

Due to the current heightened security level at all our premises, Members are reminded to wear their identity badges whilst attending meetings. Any visitors must produce photographic identification at Reception.

## **FIRE & RESCUE AUTHORITY SUMMONS**

### **SOUTH WALES FIRE & RESCUE AUTHORITY**

You are required to attend a meeting of the Standards Committee to be held on:

**Monday, 30 January 2023 at 1630 hours**

**In person at South Wales Fire & Rescue Service Headquarters,  
Forest View Business Park, Llantrisant, CF72 8LX**

**or**

**Remotely via Microsoft Teams - Access Code:** <https://bit.ly/Standards-Committee-30-01-23>

**Please ensure you join the meeting 15 minutes prior to meeting time**

**Any issues please contact  
01443 232000 and ask for Member Services**

### **A G E N D A**

1. Apologies for Absence
2. Declarations of Interest

Members of the Fire & Rescue Authority are reminded of their personal responsibility to declare both orally and in writing any personal and/or prejudicial interest in respect of matters contained in this agenda in accordance with the provisions of the Local Government Act 2000, the Fire & Rescue Authority's Standing Orders and the Members Code of Conduct.

3. Chairperson's Announcements

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Signature of Monitoring Officer:



## MEMBERSHIP

### Councillors:

Cllr	G	Holmes	Labour
Cllr	S	Melbourne	Conservative
Cllr	A	Roberts	Labour
Mr	R	Alexander	Independent Lay Member
Mr	S	Barnes	Independent Lay Member
Mr	D	Fussell	Independent Lay Member
Dr	M	Kerbey	Independent Lay Member
Ms	K	Thorogood	Independent Lay Member

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## **SOUTH WALES FIRE & RESCUE AUTHORITY**

### **MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON MONDAY 3 OCTOBER 2022 AT SOUTH WALES FIRE & RESCUE SERVICE HEADQUARTERS**

#### **115. PRESENT:**

Mr S Barnes (Chair)	Independent Lay Member
Mr D Fussell (Left at 1800)	Independent Lay Member
Dr M Kerbey	Independent Lay Member
Ms K Thorogood	Independent Lay Member
Councillor G Holmes	SWF&R Authority
Councillor S Melbourne (Arrived 1650)	SWF&R Authority

#### **APOLOGIES:**

Mr R Alexander (Chair)	Independent Lay Member
Councillor A Roberts	SWF&R Authority

**OFFICERS PRESENT:** - Temp ACO G Thomas – Temp Monitoring Officer & Director of Corporate Services, Mrs S Watkins – Deputy Monitoring Officer & Head of Corporate Support, Mr D Daycock – Monitoring Officer, Mid & West Wales Fire & Rescue Authority (One item only)

#### **WELCOME ADDRESS**

Mr S Barnes advised Members of the Standards Committee that he would chair the meeting on behalf of Mr R Alexander and proceeded to extend a warm welcome to new Independent Member, Ms K Thorogood.

Members were also informed that there would be a slight change to the running order of the agenda, with Mr Dave Daycock's training presentation being brought forward to Agenda Item 4.

#### **116. DECLARATIONS OF INTEREST**

No declarations of interest were made.

## **117. CHAIRPERSON'S ANNOUNCEMENTS**

The Chair had no announcements to report.

## **118. MEMBERS TRAINING DELIVERED BY DAVE DAYCOCK**

Mr D Daycock, Mid & West Wales FRS Monitoring Officer, provided Members with an online verbal training session on the following key areas:-

- **Part 1 – Members Code of Conduct**
- **Part 2 – Work of the Standards Committee and Members of the Standards Committee**
- **Part 3 – The Ombudsman, The Adjudication Panel of Wales, and the Role of the Monitoring Officer**

Councillor Melbourne arrived at 1650 hrs.

## **RESOLVED THAT**

Members agreed to note the verbal training session, and thanked Mr Daycock for his informative and comprehensive electronic presentation.

Mr Daycock thanked the group for their kind words and withdrew from the meeting.

