescales and outcomes from the hearing. Oral decision within 48 hours and written decision within a set period.

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.

3.2 The Well-being of Future Generations (Wales) Act 2005 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'.

3.3 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.

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

4. Financial Implications

4.1 There are no financial implications associated with this report.

5. Legal Implications

5.1 There are no legal implications other than those set out in the body of the report.

Background Papers: None.

Appendices:

Appendix 1 Standards Committee Hearing Procedure

CITY AND COUNTY OF SWANSEA

STANDARDS COMMITTEE HEARING PROCEDURE

FOR CODE OF CONDUCT REFERRALS

There is a requirement to set out the procedure for the Standards Committee to follow where it is required to make a decision as to the conduct of a Councillor, Town / Community Councillor or Co-opted Member following a referral by the Public Service Ombudsman for Wales.

1. Background

- 1.1 The Standards Committee (the Committee) may be required to determine a complaint referred to the Committee by the Public Service Ombudsman for Wales (PSOW) under Part 3 Local Government Act 2000 (the Act). This may arise as the result of either:
- (a) The PSOW ceasing an investigation and referring the matter to the Monitoring Officer under section 70(4) of the Act. The Monitoring Officer must then investigate the matter and report the conclusion of his / her investigation to the Committee.
 - (b) The PSOW undertaking an investigation and then referring the matters which are the subject of the investigation to the Monitoring Officer under section 71(2) of the Act for reporting to the Standards Committee.
- 1.2 The following procedure has been agreed by the Standards Committee to comply with the legislative requirements and laws of natural justice.

2. Initial Determination

- 2.1 Upon receipt of a report from either the Monitoring Officer or the PSOW, together with any recommendations of the Monitoring Officer, the Standards Committee must meet and make an initial determination that either:
- (a) There is no evidence of any failure to comply with the Code of Conduct; or
 - (b) Any person who is the subject of the investigation should be given the opportunity to make representations, either orally or in writing, in respect of the findings of the investigation to the Committee.

2.2 If the Committee makes a determination under paragraph 2.1(b) above, the Committee will request arrangements to be made for a Committee Hearing in accordance with the rules set out below.

3. Arrangements prior to Hearing

3.1 The Investigating Officer shall provide a written report as to the results of their investigation and include copies of all relevant evidence relied upon. A copy of the Investigation Report will be sent to the Committee and to the Councillor concerned.

3.2 Having made an initial determination the Committee will write to the Councillor to notify him / her of the Committee's decision. If the Committee determine that there is no evidence of a failure to comply with the Code that will be referred back to the Councillor and the Investigating Officer.

3.3 In the event that the Committee determine that a Hearing is required the Committee will proceed to the second stage which will either involve a hearing of the case at a further meeting or, by agreement with all parties, proceed by way of written representations to be considered by the Committee.

3.4 The Committee will write to the Councillor setting out further steps. This will include a summary of the possible sanctions open to the Committee and inviting a written response to the following:

- (a) Clarification as to whether the Councillor wishes to make written representations or proceed by way of an oral Hearing;
- (b) Clarification as to whether the Councillor will be represented and if so, by whom;
- (c) Details as to which areas of the Investigation Report are disputed and not disputed and if possible with brief reasons;
- (d) Details of any witnesses which the Councillor proposes to call at the Committee Hearing;
- (e) Details of any written evidence upon which the Councillor proposes to rely including any documentation listed within the unused material schedule served by the PSOW;
- (f) An indication as to whether the Councillor intends to make representations to the Committee as to whether members of the public should be excluded from the Committee Hearing and grounds for doing so;

- (g) Any dates of unavailability to attend a Committee Hearing to include unavailability dates of witnesses and legal representation;
- (h) Any other information that the Committee feels appropriate at this stage.

3.5 The Committee will also write to the Investigating Officer requesting:

- (a) That the Investigating Officer attend the Committee Hearing to present the Investigation Report or to ask if the Investigating Officer wishes to attend the Committee Hearing for this purpose;
- (b) Clarification as to whether the Investigating Officer will be represented and if so, by who;
- (c) Any dates of unavailability to attend a Hearing to include unavailability dates of any witnesses and legal representation;
- (d) Any other information that the Committee feels appropriate at this stage.

3.6 Following the receipt of both the Councillor's and the Investigating Officer's response a date, time and location for the Hearing will be confirmed and all parties notified at least 21 days prior to the hearing.

