

Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Friday, 29 September 2023

Notice of meeting

Standards Committee

Monday, 9th October, 2023 at 10.00 am,
Council Chamber, County Hall, The Rhadyr USK

AGENDA

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11.	Welsh Government Guidance for s 62 & s 63 LGE21 - published on 15th June 2023	183 - 198
12.	Provisional Meeting Dates for 2024-25: <ul style="list-style-type: none">• 10th June 2024• 16th September 2024• 16th December 2024• 17th March 2025	

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**Paul Matthews
Chief Executive**

MONMOUTHSHIRE COUNTY COUNCIL
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillors:

Fay Bromfield
Catherine Fookes
Frances Taylor

Independent Members:

John
R. Stow (Independent Member)
R Williams-Flew
P. Easy
M. Gibson
Frances Taylor
Fay Bromfield
Catherine Fookes

Public Information

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Watch this meeting online

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Welsh Language

The Council welcomes contributions from members of the public through the medium of Welsh or English. We respectfully ask that you provide us with adequate notice to accommodate your needs.

Aims and Values of Monmouthshire County Council

Our purpose

Building Sustainable and Resilient Communities

Objectives we are working towards

- Giving people the best possible start in life
- A thriving and connected county
- Maximise the Potential of the natural and built environment
- Lifelong well-being
- A future focused council

Our Values

Openness. We are open and honest. People have the chance to get involved in decisions that affect them, tell us what matters and do things for themselves/their communities. If we cannot do something to help, we'll say so; if it will take a while to get the answer we'll explain why; if we can't answer immediately we'll try to connect you to the people who can help – building trust and engagement is a key foundation.

Fairness. We provide fair chances, to help people and communities thrive. If something does not seem fair, we will listen and help explain why. We will always try to treat everyone fairly and consistently. We cannot always make everyone happy, but will commit to listening and explaining why we did what we did.

Flexibility. We will continue to change and be flexible to enable delivery of the most effective and efficient services. This means a genuine commitment to working with everyone to embrace new ways of working.

Teamwork. We will work with you and our partners to support and inspire everyone to get involved so we can achieve great things together. We don't see ourselves as the 'fixers' or problem-solvers, but we will make the best of the ideas, assets and resources available to make sure we do the things that most positively impact our people and places.

Kindness: We will show kindness to all those we work with putting the importance of relationships and the connections we have with one another at the heart of all interactions.

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Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Standards Committee held
at Conference Room - Usk, NP15 1AD on Monday, 12th June, 2023 at 10.00 am

PRESENT: County Councillors: Fay Bromfield and Catherine Fookes

Independent Members: Richard Stow (Chair); Peter Easy; Rhian Williams-Flew; Marion Gibson

Community Committee Member: Michael John

OFFICERS IN ATTENDANCE:

Matt Phillips	Chief Officer People and Governance and Monitoring Officer
Nicola Perry	Senior Democracy Officer
Joanne Chase	Head of Commercial Law & Deputy Monitoring Officer
Ben Davies	Solicitor and Deputy Monitoring Officer

APOLOGIES:

None.

1. Election of Chair

Richard Stow was elected as Chair.

2. Appointment of Vice Chair

Peter Easy was appointed Vice Chair.

3. Declarations of interest

None.

4. Minutes of the previous meeting

The minutes of the meeting held on 6th February 2023 were approved as an accurate record.

The Chair provided feedback on actions raised:

- The minutes of the National Forum of Standards Committees which took place on 27th January 2023 were forwarded to the committee on 4th March 2023, along with the Ombudsman's presentation notes.
- A link to the Welsh Government consultation on the Penn Report was sent to committee members on 6th April 2023.
- A response from the Ombudsman was forwarded to the committee on 10th June 2023, relating to breaches of Code of Conduct, which had unfortunately been data free.

5. Gifts & hospitality policy

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Standards Committee held at Conference Room - Usk, NP15 1AD on Monday, 12th June, 2023 at 10.00 am

Following a discussion at the previous meeting, the policy was presented in order to cover issues raised on 6th February 2023 ahead of being taken to Full Council for approval.

There had been conversations between Monitoring Officer Groups and Welsh Government as to whether there is an overlap on the work being done through the Penn Report, and the work of WG in consolidating and coordinating all statutory guidance that falls under the Standards area. There was an exchange around if gifts and hospitality was something WG should legislate for or if there was an opportunity for a softer approach.

The policy would be an addition to the code of conduct in the constitution. The amendments detailed at Appendix 1.

The Chief Officer explained that he would discuss the policy with the relevant Cabinet Member, who would then present to Council. He would also inform Group Leaders. This would ensure all members are aware of the policy. It would also be incorporated into Code of Conduct training.

We noted that all references to officers and employees should be removed from the policy.

The Chief Officer explained that officers are currently implementing a new learning management system which would contain training records. The Anti-Bribery & Corruption training will explain the scope of the Bribery Act 2010 and would be made available to councillors

Members resolved that the policy be accepted for approval by Council on 20th July 2023.

6. Welsh Government consultation on the Richard Penn report

The Chief Officer for Governance and Law, and Monitoring Officer presented the report in order to consider a Standards Committee response to the Welsh Government (WG) consultation on the 'Penn Report' on the Ethical Standards Framework (ESF) in Wales.

The recommendation that there be a mandated initial local resolution process before a complaint could go through to the Ombudsman was of most concern. The views had been listened to and this was not part of the consultation.

Following discussion, the Committee provided the following views:

- The Committee wishes to receive a written response from the new President of the Wales Tribunals regarding all 10 questions concerning Adjudication Panel powers and procedures
- The Committee needs to see very strong evidence that could outweigh the constitutional principle of open justice, and Article 6 and 10 of the European Convention.
- With regards to questions 14a, 14b and 15 the Committee objects to any weakening of the independence criteria.
- There were no strong views relating to Welsh Language.

It was resolved that the Monitoring Officer would draft the response to Welsh Government for review by the Chair, and submission by the 23rd June deadline.

7. Code of Conduct training delivered, scheduled or requested since 6th February 2023

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Standards Committee held at Conference Room - Usk, NP15 1AD on Monday, 12th June, 2023 at 10.00 am

The Committee heard that there had been no Code of Conduct training delivered since the last meeting. An invitation has been issued to the newest lay members of Governance and Audit Committee.

8. Draft Standards Committee Annual Report 2022/23

The Chair explained that an action from the previous meeting was to bring forward the Standards Committee Annual Report, with the intention for it to go to Full Council in July 2023. Unfortunately, missing data from the Ombudsman meant there may be a delay on the report being ready for July Council.

During 2022/23 there were no standards or APW hearings involving Monmouthshire councillors.”

Typically we do very well on the Ombudsman data which acts as a performance measure of how well our we doing in terms of our role to promote and maintain the high standards of conduct in the local government act.

The Chair explained that he had added at 2.4 that the committee is accountable for the volume and nature and outcome of conduct complaints in the sense that if we have a burst of bad behaviour or low level complaints, then Standards Committee could be called to account by Council.

We noted that 6.1 needs updating with information on those who had not attended Code of Conduct training.

The Chair recommended that the Committee strongly commend all members of the authority for continuing to maintain high standards of conduct throughout a particularly challenging year, particularly in the first year of a new administration and considering the severe budget constraints in this economic environment.

Members resolved to approve the draft with final amendments to paras 2.5 and 6.1 to be agreed by the Monitoring Officer and Chair.

9. Date of next meeting - 9th October 2023

Noted.

The Chair thanked the Monitoring Officer for his support of the committee over the last five years, and expressed best wishes from all the members in his new role as Director of Corporate Governance at Cardiff and Vale University Health Board.

The meeting ended at 12.06 pm

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Standards Committee held
at Conference Room - Usk, NP15 1AD on Monday, 12th June, 2023 at 10.00 am**



Adjudication Panel for Wales Annual Report

Year 2022 – 2023

PDC / APW

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Foreword

This is my eighth and final report as President of the Adjudication Panel for Wales (“APW”). The report covers the period 1 April 2022 – 31 March 2023.

We aim to ensure that the Panel serves the public interest by dealing with any disputes both efficiently and effectively. We make every effort to ensure that all those involved in the dispute feel that the dispute has been fairly resolved within as short a timescale as is reasonable. We are conscious that the public must have confidence that any breaches of the Code of Conduct will be dealt with fairly in order to uphold trust and confidence in local democracy.

This past year has continued to be a comparatively busy one for the APW; it is though too soon to identify whether the duties on group leaders of councils will result in fewer allegations that the Code of Conduct has been breached, or if there is a long-term trend of increased difficulties.

I have always been of the view that leadership of any court or tribunal is an immense privilege and honour, but it is often best to be time limited to ensure new ways of working or new ideas to refresh and strengthen the judicial body. I hope that I brought to the APW such freshness; my aim was to modernise and develop our practices, approach and judgement. I believe that aim has been achieved. I have in various forums discussed the changes I would wish to see in our powers and Regulations, and am pleased to note the Welsh Government consultation on these issues following the Penn Review on the Ethical framework. I was also grateful to hear from many users how helpful they have found the updated Sanctions Guidance. However, all things must come to an end; I intend to step down from the APW in the coming financial year. This will continue the development of its practice and procedures, which will be critical if the Welsh Government does create the First Tier Tribunal for Wales.

I wish the new President of the APW all the best in their challenging but exciting role. I pay tribute to the members of the APW, both current and past, the Registrars, and my predecessor as President, the late Peter J Davies. During my period of service, there have been a wide variety of cases resolved by the APW; some have seen unexpected developments, allegations that the APW is not independent (countered by the support shown by the First Ministers, Counsels General and members of both the Senedd Cymru and relevant authorities), and the determination of the most contentious and complex matters. There were the challenges presented by the Covid-19 global pandemic to contend with in addition. Throughout it all, the members of the APW followed the excellent example of my predecessor and delivered just and fair decisions, explaining why each tribunal had reached its judgment and on occasions why it was necessary to interfere with the decision of the voters to elect the individual in question. As I write this report, none have been successfully appealed. I could have asked no more from the members of the APW or administration, but they consistently have over-delivered through their support to me and their kindness (an often over-looked virtue) shown to all users.

Any questions or comments arising as to any aspect of the workings of the Panel, or as to the contents of the Report, are most welcome and should in the first instance be addressed to the Registrar. I have no doubt that my successor, whoever they are, will be as interested in hearing from interested parties as I have been.