## **119. MINUTES OF PREVIOUS MEETING**

The minutes of the Standards Committee meeting held on 7 February 2022, were received and accepted as a true record of proceedings.

### **119.1 MATTERS ARISING WITHIN THE MINUTES**

- **Item 108.2** - Relating to breaking down Key Performance Indicators into separate areas, the T/Monitoring Officer informed Members that he had met with the Ombudsman who had confirmed that individual complaints were not broken into separate areas. However, the Monitoring Officer was pleased to report that the Ombudsman had agreed to

attend the next Standards Committee meeting in January to address individual queries.

- **Item 112.2** - Relating to Members claiming for pre-meeting preparation time, the T/Monitoring Officer proposed that Members would be allowed to claim for 2 hours preparation time, but if some reports were deemed to be excessive reading then an extension would be considered at the time.

Following discussion, Members unanimously agreed to accept the proposal of claiming for 2 hours pre-meeting preparation time.

## **120. REPORTS FOR DECISION**

### **120.1 REVIEW OF TERMS OF REFERENCE OF THE STANDARDS COMMITTEE**

The T/Monitoring Officer requested Members to consider and review the current Terms of Reference of the Standards Committee and to agree the Terms of Reference going forward.

Following debate on Item 8 set out in the proposed Terms of Reference relating to the Bribery Act, and whether there was training available to provide an overview of the complex piece of legislation, the T/Monitoring Officer agreed to consider this option for a future training session, as well as providing information on specific areas such as Anti-Fraud and Corruption, and Whistleblowing.

### **RESOLVED THAT**

Following a review, Members unanimously agreed the Terms of Reference of the Standards Committee.

### **120.2 SCHEDULE OF OBSERVATION VISITS BY INDEPENDENT MEMBERS OF STANDARDS COMMITTEE TO SWFRA COMMITTEES**

The T/Monitoring Officer presented Members with a schedule of Fire Authority Committee dates to enable observation visits to be scheduled by Independent Members of the Standards Committee.

Following discussion, the Chair agreed that whenever possible it would be good practice for Members to observe Fire & Rescue Authority meetings. He urged Members to refer to the timetable of meetings and to co-ordinate their availability with the Members Services officers.

## **RESOLVED THAT**

Members unanimously agreed to accept and schedule the observation visits by Independent Members of the Standards Committee to South Wales Fire & Rescue Authority Committees.

Mr D Fussell withdrew from the meeting at 18:00 hrs.

## **121. REPORTS FOR INFORMATION**

### **121.1 PUBLIC SERVICE OMBUDSMAN FOR WALES – CODE OF CONDUCT CASEBOOK**

The Deputy Monitoring Officer presented a report to Members advising them of the Public Service Ombudsman for Wales Code of Conduct Casebook.

## **RESOLVED THAT**

Following discussion on individual cases and the rise in social media cases, Members agreed to note the content extracted from the 'Our Findings Section' of the Public Service Ombudsman for Wales website, concerning complaints against the Code of Conduct for the period March 2021 to August 2022.

### **120.3 UPDATE REGARDING THE ALL WALES STANDARDS FORUM**

The T/Monitoring Officer gave a verbal update on the proposed National Standards Forum. Via the All-Wales Monitoring Officers group, feedback had been received of the overwhelming support for the National Standards Forum to be established. The finer details of the inception have yet to be agreed, however it is expected that more detail will be available following the next Monitoring officers group meeting to be held on 7 October, 2022. The T/Monitoring Officer agreed to circulate any update following that meeting.

## **RESOLVED THAT**

Members agreed to note the verbal update on the All Wales Standards Forum.

### **120.4 OUTCOME REPORT FOLLOWING THE CONSULTATION ON WELSH GOVERNMENT'S STANDARDS OF CONDUCT STATUTORY GUIDANCE**

The T/Monitoring Officer informed Members that Welsh Government consulted on the draft guidance relating to 'Standards of Conduct' under the Local Government and Elections (Wales) Act 2021, which included the following duties:-

- To promote and maintain high standards of conduct.
- To co-operate with the Council's Standards Committee
- To provide advice and training
- To write an Annual Report

## **RESOLVED THAT**

Following discussion on a number of the key points and observations contained within the report, as well as the additional duties and responsibilities allocated to group leaders, Members agreed to note the content of the summary of responses to the consultation.