4. The Monitoring Officer

4.1 The Committee Hearing will have the support of legal and democratic service assistance and advice. Legal advice will be provided by either the Monitoring Officer, the Deputy Monitoring Officer or another Legal officer.

4.2 In the event that the Monitoring Officer has investigated a complaint then he / she will attend the Committee Hearing in that capacity and will not be the legal advisor to the Committee hearing. In such cases, the Deputy Monitoring Officer or another legal officer will be present to advise the Committee Hearing.

5. Pre-Hearing review

5.1 Where the Committee considers that a pre-hearing review is necessary notice of at least 14 days will be given to the Councillor, who may attend with or without any representation. The pre-hearing review will be held in private session, unless the Committee directs otherwise.

5.2 The purpose of the pre-hearing review would be to consider any directions which may be required to facilitate a Hearing including evidence, location of Hearing, timings and narrowing of any issues.

6. Public Notice of Hearings

6.1 Notice of any Committee Hearing will be given in accordance with statutory requirements.

7. Public Access to Hearings

7.1 The Committee will consider whether the case should be considered in public or private in accordance with the relevant statutory rules and with legal advice from the legal officer.

7.2 The PSOW or the representative officer/s of the PSOW and the Monitoring Officer are entitled to attend the Hearing whether or not the Hearing is held in private.

7.3 The Committee may permit any other person to attend the Hearing which is held in private upon legal advice.

7.4 The Committee may exclude from a Hearing, or any part of it, any person whose conduct is disruptive or is likely to disrupt the Hearing in accordance with the Council Procedure Rules as set out in the Constitution of the City and County of Swansea.

8. Failure of a Party to attend a hearing

8.1 If a Councillor fails to attend or be represented at a Hearing of which he / she has been notified, the Committee may:

(a) Determine the matter in the Councillor's absence unless it is satisfied that there is good reason for the absence; or

(b) Adjourn the hearing.

8.2 Before deciding to determine a matter in the absence of the Councillor, the Committee will take legal advice and consider any written representations submitted by the Councillor or his / her representative in response to the notice of Hearing.

9. Procedure at the Hearing

- 9.1 Where requested the Hearing will be conducted in Welsh in order to comply with statutory requirements and Welsh Language Standards. A translation service will be provided for any person attending the Hearing that requires it.
- 9.2 Witnesses will not be allowed to sit in the public gallery prior to being called to give evidence by the Committee. A designated waiting area will be available to witnesses until they are called.
- 9.3 The Committee may limit the number of witnesses to be called by the Councillor, where considered this would not detract from a fair hearing. Examples may be where the Committee considers that there are too many character witnesses being called or where witnesses are simply repeating previous evidence given to the Hearing.
- 9.4 Where evidence is being given by way of written statement and the witness is not being called to give oral evidence, the Committee may at any stage during the proceedings require the attendance of any person making a written statement.

10. Stage 1 - Finding of Fact

- 10.1 The usual procedure to be followed is as set out below but the Committee is free to depart from the procedure where it considers it appropriate to do so.
- 10.2 At the commencement of the Hearing the Chair will introduce each of the Members of the Committee present and everyone else involved in the Hearing. The Chair will also explain the order of proceedings that the Committee proposes to adopt and obtain confirmation from everybody taking part in the Hearing that they understand the procedure. The procedure to be followed is at the discretion of the Committee which will aim to conduct the Hearing in such manner as it considers most appropriate and suitable to be able to clarify all issues before it and to ensure a fair and just Hearing to take place. The Committee will, as far as possible, try to avoid formality in its proceedings.
- 10.3 After the Chair has explained the order of proceedings, the Committee will first seek to resolve any procedural issues or disputes arising from any direction which has been given.
- 10.4 The Committee should then move on to consider whether or not there are any significant disagreements as to the facts contained in the Investigating Officer's report.

- 10.5 If there are no disagreement as to the facts the Committee can move to the next stage of the Hearing.
- 10.6 If however, there is disagreement as to the facts, the Investigating Officer, if present, will be invited to make any necessary representations to support the relevant findings of fact in the Report. Alternatively, the Investigating Officer may simply choose to invite the Committee to consider all the evidence contained within the Investigation Report and not make any further comment. With the Committee's permission the Investigating Officer may call witness evidence in support. The Committee will allow the Councillor an opportunity to challenge or comment upon any evidence put forward by any witness called by the Investigating Officer.
- 10.7 The Councillor will then have the opportunity to make representations to support his / her version of the facts and with the Committee's permission may call witness evidence in support. At the conclusion of the Councillor's evidence the Councillor will be afforded an opportunity to sum up his or her case.
- 10.8 At any time, the Committee may question any of the people who are involved or who are giving evidence. The Committee will also allow the Investigating Officer an opportunity to challenge or comment upon any evidence put forward by witnesses or the Councillor.
- 10.9 The Committee will then retire to consider their decision. Depending on the number of persons attending the hearing, the Committee will either retire to a separate room or ask the public to leave the room during deliberations.
- 10.10 Once a decision is reached the meeting will be re-convened and the Chair will announce the Committee's findings.