Claire Sharp
President, Adjudication Panel for Wales

Section 1 – About Us

In this section:

- Basis for the APW
- The APW's Function
- The APW's Regulations
- The APW's Process
- Members of the APW
- Appointments
- Training
- Contacting the APW
- Accessing the APW

Basis for the APW

The Adjudication Panel for Wales (APW) is an independent tribunal that has been set up to determine alleged breaches against an authority's statutory Code of Conduct by elected and co-opted members of Welsh county, county borough and community councils, fire and national park authorities.

The APW was established under Part III of the Local Government Act 2000.

The APW's Function

The Code of Conduct for an authority provides its members with a set of standards expected of them in public life. The code of conduct covers various requirements as to how members should conduct themselves and includes requirements in relation to equality, personal and prejudicial interests, confidential information, their authority's resources and the need to avoid bringing their office or authority into disrepute.

The APW has two statutory functions in relation to breaches of the Code of Conduct:

- to form case or interim case tribunals ("Case Tribunals") to consider **references** from the Public Service Ombudsman for Wales (PSOW), following the investigation of allegations that a member has failed to comply with their authority's Code of Conduct; and
- to consider **appeals** from members against the decisions of local authority standards committees that they have breached the Code of Conduct ("Appeal Tribunals").

The APW's Regulations

The APW operates in accordance with its procedural regulations and other associated legislation. The regulations ensure that all cases heard by the APW are treated fairly, consistently, promptly and justly. They ensure that everyone who comes before the APW clearly understands the steps they must take so that the facts of the dispute and the relevant arguments can be presented effectively to the APW. They also ensure that every party to a case understands the arguments of the other party and can respond to them.

APW's procedures are governed by the following legislation:

- The Local Government Act 2000 (as amended);
- The Adjudications by Case Tribunals and Interim Case Tribunals (Wales) Regulations 2001 (as amended), and
- The Local Government Investigations (Functions of Monitoring Officers and Standards Committees (Wales) Regulations 2001 (as amended)).

The APW's Process

Anyone wishing to respond to a reference from the PSOW or to make an application for permission to appeal to the APW must complete and send the relevant form to the APW.

At an APW hearing the panel is composed of a legally qualified chairperson and 2 lay members. Legally qualified members can also sit as a lay member. APW hearings are normally held in public and take place near to the authority area.

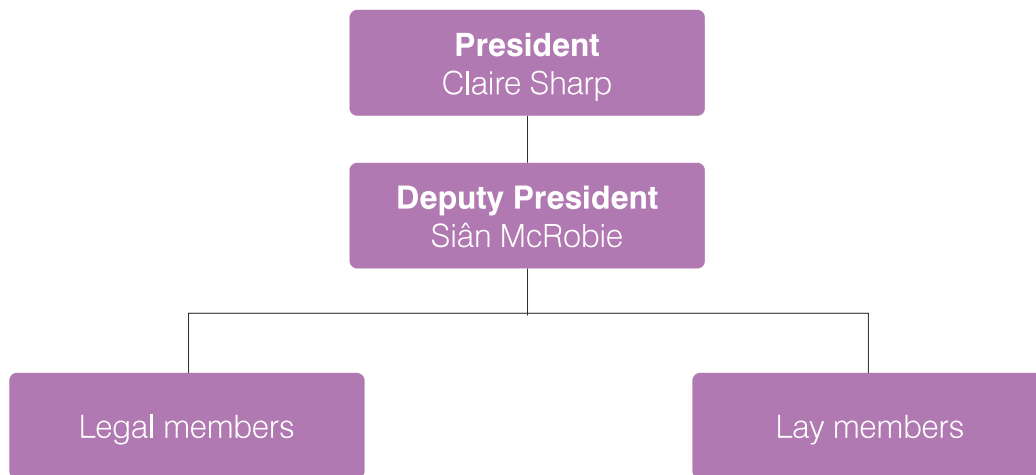
The APW publishes its decisions on the website for the APW. Decisions of Case Tribunals can be appealed on limited grounds to the High Court. Permission to appeal to the High Court must first be sought from the High Court.

Full information and guidance about the APW and its procedures, are provided on the website for the APW. Alternatively, please contact the APW administration for further information or if you would like to receive publications in a different format. The contact details can be found on page 6.

Members of the APW

Appointments to the APW are made by the First Minister after consideration of recommendations made by the Judicial Appointments Commission.

President	The President has judicial responsibility for the APW and its members.
Deputy President	The Deputy President supports the President and fulfils the duties of President if the President is unable to carry out her duties, either temporarily or permanently.
Legal Members	Legal members are qualified lawyers and have responsibility for conducting proceedings at hearings and advising the administration on matters of law. Legal members write APW decisions and give directions where necessary.
Lay Members	Lay members have a wide range of knowledge and experience relevant to the work of the APW.
Administration	The day-to-day administration is largely delegated to the administration which deals with all the preliminary paperwork and the processing of applications to the APW. The administration consults the President and/or legal members on all legal points arising during the preliminary pre-hearing stages of the proceedings and sends rulings and directions in writing to the parties. The administration acts as a point of contact for chairpersons, members and APW users and attends hearings to help with the efficient running of proceedings.



Appointments

During this period, we have appointed 1 new lay member.

Training

A training seminar was held on **13 May 2022**, with a continued emphasis on judgecraft, together with case law updates and a review of procedural matters.

Contacting the APW

To contact the APW Administration:

APW Address: Registrar to the Panel
Adjudication Panel for Wales
Welsh Tribunals Unit
PO BOX 100
Llandrindod Wells
LD1 9BW

APW Telephone Helpline: 03000 259805

APW E-mail: adjudication.panel@gov.wales

Accessing the APW

The APW is happy to communicate with you in Welsh or English. If a Welsh speaker is not immediately available then we will arrange for a Welsh-speaking member of staff to phone you back.

You can choose to have your hearing conducted in Welsh or English. If your first language is not Welsh or English and you wish to speak in your first language during the hearing, we can arrange for an interpreter to be present. If you need a sign language interpreter to attend the hearing, we will arrange this.

If you or anyone you are bringing to the hearing has any other access requirements that may affect our arrangements for the hearing, provisions will be made.

To enable arrangements for interpreters or to make provisions for any additional needs of attendees, sufficient notice must be given to the administration.

Section 2 – Performance and Progress

In this section:

- Numbers and statistics
- Hearings Data
- Onward appeals
- Achievement against key performance indicators
- Complaints

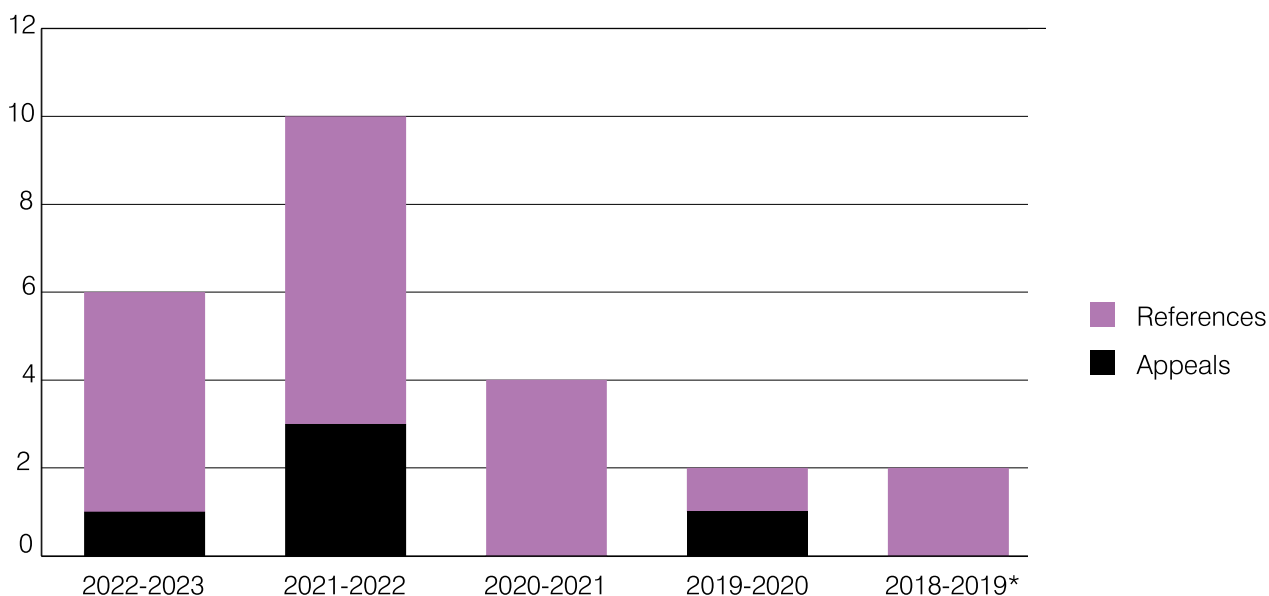
Numbers and Statistics

A Tribunal year runs from April to March. As the numbers of cases received are relatively low, figures are given for a 5-year period to allow for comparison.

The following statistics are collated:

- Number of references and appeals received
- Type of applications received and registered
- Number of applications finalised
- Outcome of applications.

Graph 2.1: Number of references and appeals received by year April 2018 – March 2023



* The 2018-2019 figure was incorrectly detailed in the 2018-2019 Annual Report which has been corrected above.