The Chair closed the meeting by thanking Members and Officers for their informative discussion and debate.

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## AGENDA ITEM NO 5

**Appointment of Vice Chair of the Standards Committee**

-

To be presented verbally on the day

Presenting Officer: Assistant Chief Officer – Corporate Services, Geraint  
Thomas

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**THIS REPORT IS NOT EXEMPT AND IN THE PUBLIC DOMAIN**

**SOUTH WALES FIRE & RESCUE AUTHORITY**

AGENDA ITEM NO 6  
30 JANUARY 2023

STANDARDS COMMITTEE

REPORT OF HEAD OF CORPORATE SUPPORT

**DRAFT STANDARDS COMMITTEE ANNUAL REPORT 2022/2023**

**THIS REPORT IS FOR DECISION**

REPORT APPROVED BY DIRECTOR OF CORPORATE SERVICES

REPORT PRESENTED BY HEAD OF CORPORATE SUPPORT – SARAH WATKINS

**SUMMARY**

As a matter of good corporate governance, an action was included in the 2020/2021 Annual Governance Statement to introduce an annual report on the work of the Standards Committee to provide the Authority with an update on its activities during each financial year.

**RECOMMENDATIONS**

That Members note the contents of the Standards Committee Annual Report 2022/2023.

**1. BACKGROUND**

- 1.1 The Local Government and Elections (Wales) Act 2021) was passed by the Senedd on 18 November 2020 and received Royal Assent on 20 January 2021. Having monitored the Bill's progress since publication in November 2019, and having actively engaged with the public consultation, the most recent of which was the response to the consultation on the Regulations to establish corporate joint committees, the Service is now implementing the requirements placed on it by the Act.
- 1.2 As a result, the Service has embedded measures to enable the Standards Committee to produce an Annual Report to the Fire & Rescue Authority, with effect from 5 May 2022. The Fire & Rescue Authority will consider the report and any recommendations made by its Standards Committee within three months of its receipt.

**2. PROPOSAL**

- 2.1 Appendix 1 contains the Standards Committee Annual Report 2022/2023 for presentation to the Fire & Rescue Authority as required by legislation

### 3. IMPLICATIONS

#### 3.1 Community and Environment

Equality, Diversity and Inclusion	No
Welsh Language	No
Well-Being Of Future Generations (Wales) Act	No
Socio Economic Duty	No
Sustainability / Environment / Carbon Reduction	No
Safeguarding	No
Consultation and Communications	No
Consultation with Representative Bodies	No
Impact Assessment	No

#### 3.2 Regulatory, Strategy and Policy

Legal	No
Financial	No
Procurement	No
Corporate Risk	No
Information Management	No
Data Protection / Privacy	No
Health, Safety and Wellbeing	No
Governance & Audit	Yes
Service Policy	No
National Policy	No

3.2.1 To ensure compliance with the actions set out in the Annual Governance Statement which is considered as part of the audit of financial statements by Audit Wales each year.

#### 3.3 Resources, Assets and Delivery

Human Resources and People Development	No
Assets and Resources (Property/Fleet/ICT/Equipment)	No
Service Delivery	No
Procurement	No
Budget Revenue/Capital	No

### 4. RECOMMENDATIONS

4.1 That Members note the contents of the Standards Committee Annual Report 2022/2023.

<b>Contact Officer:</b>	Sarah Watkins Head of Corporate Support	
<b>Background Papers</b>	<b>Date</b>	<b>Source/Contact</b>
None		
<b>Appendices</b>		
Appendix 1	Standards Committee Annual Report 2022/2023	

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# South Wales Fire and Rescue Authority

## Standards Committee Annual Report 2022/2023



Gwasanaeth Tân ac Achub  
De Cymru  
South Wales  
Fire and Rescue Service

**RAISING AWARENESS  
REDUCING RISK**

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### 1. Background

This is the Standards Committee's second annual report to the Fire and Rescue Authority and spans the period from April 2022 to March 2023. Legislation requires that Standards Committees meet at least annually. The Terms of Reference of the Standards Committee provide a remit to promote and maintain high standards of conduct by Members of the Authority. Also, where statute permits, to receive reports and complaints about Members and to conduct or oversee investigations and make recommendations to the Authority.