11. Stage 2 - Did the Councillor fail to follow the Code

- 11.1 Based on the facts as found the Committee will then consider whether the Councillor has breached the Code of Conduct. This stage does not provide the Councillor or the Investigating Officer an opportunity to re-examine the facts of the case.
- 11.2 The Councillor will be invited to make representations as to whether there has been a breach of the Code.
- 11.3 The Committee will then consider any verbal or written representations from the Investigating Officer.
- 11.4 The Councillor will be invited to make any final relevant representations.

- 11.5 The Committee will then retire to consider their decision as to whether the Councillor is in breach of the Code of Conduct.
- 11.6 Once a decision is reached the meeting will be re-convened and the Chair will announce the Committee's findings.

12. Stage 3 - Breach of the Code / Consideration of Sanctions

- 12.1 In the event that the Committee determines that there has been a breach of the Code by the Councillor, the Committee will then consider any written or verbal representations from the Investigating Officer and the Councillor as to whether or not the Committee should impose a sanction and if so, what form any sanction should take. The Councillor will be afforded an opportunity at this stage to rely on either written or oral evidence as to character / mitigating factors that the Committee should take into account before making a decision on sanction.
- 12.2 The Committee may question the Investigating Officer and / or the Councillor and, if appropriate, take legal advice in order to make an informed decision as to any sanction.
- 12.3 The Committee will then retire to consider their decision as to whether to impose a sanction and if so, the nature of the sanction.
- 12.4 Once a decision is reached the meeting will be re-convened and the Chair will announce the Committee's decision.

13. Written Decision

- 13.1 The Committee will announce its decision on the day and provide a short-written decision on the day. A full written decision, with reasons supporting the decision, will be issued within 10 working days of the end of the hearing and notified to the PSOW, the Councillor and the person who made the original allegation (if known).

14. Appeals

- 14.1 Where the Committee decides that a person has failed to comply with the Code of Conduct that person may appeal to the Adjudication Panel for Wales as per the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 (as amended).

Agenda Item 7



Report of the Monitoring Officer

Standards Committee – 19 January 2024

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
Local Authority Councillor	Public	202207654	PSOW not investigating
Mawr CC	Public	202207931	PSOW not investigating
Local Authority Councillor	Public	202300460	PSOW not investigating
Former Local Authority Councillor	Public	202301888	PSOW not investigating
Local Authority Councillor	Public	202301028	PSOW not investigating
Local Authority Councillor	Public	202301414	PSOW not investigating
Local Authority Councillor	Public	202302581	PSOW not investigating
Former Mumbles Community Councillor	Public	202203558	PSOW investigated and referred to the Adjudication Panel for Wales
Local Authority Councillor	Public	202305716	PSOW not investigating

Name of Council / Councillor	Name of Complainant	Ombudsman Reference	Result of Investigation and date of the current situation
Community Councillor	Public	202306719	PSOW not investigating
Community Councillor	Public	202306907	PSOW not investigating

Agenda Item 8



Report of the Chair

Standards Committee – 19 January 2024

Work Plan 2023-2024

Date	Item
23 June 2023	<ul style="list-style-type: none">Public Services Ombudsman for Wales Referral - Alleged Breach of the Code of Conduct by a former Community Councillor.
13 October 2023	<ul style="list-style-type: none">Public Services Ombudsman for Wales Referral - Alleged Breach of the Code of Conduct by a former Community Councillor.
19 January 2024	<ul style="list-style-type: none">Standards Committee Annual Report 2022-2023PSOW Annual Report & Accounts 2022-2023Review of Standards Committee Hearings Procedure
22 March 2024	<ul style="list-style-type: none">Annual Meeting with Group LeadersCommunity / Town Council Training Plans

Future Items:

- Social Media Guidance for Councillors
- Whistleblowing Policy
- Indemnity Scheme