Graph 2.2: Number of references and appeals decided by year April 2018 – March 2023

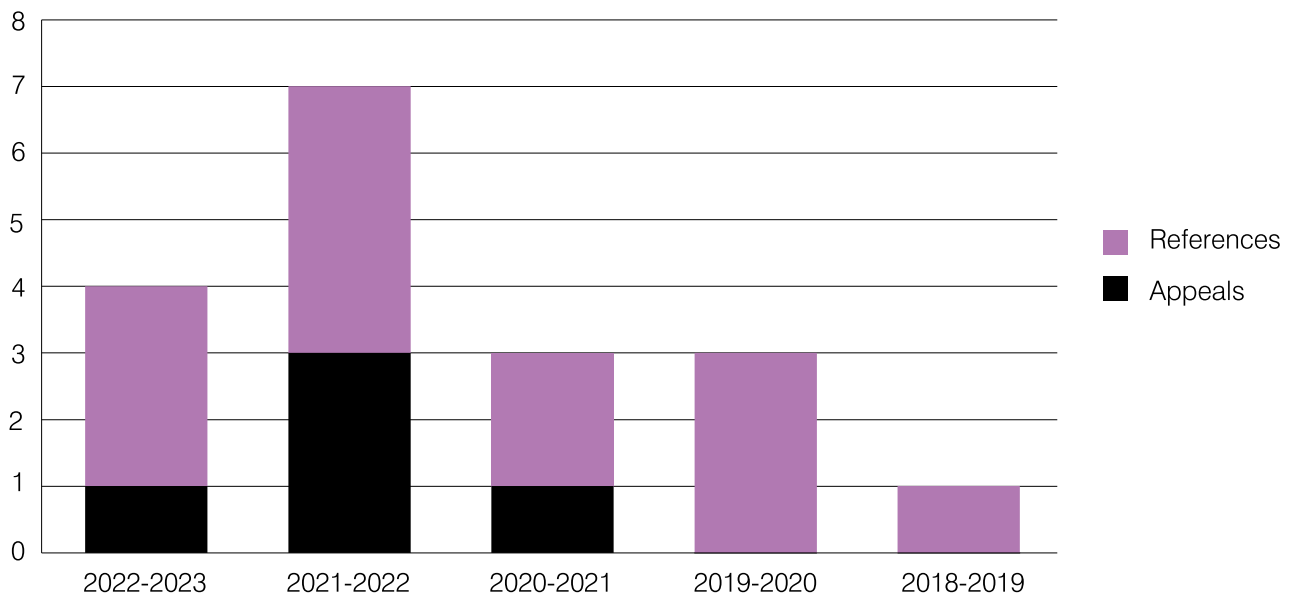
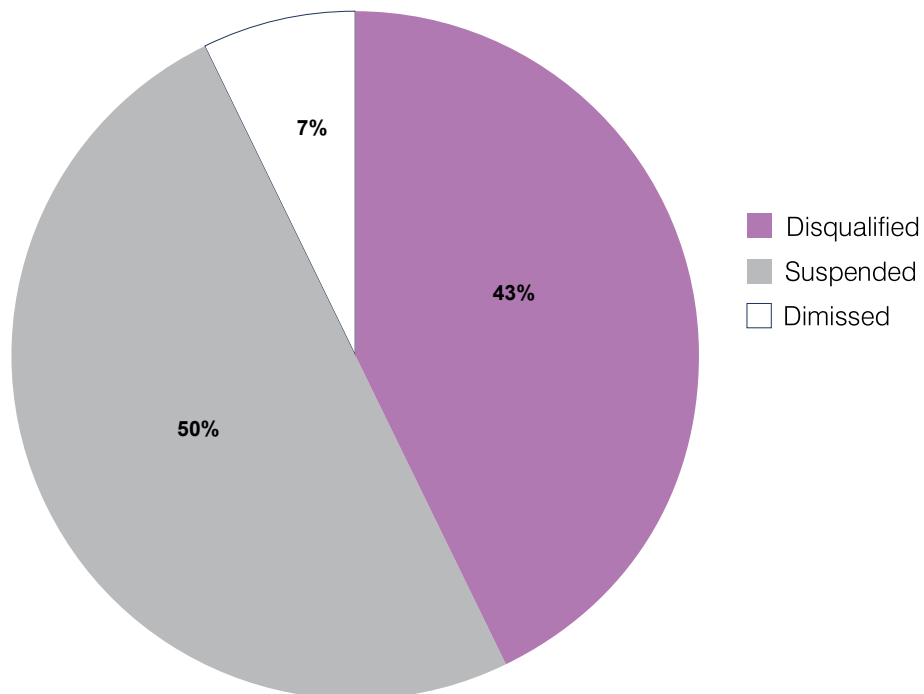
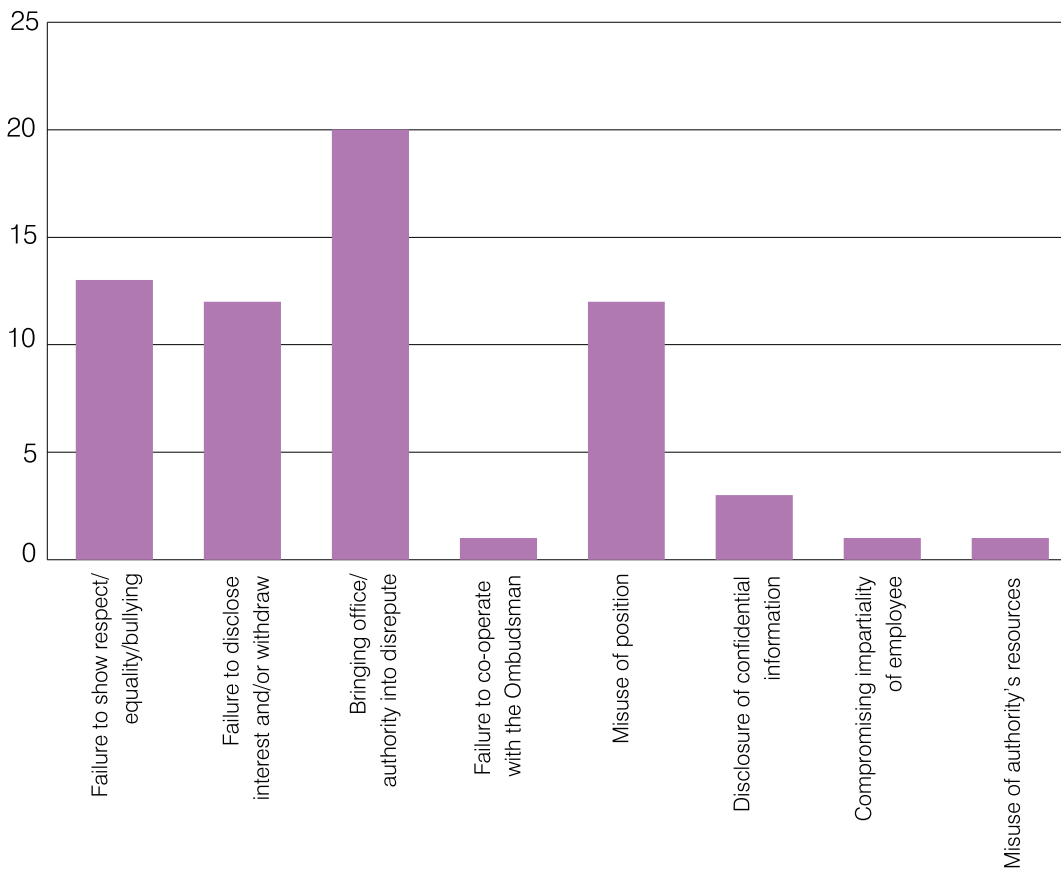


Chart 2.3: Outcomes of references and appeals April 2018 – March 2023

The chart below shows the outcome of references and appeals decided by the Adjudication Panel over the last 5 years



Graph 2.4: Breaches by type April 2018 – March 2023



Hearings data

During 2022-2023:

Type	Length (in days)
Reference	3 hearing days
Appeal	0 hearing day

4 listing conferences took place in relation to these cases.

Onward appeals

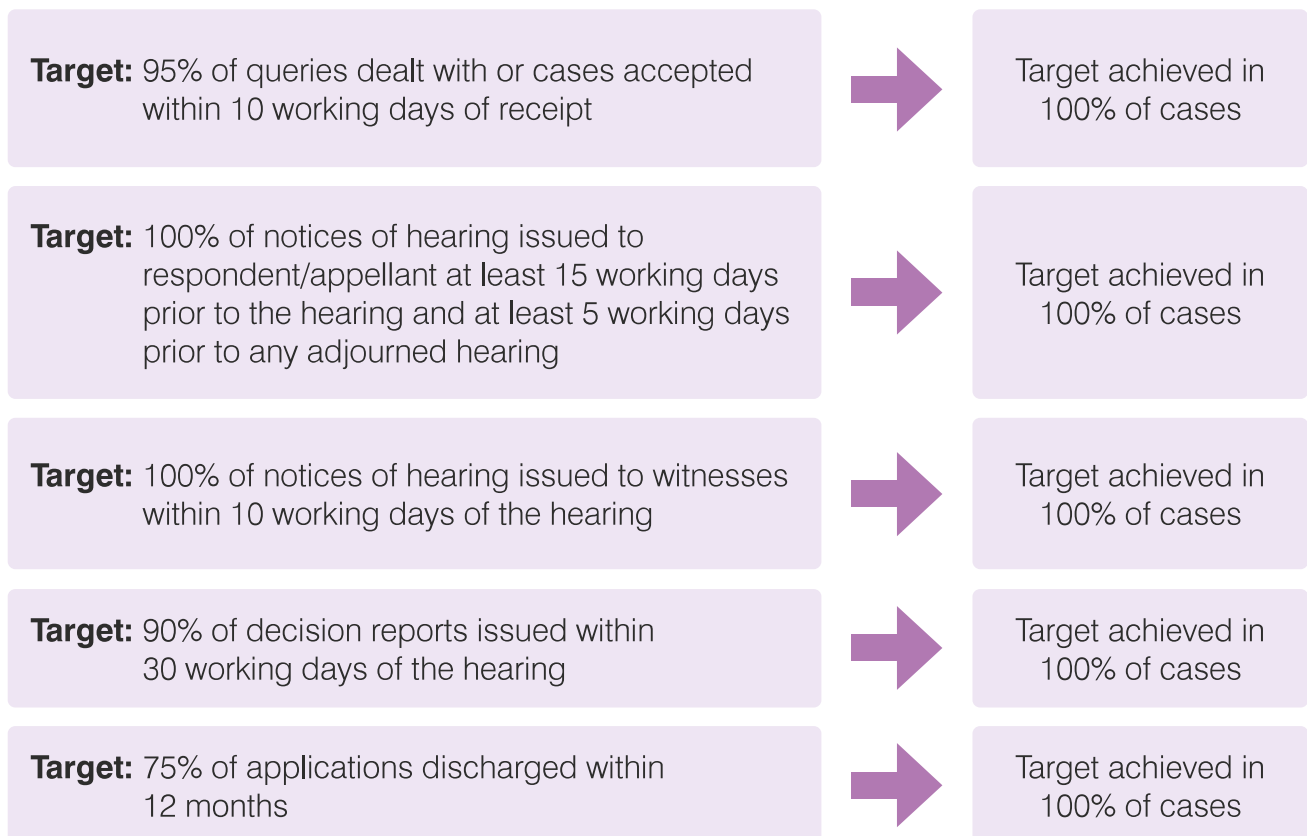
Applications for permission to appeal a decision of a Case Tribunal or Interim Case Tribunal can be made on limited grounds to the High Court. Over the period of this report, no applications for permission were made.

Achievement against key performance indicators

To monitor how effectively services are delivered, we have key performance indicators aimed at measuring two key aspects of our business; the speed of our service and the quality of service through customer satisfaction.

To measure the speed of our service, we have a series of primary performance indicators based on the time taken to process an application – from receipt to the hearing or disposal (see below).

Speed of our service 2022-2023



Complaints

The APW received and concluded 0 formal complaint during the reporting period.

Section 3 – Case summaries

In this section:

- References
- Appeals

References

[APW/008/2021-022/CT](#)

[Pembrokeshire County Council](#)

The allegations arose out of three separate complaints and were that the former councillor had breached the Code of Conduct of Pembrokeshire County Council by bullying or harassing individuals and conducting himself in a manner which could reasonably be regarded as bringing his office or the relevant authority into disrepute. The case tribunal unanimously found that the former councillor had acted as alleged by the Public Services Ombudsman for Wales (“PSOW”).

The former councillor was found to have repeatedly made false statements about another councillor and members of the public. In doing so, he was found to have bullied the other councillor, harassed a member of the public, and brought both his office and the relevant authority into disrepute.

The former councillor was also found to have posted online misinformation about the Welsh Government’s Relationships and Sex Education curriculum, which he then repeated in an email to a fellow councillor. The case tribunal found that there was no basis for these statements about the curriculum and in saying that there was, the former councillor wilfully and dishonestly misinformed people to outrage them; this brought his office and/or the relevant authority into disrepute.

The former councillor was found to have falsely and maliciously suggested on Facebook that another member of the public was subject to registration because he was a sex offender. He then falsified evidence given to the PSOW in a deliberate attempt to mislead the investigation. This brought his office and/or the relevant authority into disrepute. The case tribunal unanimously concluded that the former councillor should be disqualified for three years from being or becoming a member of a relevant authority.

[APW/009/2021-022/CT](#)

[Llansantffraed Community Council](#)

The allegations were that the former councillor had conducted herself in a manner which could reasonably be regarded as bringing her office or the relevant authority into disrepute. The case tribunal declined to consider whether she had failed to report any conduct by another member or anyone who works for, or on behalf of, the authority which she reasonably believed involved or was likely to involve criminal behaviour on the basis that paragraph 6(1)(b) did not include a requirement to report a councillor’s own criminal behaviour.

The former councillor was involved in an incident with a contractor for the council, in which she drove her car at speed on private land at him while he was undertaking his duties. Her car struck two minors during the incident; at least one suffered bodily harm. The former councillor continued in her role as a Councillor after the incident and after pleading guilty to the offence of causing bodily harm by wanton and furious driving contrary to Section 35 of the Offences against the Person Act 1861; neither her fellow councillors nor the Clerk reported the matter to the PSOW. She was given a suspended sentence of 10 weeks' imprisonment, which fell short of automatic disqualification.

The case tribunal unanimously found by unanimous decision that the councillor had failed to comply with the Code of Conduct by conducting herself in a manner which could reasonably be regarded as bringing the office or authority into disrepute (paragraph 6(1)(a)).

The case tribunal unanimously concluded that the former councillor should be disqualified for one year from being or becoming a member of a relevant authority. In addition, it recommended that all current councillors of Llansantffraed Community Council attended training on the Code of Conduct within a period of three months (to be provided by the Monitoring Officer, her delegate, One Voice Wales or any other appropriate provider) to ensure that they understand the Code of Conduct, including paragraph 6(1)(b); and that the Council considered requiring the attendance at such training by the Clerk to the Council.

As at the time of writing this report, it appears the Council has not complied with the recommendations in the timescale required. The Public Services Ombudsman Service is responsible for reporting on compliance.

APW/0010/2021-022/CT
Pencoed Town Council

The allegations were that the former councillor had conducted himself in a manner which could reasonably be regarded as bringing his office or the relevant authority into disrepute.

The former councillor was found to have misled the Town Council as to his eligibility to be a Councillor and that this was deliberately or recklessly undertaken both when signing the declaration of acceptance of office and during the 1 year and 8 months that he acted as a Councillor. The former councillor was not eligible to be a councillor having been convicted of three criminal offences in July 2015. He had received a suspended prison sentence exceeding three months, without the option for a fine. This meant that he was not eligible to be a councillor when he stood for election in 2018 and his declaration that he was eligible was false.

The Case Tribunal determined that an individual who is disqualified for being a Member was nevertheless subject to the Code of Conduct when continuing to act in that capacity. It found unanimously that the councillor had failed to comply with the Code of Conduct by conducting himself in a manner which could reasonably be regarded as bringing the office or authority into disrepute (paragraph 6(1)(a)) by standing and remaining in office when disqualified.

The case tribunal unanimously found by unanimous decision that the councillor had failed to comply with the Code of Conduct by conducting himself in a manner which could reasonably be regarded as bringing the office or authority into disrepute (paragraph 6(1)(a)).

The case tribunal unanimously concluded that the former councillor should be disqualified for two years from being or becoming a member of a relevant authority.

The allegations were that the former councillor had conducted herself in a manner which could reasonably be regarded as bringing her office or the relevant authority into disrepute, had used or attempted to use her position improperly to confer on or secure for herself or her husband an advantage or create or avoid for herself or her husband a disadvantage, attended a council meeting at which business in which she had a personal interest was and failed to disclose orally the existence and nature of that interest before or at the commencement of that consideration or when the interest became apparent, failed to withdraw from a meeting in which business in which she had a prejudicial interest was considered, sought to influence a decision about business in which she had a prejudicial interest, and made oral representations to a meeting considering business in which she had a prejudicial interest.

The former councillor was married to the Chair of the Community Council. Audit Wales carried out an investigation into the Council and produced a report critical of the Chair (criticism of others was also made). The former councillor admitted to deliberately not declaring her personal and prejudicial interest due to her relationship with the Chair of the Council when attending and speaking as a councillor at two meetings of the Council about the report, or when she voted at one meeting. She said that she acted in such a way as she wanted to be able to defend her husband as “her husband came first” when there was a conflict between him and her public duties as a councillor.

The Case Tribunal found by unanimous decision that the former councillor had failed to comply with the Code of Conduct as follows:

- You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute (paragraph 6(1)(a));
- You must not in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage (paragraph 7(a));
- Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent (paragraph 11(1));
- Where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority’s standards committee –
(a) withdraw from the room, chamber or place where a meeting considering business is being held...”(paragraph 14(1)(a)); ...
(c) not seek to influence a decision about that business (paragraph 14(1)(c)); ...
(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

The Case Tribunal unanimously concluded that the former councillor should be disqualified for one year from being or becoming a member of a relevant authority.

Appeals

APW/012/2022-023-AT

Wrexham County Borough Council & Brymbo Community Council

Permission to appeal was refused by the President of the Adjudication Panel for Wales on the basis that the councillor had failed to submit his application within the statutory time limit.

Section 4 – Business Priorities

In this section:

- Business priorities for 2022-2023

It is important that the APW continues to develop in order to deliver the best possible service for our customers. This section is about how the APW will build on its achievements through focusing on business priorities and our commitment to our customers.

Business Priorities 2022-2023

- Plan and deliver an all-members training event;
- Continue to deliver an effective and efficient service, meeting key performance indicators;
- Appoint a new President of the Adjudication Panel for Wales;
- Following the outcome of the Law Commission report on Welsh tribunals and the review of the Ethical Framework, and the Welsh Government White Paper in response, action any changes as required by the legislature.

Section 5 – Expenditure

In this section:

- Expenditure for 2022-2023

Expenditure for 2022-2023

Content	Amount
Members Fees and Expenses (proceedings and training)	£30,210
Tribunal events (hearing and other costs)	£5,416
Total	£35,626

Rounded to the nearest £1

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**Ombwdsmon
Ombudsman**
Cymru • Wales

A year of change - a year of challenge

Annual Report 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 2022/23

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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 4% more enquiries and Code of Conduct pre-assessments and a 2% increase in public service and Code of Conduct complaints overall. 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.



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.

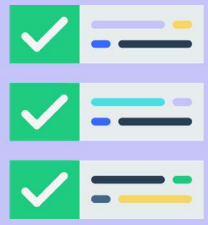


1 Special Report issued




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

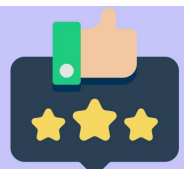
New Service Quality process launched.



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



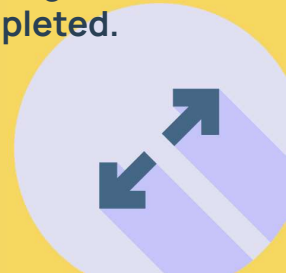
48% of people – and **95%** of those satisfied with the outcome of their complaint – happy with our service.



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' - into carers needs assessments - investigation 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.

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.



2,790 new public service complaints



37% about health care



18% about housing



18% about complaint handling



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



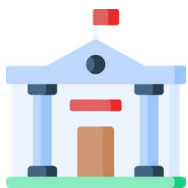
This year, we had 926 new complaints about Health Boards – 21% more than last year.

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.

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

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.

Housing Associations



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

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

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

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%).

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.



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.



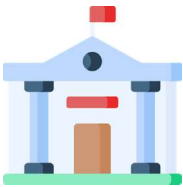
Health Boards



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.



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



1 Special Report issued.

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.

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.

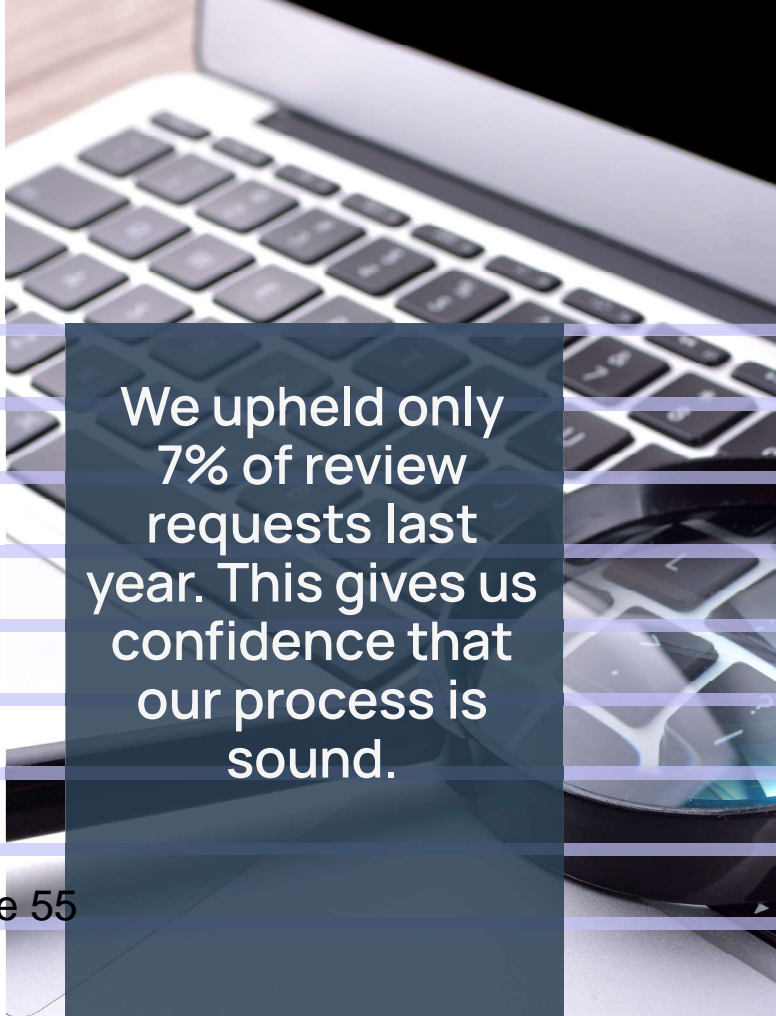
When we reviewed this case, we concluded that we had not properly listened to the complainant or fully considered his complaint and we opened a new file to ensure we did so.

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. This will include transforming our relationships with advice and advocacy bodies, to better reach the communities that they support and raise their awareness of our office.



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.

“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.”



183 on line sessions on good complaint handling delivered.

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.

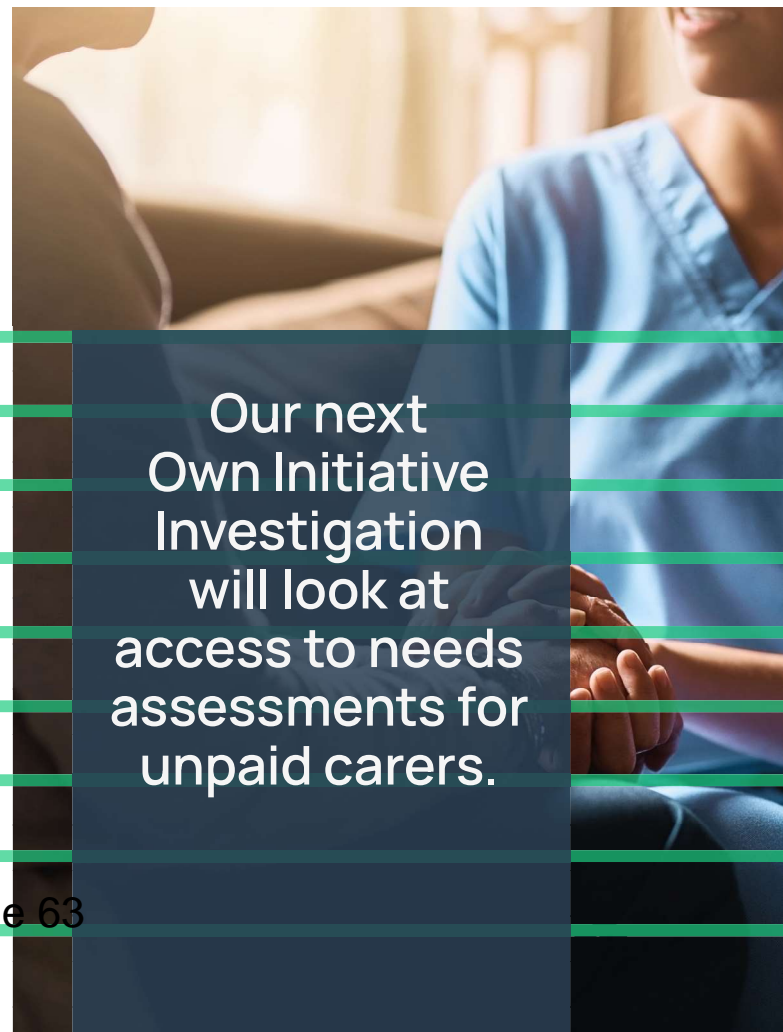
During the year, we consulted on **our next wider own initiative investigation**. Our initial plan was to look at accessibility of complaints processes and needs assessments for unpaid carers. We identified this as the potential area for investigation after engaging closely with Carers Wales and taking 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.

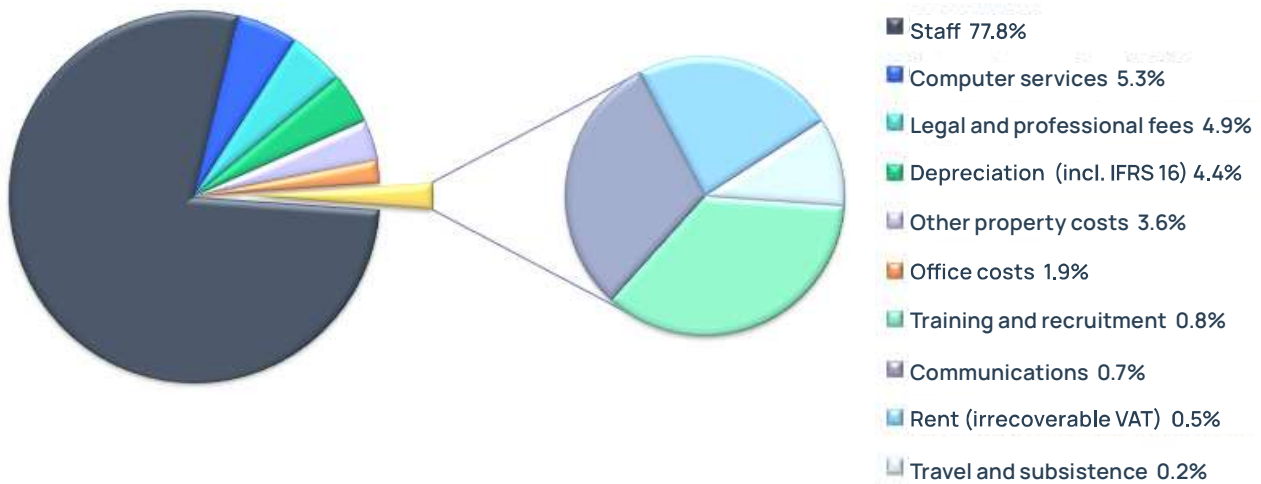


Financial Management

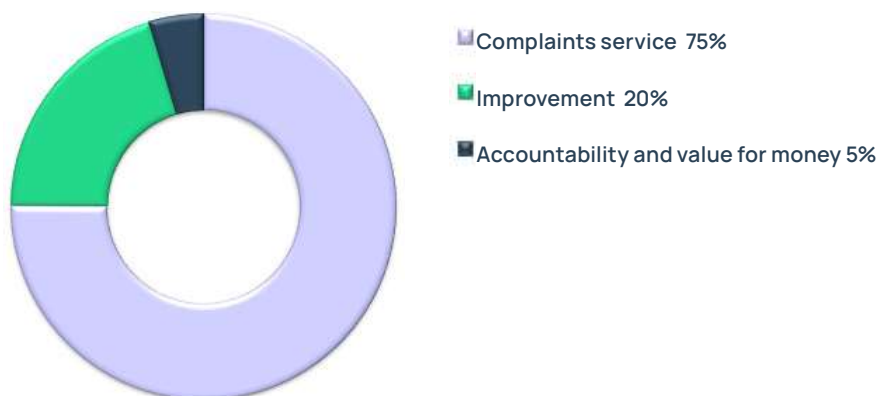
Overall resource and cash expenditure has increased as a result of the additional funding provided to us from the Welsh Consolidated Fund to fund pay awards and inflation.

	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 year's 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. Figures reported in previous Annual Reports are not directly comparable due to this change in approach.

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.

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.

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. FRoM. Managing Welsh Public Money. Public Sector Internal Audit.			
Assurance Map Components			
1st line of defence	2nd line of defence	3rd line of defence	
Strategic and operational delivery reporting. KPI reporting. Financial controls / Budget monitoring.	Risk register reviews. Quality assurance. Information security assurance.	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.

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

Michelle Morris

Accounting Officer

Public Services Ombudsman for Wales

19 July 2023



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

Report on the audit of the financial statements

Opinion 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 section 18(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:

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	2021/22
		£000	£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 Number	% change from 2021/22
	Number	Received per 1000 residents		
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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Date: 17 August 2023

Cllr. Mary Ann Brocklesby
Monmouthshire County Council
By Email only: maryannbrocklesby@monmouthshire.gov.uk

Annual Letter 2022/23

Dear Councillor Brocklesby

I am pleased to provide you with the Annual letter (2022/23) for Monmouthshire County 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

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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.

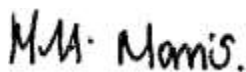
We continued our work to publish complaints statistics into a second year, with data now published twice a year. This data allows us to see information with greater context – for example, last year 12% of Monmouthshire County Council's complaints were referred to PSOW.

I would encourage Monmouthshire County 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. Paul Matthews, Chief Executive, Monmouthshire County Council.
By Email only: paulmatthews@monmouthshire.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

Monmouthshire County Council	Complaints Received	% share
Adult Social Services	2	9%
Benefits Administration	0	0%
Children's Social Services	3	13%
Community Facilities, Recreation and Leisure	0	0%
Complaints Handling	3	13%
Covid19	0	0%
Education	0	0%
Environment and Environmental Health	2	9%
Finance and Taxation	0	0%
Housing	2	9%
Licensing	0	0%
Planning and Building Control	5	22%
Roads and Transport	4	17%
Various Other	2	9%
Total	23	

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Appendix C - Complaint Outcomes
(* denotes intervention)

Monmouthshire County Council		
		% Share
Out of Jurisdiction	5	23%
Premature	10	45%
Other cases closed after initial consideration	6	27%
Early Resolution/ voluntary settlement*	1	5%
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	22	

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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%

Appendix E - Code of Conduct Complaints

**Monmouthshire County
Council**

Decision not to investigate	0
Discontinued	1
No evidence of breach	0
No action necessary	0
Refer to Adjudication Panel	0
Refer to Standards Committee	0
Total	1

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	
Caerwent Community Council	0	0	0	0	0	0	0
Llantilio Pertholey Community Council	1	0	0	0	0	0	1
Monmouth Town Council	4	0	0	0	0	0	4

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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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Conduct Complaints about MCC Members determined by the Public Services Ombudsman

Last updated: 30th September 2022

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Not upheld	6	8	3	1	2	1	2
Referred to Standards Committee	0	0	0	0	0	0	0
Referred to Adjudication Panel	0	0	1	0	0	0	0
TOTAL COMPLAINTS CLOSED	6	8	4	1	2	1	2

This data is taken from the PSOW's Annual Report and Accounts and/or the PSOW's Annual Letter to MCC.

The category "Not upheld" combines five PSOW outcomes:

- closed after initial consideration
- discontinued
- no evidence of breach
- no action necessary
- withdrawn

Richard Stow
Chair, Standards Committee
MCC

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Code of Conduct Complaints Process - Summary

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1 Introduction

- 1.1. This document sets out our process for considering complaints about breaches of the Code of Conduct by members and co-opted members of
- local authorities
 - community councils
 - fire & rescue authorities
 - national park authorities and
 - police and crime panels in Wales.

2 Pre Assessment

- 2.1 All complaints and enquiries are received by the Complaints Advice Team (CAT).
- 2.2 The CAT must establish that the complainant agrees for details of the complaint (and any documents attached) to be shared with others, (including the accused member, Monitoring Officer and where appropriate the Clerk). The complainant must be also prepared to give spoken evidence in support of their complaint to an authority's Standards Committee or a case tribunal appointed to consider any report that we issue.

3 Assessment

- 3.1 The complaint is then passed to the Code of Conduct Team. An Investigation Officer will determine whether the complaint will be investigated. To make this decision, they will assess the complaint against our published two stage test:
- the evidential test is when we will consider if there is direct evidence that a breach of the Code took place.
 - the public interest test is when we will consider if an investigation or a referral to the Adjudication Panel or a standards committee is required in the public interest.
- 3.2. If the complaint fails to meet either step of the two stage test, the

Investigation Officer will consider whether:

- we need further information from the complainant to support the allegation made.
 - we should refer the matter to the Monitoring Officer/Clerk of the relevant authority for consideration under its local resolution process (where appropriate).
- 3.3. If neither of these apply, we will reject the complaint. The Investigation Officer will write to the complainant, the accused member and the Clerk to the Town or Community Council (where appropriate), to advise them of the decision and the file will be closed.
- 3.4. If the Investigation Officer considers the two-stage test is met and an investigation is agreed by the Ombudsman, they will write to the accused member, Monitoring Officer and where appropriate the Clerk. We will outline the scope of the investigation and share a redacted copy of the complaint received. The accused member may respond to the complaint made but is not obliged to do so at this stage. This is the start of Investigation stage of the process.
- 3.5. Where the information provided and/or copy documents within the complaint relate to a third party, the Investigation Officer may need to obtain consent from that third party to share it.
- 3.6. The Investigation Officer will also ask about the language preference (English or Welsh) for the complainant, the accused member and the Clerk to the Town or Community Council (where appropriate).

4 Investigation

- 4.1 The Investigation Officer will consider all the information provided by the complainant and will make enquiries of, or seek information from, any person or body considered appropriate.
- 4.2 We may amend the direction and scope of an investigation.

- 4.3 We may start a new investigation if we identify potential breaches of the Code in respect of other elected members.
- 4.4 We may discontinue an investigation if we consider that the requirements of the two-stage test are no longer met.
- 4.5 When the Investigating Officer is satisfied that they have made all reasonable and proportionate enquiries, they will share the evidence gathered which is likely to be relied upon for concluding the investigation with the accused member.
- 4.6 We will give the accused member the opportunity to respond to the complaint(s), and the evidence gathered, in an interview.
- 4.7 When the investigation is complete, we will review the evidence and determine the outcome of the investigation.
- 4.8 The outcome of the investigation may be that:
- a) there is no evidence of a breach of the Code
 - b) we need to take no further action
 - c) we send a report on the matter to the Monitoring Officer for consideration by the Standards Committee
 - d) we send a report on the matter to the President of the Adjudication Panel for Wales for determination by a tribunal
- 4.9 We will advise the complainant, accused member and Monitoring Officer or Clerk of the relevant authority, by letter, if we make a decision to conclude an investigation under a) and b) above.
- 4.10 In cases where we decide to conclude an investigation under c) and d) above, we will issue a draft report to the accused member. We will consider any comments that they may make and we will review the report and its conclusions before we issue a final report.

5 Review

- 5.1 Complainants may request a review of our decision in writing, within 20 days of receiving it.
- 5.2 They will need to demonstrate that there is new evidence to consider or that we have failed to take proper account of information already provided.
- 5.3 Requests for review are forwarded to our Review and Service Quality Officer, for consideration.
- 5.4 If we concluded an investigation under c) and d) above, we normally cannot consider challenges to our decision.

6 Publication

- 6.1 This document will be reviewed every 2 years and published internally and externally.
- 6.2 All queries about this document can be directed to policycontrol@ombudsman.wales



SUBJECT:	Annual Report of the Standards Committee for 2022/23
MEETING:	Council
DATE:	21st September 2023
DIVISION/WARDS AFFECTED:	All

1. PURPOSE

To present the 2022/23 Annual Report of the Council's Standards Committee, which the Committee endorsed at its meeting on 12th June 2023.

2. RECOMMENDATION

That Council considers the conclusion and observations set out within this Annual Report.

3. INTRODUCTION

3.1 Section 63 of the Local Government and Elections (Wales) Act 2021 ("LGE 2021") created a new requirement for standards committees to make an annual report to their authority. This duty came into force on 5th May 2022. To comply with this duty, this is the first annual report made by MCC's standards committee. It covers the year ending on 31st March 2023.

3.2 Section 63 LGE 2021 prescribes the required content of the annual report and provides the headings of sections 4 to 10 inclusive listed below.

4. DISCHARGE OF THE COMMITTEE'S FUNCTIONS

4.1 The standards committee is composed of nine members: three county councillors, one community committee member and five independent members. There is currently one vacancy for an independent member.

4.2 The committee met twice in 2022/23 - on Monday 10th October 2022 (five members present, two apologies) and Monday 6th February 2023 (eight members present, no apologies).

4.3 The functions of standards committees are defined in sections 54 and 56 of the Local Government Act 2000 ("LGA 2000"). The primary function is to

promote and maintain high standards of conduct by the members and co-opted members of the authority, and by the members of community councils in Monmouthshire.

- 4.4 The committee is therefore accountable for the volume, nature and outcome of conduct complaints. Conduct complaints can be formal and submitted to the Public Services Ombudsman for Wales (PSOW), or informal and submitted to the monitoring officer.
- 4.5 PSOW data for 2022/23 contained in their Annual Letter to MCC dated 17th August 2023 shows that one complaint about a member of MCC was closed with the outcome "discontinued". During the year the PSOW closed 5 complaints about members of town & community councils in Monmouthshire, in all 5 cases the outcome was "decision not to investigate".
- 4.6 The monitoring officer reported to the committee on 12th June 2023 that throughout the year 2022/23 he maintained his approach to potential conduct matters by seeking to operate an open and trusted relationship with all councillors and, when necessary, looking to deal with matters in an informal and proportionate way. There were no matters that escalated to the point of requiring the instigation of the protocol for self-regulation of member conduct in the constitution.
- 4.7 The standards committee reviewed the protocol for self-regulation of member conduct on 6th February 2023 and did not recommend any changes.

5. REPORTS AND RECOMMENDATIONS FROM THE PUBLIC SERVICES OMBUDSMAN FOR WALES (PSOW)

- 5.1 No conduct complaints were referred by PSOW to the standards committee during the year.
- 5.2 No councillor has been required to attend a hearing at the standards committee.

6. ACTIONS TAKEN BY THE COMMITTEE FOLLOWING CONSIDERATION OF PSOW REPORTS AND RECOMMENDATIONS

- 6.1 Not applicable.

7. NOTICES GIVEN TO THE COMMITTEE BY THE ADJUDICATION PANEL FOR WALES

- 7.1 No notices regarding member conduct were received from APW during the year.
- 7.2 No MCC members or Monmouthshire community councillors were respondents at APW tribunals.

8. TRAINING FOR MEMBERS

- 8.1 Code of conduct training was provided for all councillors at County Hall on 12th May 2022. All forty six county councillors elected in May attended this training

or the online follow-up sessions. All four independent members of standards committee attended the training on 12th May in person. Co-opted members who did not attend the 12th May training or view it online were reminded about the recording by the monitoring officer in March 2023, and offered a further group session.

- 8.2 All committee meetings have a standing agenda item to consider “code of conduct training delivered, scheduled and requested” since the previous meeting.

9. COMPLIANCE OF POLITICAL GROUP LEADERS WITH NEW CONDUCT DUTIES s 52A(1) LGA 2000

- 9.1 Section 52A(1) of LGA 2000 states that:

A leader of a political group consisting of members of a county council or county borough council in Wales -

(a) must take reasonable steps to promote and maintain high standards of conduct by the members of the group, and

(b) must co-operate with the council’s standards committee (and any sub-committee of the committee) in the exercise of the standards committee’s functions.

- 9.2 The monitoring officer has corresponded with the group leaders who are all content that they have carried out their new duties regarding standards, and have no issues to raise. Based on the advice given, monthly and pre-council meetings, and informal communication throughout the year, the monitoring officer is satisfied that all three MCC political group leaders complied with the two duties set out above in s 52A(1) of LGA 2000 during the year ending 31st March 2023.

10. RECOMMENDATIONS TO THE AUTHORITY

- 10.1 Section 56B(5) of LGA 2000 states that:

An annual report by a standards committee of a relevant authority may include recommendations to the authority about any matter in respect of which the committee has functions.

- 10.2 The committee has no recommendations for the authority.

11. CONCLUSION

- 11.1 The standards committee strongly commends all members of the authority for continuing to maintain high standards of conduct throughout 2022/23, which was a particularly challenging year.

12. RESOURCE IMPLICATIONS

None.

13. CONSULTEES

Standards Committee
Monitoring Officer - Matt Phillips
Acting Monitoring Officers – Joanne Chase & Ben Davies

14. RESULTS OF CONSULTATION:

Report approved at Standards Committee on 12th June 2023.

15. BACKGROUND PAPERS

Papers for the two Standards Committee meetings during 2022/23.

16. AUTHOR AND CONTACT DETAILS

Richard Stow, Chair, on behalf of the Standards Committee

richard@sunnybankvines.co.uk



Llywodraeth Cymru
Welsh Government

**Statutory and Non-Statutory Guidance for
Principal Councils in Wales – supporting
provisions within the Local Government
Act 2000, the Local Government (Wales)
Measure 2011 and the Local Government
and Elections (Wales) Act 2021
(WG23-23)**

June 2023

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Part 1 - About this guidance

Purpose of this guidance

This guidance is consolidated statutory guidance intended to support principal councils meet requirements under the Local Government Act 2000, the Local Government (Wales) Measure 2011 and the Local Government and Elections (Wales) Act 2021.

Navigating this guidance

This guidance consists of 4 parts as set out below:

Part 1 – About this guidance

Part 2 – Guidance for elected members' support, training and development

Part 3 – Guidance on public participation strategies and petition schemes

Part 4 – Guidance on constitutions, executives, scrutiny, governance and audit committees and conducting meetings

Terminology

For the purposes of this guidance the terms Principal Council and Local Authority are to be considered to mean County Council or County Borough Council.

4.0 Statutory Guidance on duties of leaders of political groups in relation to standards of conduct

Status of this Guidance

4.1 This is statutory guidance issued under section 52A of Local Government Act 2000 (the 2000 Act) inserted by section 62 of the Local Government and Elections (Wales) Act 2021 (the 2021 Act).

Purpose of this Guidance

4.2 This guidance sets out how leaders of political groups in principal councils should meet their duties contained in section 52A of the Local Government Act 2000 (“the 2000 Act”), inserted by section 62, of the 2021 Act, which relates to the promotion and maintenance of high standards of conduct by the members of the group.

4.3 This guidance is designed to support leaders of political groups understand and discharge their duties in relation to high standards of conduct, whilst recognising that they will wish to and should be encouraged to develop their own approach in line with their wider statutory obligations, local circumstances, and best practice. However, the basic principles set out in the guidance should apply to all.

4.4 This guidance specifically addresses the following duties:-

Duty to take reasonable steps to promote and maintain high standards of conduct by the members of the group

4.5 Section 52A(1)(a) of the 2000 Act requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must take reasonable steps to promote and maintain high standards of conduct by the members of the group.

Duty to co-operate with the council’s standards committee (and any sub-committee) in the exercise of the standards committee’s functions

4.6 Section 52A(1)(b) of the 2000 Act requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must co-operate with the council’s standards committee (and any sub-committee of the committee) in the exercise of the standards committee’s functions.

4.7 This guidance refers specifically to these duties on a leader of a political group, and sets out the expectations on how they will perform these duties. All of the duties apply from 5 May 2022.

4.8 There are other provisions within Part 3 of the 2000 Act relating to standards committees, inserted by sections 62 and 63 of the 2021 Act. These aspects of the 2021 Act are also described in this guidance.

4.9 This guidance is set out as follows:-

- Policy context within which the duties are set and the purpose of the duties;
- Duty to take reasonable steps to promote and maintain high standards of conduct by the members of the group;
- Duty to co-operate with the council's standards committee (and any sub-committee) in the exercise of the standards committee's functions.

Policy context and purpose of the duties set out in section 52A of the Local Government Act 2000

Policy context

4.10 Part 3 of the 2000 Act established a statutory framework to promote and maintain high standards of ethical conduct by members and employees of relevant authorities in Wales. A 'relevant authority' is a county or county borough council ("a principal council"), community council, fire and rescue authority, a national park authority and a Corporate Joint Committee.

4.11 The framework consists of the ten general principles of conduct for members (derived from Lord Nolan's 'Seven Principles of Public Life'), set out below:

- Selflessness;
- Honesty;
- Integrity and propriety;
- Duty to uphold the law;
- Stewardship;
- Objectivity in decision-making;
- Equality and respect;
- Openness;
- Accountability;
- Leadership.

4.12 These are included in the statutory Model Code of Conduct ("the Code")(as required under section 50 of the 2000 Act), which lays down a set of enforceable minimum standards for the way in which members should conduct themselves, both in terms of their official capacity and (in some instances) in their personal capacity. It also guides members on the declaration and registration of interests.

All elected members must familiarise themselves with and give a written undertaking to observe the Code before they can take up office. As the Code may from time to time be updated members must familiarise themselves with any changes with which they are required to observe.

- 4.13 Building on the existing arrangements, section 62 of the 2021 Act inserts a new section 52A into the 2000 Act which places a duty on leaders of political groups within a principal council to promote and maintain high standards of conduct by members of their group. Group leaders are required to co-operate with the council's standards committee in the exercise of its general and specific functions for promoting high standards (see below).
- 4.14 Subsection (3) amends section 54 of the 2000 Act to extend the specific functions of a standards committee to include monitoring compliance by leaders of political groups with the new duty imposed on them by the 2021 Act to promote and maintain high standards of conduct by members of their group. A standards committee must also provide advice or provide or arrange training for group leaders on the new duty.

Purpose of the standards of conduct provisions

- 4.15 The ethical standards framework in Wales aims to promote the observance of consistent standards of conduct by local government members. High ethical standards underpin and maintain public confidence in democratic governance and the decision making process. For any organisation to be effective it must respect diversity in all its forms and treat everyone with the respect they would expect for themselves. Engendering a culture within a principal council which embraces high standards of conduct, requires both local leadership and all elected members to accept responsibility and accountability for their actions both individually and collectively.
- 4.16 The standards of conduct provisions in the 2021 Act complement the existing statutory ethical framework and support the Code of Conduct process. The provisions are designed to ensure leaders of political groups in principal councils, supported by standards committees, promote and maintain high standards of conduct by the members of their group.

The wider environment in which the standards of conduct duties operate

- 4.17 The standards of conduct provisions contained in the 2021 Act support the Welsh Government's wider commitment to equality and diversity in public life. Action has been taken through the Diversity in Democracy Programme to tackle the barriers which prevent individuals' active participation in local democracy. Within local government, and through the Welsh Local Government Association

(WLGA), there has been a commitment to Diversity in Democracy, including councils signing Diverse Council declarations which seek, amongst other actions, to ensure councils 'demonstrate an open and welcoming culture to all'. Furthermore, the WLGA, working with the Local Government Association (LGA), Northern Ireland Local Government association (NILGA) and the Scottish body, COSLA, has been promoting the Civility in Public Life programme, which seeks to promote civil, constructive and respectful political discourse.

- 4.18 The Anti Racist Wales Action Plan sets out a series of goals and actions designed to improve the outcomes for black, Asian and minority ethnic people in Wales. It includes a number of goals and actions for local government relating to its leadership and representation role. It recognises that a more diverse elected representation is good for decision making and likely to lead to decisions which better reflect society as a whole. This in turn contributes to greater public confidence.

Duty to take reasonable steps to promote and maintain high standards of conduct by the members of the group

Introduction

- 4.19 This is statutory guidance issued under section 52A of the Local Government Act 2000 (the 2000 Act) as amended by section 62 of the Local Government and Elections Act 2021 (the 2021 Act). This section of the guidance should be read by a leader of a political group in a principal council to support the discharge of their duties in section 52A of the 2000 Act, to take reasonable steps to promote and maintain high standards of conduct by the members of the group. The guidance here reflects the minimum requirements, recognising that leaders are best placed to build on this to develop the detail of their own approach, and work together to share best practice across political groups and with standards committees.

Definition of political groups and group leaders

- 4.20 Section 52A(3) of the 2000 Act enables the Welsh Ministers to make provision in regulations about the circumstances in which (a) members of a county council or county borough council in Wales are to be treated as constituting a political group; (b) a member of a political group is to be treated as a leader of the group.
- 4.21 The Local Government (Committees and Political Groups) Regulations 1990, made under the Local Government and Housing Act 1989, currently governs the position in this respect, until such time as regulations passed under 52A(3) of the 2000 Act are made.

4.22 Section 52A(1)(a) of the 2000 Act requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must take reasonable steps to promote and maintain high standards of conduct by the members of the group.

4.23 The duty does not make leaders of a political group accountable for the behaviour of their members as conduct must be a matter of individual responsibility and accountability. However, they do have a role in taking reasonable steps in maintaining high standards, setting an example, using their influence to support a positive culture, being proactive in promoting high standards of conduct in their group and addressing issues of alleged non-compliance as soon as they arise.

4.24 Reasonable steps the group leader *may* undertake include:

- demonstrating personal commitment to and attending and participating in relevant development or training around equalities and standards, including on the Code of Conduct;
- actively encouraging group members to attend relevant development or training around equalities and standards including in relation to the Code of Conduct;
- ensuring nominees to a committee have received the recommended training for participating on that committee;
- promoting modelling civility and respect within group communications and meetings and in formal council meetings;
- supporting informal resolution procedures in the council, and working with the standards committee and monitoring officers to achieve local resolution;
- encouraging a culture within the group which supports high standards of conduct and integrity;
- attend a meeting of the council's standards committee if requested to participate in discussions on Code of Conduct issues;
- drive forward work to implement any recommendations from the standards committee about improving standards;
- work with the standards committee to proactively identify, consider and tackle patterns of inappropriate behaviour;
- work together with other group leaders, within reason, to collectively support high standards of conduct within the council and where any issues identified involve more than one political group.

4.25 As set out above, the purpose of the new duties is to build on and support a culture which is proactive, acts on and does not tolerate inappropriate behaviour. The Guidance from the Public Services Ombudsman for Wales for members on the Code of Conduct provides advice on the Code and its requirements. It includes examples of cases considered by the Ombudsman and decisions reached by local standards committees and the Adjudication Panel for Wales

which demonstrate behaviours which are unreasonable or inappropriate. Leaders of political groups and all members, including independent members, should have regard to the Ombudsman's Guidance, which can be accessed on the **Ombudsman's website**.

- 4.26 The importance of attendance at training on the Code of Conduct has been highlighted by the Ombudsman and was raised under the independent review of the Ethical Standards Framework and Model Code of Conduct carried out by Richard Penn. Leaders of political groups should actively encourage all members in their group to read the Ombudsman's Guidance and any local guidance issued by the monitoring officer or standards committee and to take up any offer of training. They should also work constructively with standards committees and monitoring officers to identify the training requirements for themselves and for their group members.
- 4.27 It is essential that relationships with members are established which encourage them to raise issues with the group leader. The group leader has a significant role to play in creating a culture of trust and mutual respect in their group. Where issues arise, the importance of resolving low-level complaints at a local level has been raised by the Ombudsman and the independent Review of the Framework. Typically, these complaints are about alleged failures to show respect and consideration for others and the making of frivolous and low-level complaints. The group leader should be pivotal in preventing the escalation of these complaints to the stage where more formal interventions become necessary. Leaders of political groups should have informal discussions with members who may be showing early signs of inappropriate behaviour to 'nip this in the bud' before it becomes problematic or in danger of breaching the Code. This may include suggesting and requesting appropriate training or refresher training for the members concerned, asking for social media posts they have made to be removed, and requesting they apologise where appropriate.
- 4.28 A leader of a political group who fails to comply with the new duty in a meaningful way, may potentially be regarded as bringing their office into disrepute, and likely to be in breach of the Code (see the Ombudsman's Guidance).
- 4.29 Political group leaders will want to ensure they are able to evidence the steps they have taken to help create an environment in which members demonstrate appropriate standards of behaviour, undertake appropriate training and address, with members, instances where standards of behaviour falls short of that expected. It is a matter for individual group leaders how they choose to evidence their compliance with this guidance, but it may include notes of meetings, copies of correspondence, audits of member training on issues such as equality and the Code of Conduct and action taken to address any gaps in that training.

4.30 A political group's internal disciplinary procedures remain a matter for that group or any associated political party's own rules on discipline. However, it is expected that the group leader will take reasonable steps to promote and maintain high standards of conduct by members within group communications and meetings as well as their 'public' conduct outside of the group setting.

Duty to co-operate with the council's standards committee (and any sub-committee) in the exercise of the standards committee's functions

Introduction

4.31 This section of guidance is issued under section 52A of the Local Government Act 2000 (the 2000 Act) as amended by section 62 of the Local Government and Elections Act 2021 (the 2021 Act). It is about the duty to co-operate with the council's standards committee (and any sub-committee) in the exercise of the standards committee's functions within section 52A of the 2000 Act.

4.32 The duties came into force on 5 May 2022.

Duty

4.33 Section 52A(1)(b) of the 2000 Act requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must co-operate with the council's standards committee (and any sub-committee of the committee) in the exercise of the standards committee's functions.

Role of leader of political group

4.34 It is essential the leaders of a political group co-operate, and ensure the members within their group co-operate, with the monitoring officer and standards committee when an issue is referred to the standards committee.

4.35 Leaders of a political group should build good relations, and work constructively with the monitoring officer, seeking advice from them and the standards committee on matters of behaviour and conduct when required, both promoting positive behaviours and addressing inappropriate ones. Group leaders should also report compliance with their duty to the standards committee. This can take the form of a short letter or report at a frequency agreed by the political group leaders in the council and its standards committee. Group leaders should also report any serious concerns about members' behaviour which have not been remedied by informal actions, in line with the requirement in the Code of Conduct to report such breaches.

4.36 At the beginning of each council year Political group leaders should meet with the standards committee to agree the following:

- How group leaders and the standards committee will work together to ensure appropriate standards of behaviour;
- Frequency of meetings between group leaders and the standards committee throughout the year;
- The threshold which the standards committee will use to establish whether it is content that political group leaders have complied with the duties of the 2021 Act;
- The mechanism for political group leaders to provide reports to the standards committee about the actions they have taken to comply with the duties within the 2021 Act.

4.37 If a member is found by the standards committee to be in breach of the Code of Conduct and is disciplined by the committee, the leader of the political group must support the action, in order to maintain the high standards of conduct expected in public life and the Code. Group leaders should observe the Ombudsman's Guidance and the Sanctions Guidance issued by the President of the Adjudication Panel for Wales, which can be accessed on the **Adjudication Panel's website**.

5.0 Statutory Guidance on the Functions of Standards Committees

Status of this guidance

5.1 This guidance is issued under section 54(7) of the Local Government Act 2000 (the 2000 Act) inserted by section 63 of Local Government and Elections (Wales) Act (the 2021 Act).

5.2 The duties came into force on 5 May 2022.

Purpose of this guidance

5.3 Local standards committees play an important role in supporting members, individually and collectively, to develop and maintain a culture which embraces high standards of conduct.

5.4 A principal council is required by section 53 of the 2000 Act to establish a standards committee.

5.5 The general functions of a standards committee under section 54(1) of the 2000 Act are to promote and maintain high standards of conduct by members and co-opted members of a “relevant authority” and to assist them to observe the members Code of Conduct.

5.6 In addition, a standards committee also has specific functions under section 54(2) of the 2000 Act, namely to:

- advise the authority on the adoption or revision of a Code of Conduct;
- monitor the operation of the Code of Conduct; and
- provide advice or provide or arrange training on the Code of Conduct for members of the authority.

5.7 Section 56(1) of the 2000 Act provides that a principal council’s standards committee (or a sub-committee established for the purpose) also exercises these functions in relation to members of community councils in its area. Principal council standards committees should play a proactive role in promoting and supporting high standards of conduct in the town and community councils in their area, for example, by visiting them, working together to share good practice and identifying training opportunities.

5.8 Monitoring officers work closely with standards committees and support them in providing day-to-day advice to members on conduct matters.

5.9 A principal council may arrange for its standards committee to exercise such other functions as it considers appropriate, for example, monitoring the operation of corporate maladministration complaint procedures.

5.10 An important aspect of governance arrangements is the approach taken to gifts and hospitality. While there has been some support for a Wales wide approach we consider this is a matter to be dealt with by individual councils. We would expect standards committees to regularly review the approach taken in respect of gifts and hospitality and the use of thresholds. We would recommend this to be a matter included in standards committees annual reports. In addition it is considered this is a matter which would be routinely discussed at regular meetings of Monitoring Officers across Wales.

6.0 Duty of a standards committee to monitor group leaders' compliance with the duties, and provision of advice and training

Status of this guidance

- 6.1. This guidance is issued under section 54 of the Local Government Act 2000 (the 2000 Act) as amended by 62(3) of the Local Government and Elections (Wales) Act 2021 (the 2021 Act).

Purpose

- 6.2. Section 62(3) of the 2021 Act amends section 54 of the 2000 Act to extend the specific functions of a standards committee to include monitoring compliance by leaders of political groups with the duty imposed on them by the 2021 Act to promote and maintain high standards of conduct by members of their group. As noted above, a council's political group leaders and its standards committee should agree on the form and frequency of a report from each group leader to the standards committee. The standards committee should then consider each report and provide feedback to the group leaders.
- 6.3. A standards committee must also provide advice and training or arrange to train group leaders on the new duty. At the start of each administration this should take place within six months of the election and be reviewed at least annually.
- 6.4. As set out earlier in this guidance the standards committee should meet with group leaders at the beginning of each council year to agree a number of issues, including the frequency of meetings between political group leaders and the standards committee through the year to discuss compliance with the duties covered by this guidance, annual reporting processes and issues arising from the analysis of complaints in respect of standards of behaviour.

7.0 Duty of standards committee to make annual report

Status of this guidance

7.1. This guidance is issued under section 54(7) of the Local Government Act 2000 (“the 2000 Act”).

Purpose

7.2. Section 63 of the 2021 Act inserts section 56B into the 2000 Act which places a requirement on standards committees in each “relevant authority” to make an annual report to the authority concerned. In the case of a principal council, the requirement to report to “the authority” in this context includes any community councils in its area.

7.3. As a minimum, the report must:

- describe how the committee has discharged its functions during the preceding financial year;
- confirm the operation of a local protocol for the resolution of complaints and provide an assessment of its impact. Where no local protocol has been adopted, the standards committees must consider whether the adoption of such a protocol would support its functions in relation to promoting high standards of ethical conduct;
- include an analysis of complaints. This analysis must include information about the number of councillors who have been the subject of a complaint which has been upheld, and whether they have or have not attended a training session on the Code of Conduct prior to or after the complaint was received;
- include a summary of reports and recommendations made or referred to the 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;
- include a summary of notices given to the committee by the Adjudication Panel for Wales, relating to the Panel’s decisions on possible breaches of the member Code of Conduct;
- describe the advice it has provided on training for all members and how that has been implemented; in the case of a principal council set out how it has worked with the town and community councils in its area to promote and maintain high standards of conduct amongst town and community councillors; and
- in the case of a principal council, include the committee’s assessment of how political group leaders have complied with the new duty under section 52A(1) of the 2000 Act (inserted by section 62 of the 2021 Act) to promote high

standards of conduct, including the advice the standards committee has provided and the training it has suggested.

- 7.4. The committee may also wish to report on the number of cases considered under local resolution processes. This would help to capture data on an “all Wales” basis, on matters which do not reach the Public Services Ombudsman for Wales.
- 7.5. Approaches to the management and monitoring of gifts and hospitality are often sensitive matters. It is recommended the approach to this is reviewed and agreed within individual principal councils and that the regular review of thresholds for declaration of gifts, hospitality, material benefit or advantage, are included in standards committee’s annual report. This will assist in terms of transparency of the arrangements.
- 7.6. 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 members of relevant authorities in Wales. This is intended to promote local ownership and collective responsibility by members for ensuring high standards of conduct within their authority. To this end, section 56B places an obligation on a relevant authority to consider the report and any recommendations made by its standards committee within three months of its receipt. The authority’s consideration of a report will be a matter of public record through the published minutes of the meeting.
- 7.7. The standards committee should consider whether there are improvements that can be made to strengthen the standards of behaviour of members. This may include recommendations to the full council and town and community councils in its area about matters such as mandating training in equalities and the model code of conduct.
- 7.8. It would be good practice for standards committees to share their Annual Reports with the Public Services Ombudsman for Wales and town and community councils.

By virtue of paragraph(s) 12 of Part 1 of Schedule 12A of the Local Government Act 1972.

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