The quorum for this body is at least 3 persons present (including chairperson) and at least half members present are independent members.

### 2. Terms of Reference

The terms of reference of the Standards committee were reviewed in the October 2022 Meeting and are as follows:

#### **SOUTH WALES FIRE & RESCUE AUTHORITY STANDARDS COMMITTEE TERMS OF REFERENCE**

The Standards Committee will have the following roles and functions:

1. Promoting and maintaining high standards of conduct by Fire & Rescue Authority Members and co-opted Members of the Authority.
2. Assisting the Fire & Rescue Authority Members and co-opted Members to observe the Members' Code of Conduct.
3. Advising the Fire & Rescue Authority on the adoption or revision of the Members' Code of Conduct.
4. Monitoring the operation of the Members' Code of Conduct.

5. Advising, training or arranging to train Fire & Rescue Authority Members and co-opted Members on matters relating to the Members' Code of Conduct.
6. Granting dispensations to Fire & Rescue Authority Members relating to interests set out in the Members' Code of Conduct.
7. Dealing with any reports from a case tribunal or interim case tribunal and any report from the Monitoring Officer on any matter referred to that officer by the Local Commissioner in Wales.
8. Review, monitor and challenge the content and effectiveness of the Authority's policies, procedures, guidance notes and other documents designed to prevent breaches of the Bribery Act 2010 within the organisation and to make recommendations to improve these to reduce risk to the Authority.
9. Overview of complaints handling and Ombudsman investigations.
10. Make an Annual Report to Full Fire & Rescue Authority describing how the Committee's functions have been discharged during the financial year.
11. Maintain an overview of the operation and maintenance of the Authority's complaints handling procedures insofar as they relate to issues concerning Members.









## **ANNUAL REPORT**

12. As soon as possible after the end of each financial year, the Standards Committee must make an annual report to the Fire & Rescue Authority.
13. The annual report must include:
  - 13.1 a description of how the Standards Committee has discharged its functions.
  - 13.2 a summary of any reports and recommendations that were referred to the Standards Committee under Chapter 3 of Part 3 of the Local Government Act 2000.
  - 13.3 a summary of the actions that the Standards Committee has taken following consideration of the reports and recommendations referred to in 13.2 above.
  - 13.4 a summary of any notices that were given to the Standards Committee under Chapter 4 of Part 4 of the Local Government Act 2000; and
  - 13.5 the Standards Committee's assessment of the extent to which Members on the Fire & Rescue Authority have complied with their duties to promote and maintain high standards of conduct and to co-operate with the Standards Committee in the exercise of the Standards Committee's functions; and
  - 13.6 any recommendations which the Standards Committee considers it appropriate to make to the Fire & Rescue Authority about any matter which falls within the Committee's functions.

## **WORK PROGRAMME**

14. The Committee will prepare a work programme which will be reviewed and approved at each Committee meeting.

### 3. Membership

Independent Members		
Mr Ronald Alexander  Joined the Committee 2018      Appointed Chairperson February 2022		Dr Mark Kerbey  Joined the Committee 2016
Mr Simon Barnes  Joined the Committee 2018	Mr David Fussell  Joined the Committee 2018	Ms Kate Thorogood  Joined the Committee 2022
Fire and Rescue Authority Members		
Cllr Aurfron Roberts  Joined the Committee 2017	Cllr Sian-Elin Melbourne  Joined the Committee 2022	Cllr Glynne Holmes  Joined the Committee 2021

The committee would like to formally thank the outgoing chair Mr Geoffrey Hughes for his long standing commitment to the Authority. Geoffrey stood down in August 2022 having been an independent member of the Standards Committee for his 12 years of excellent dedicated service on behalf of the Standards Committee, with 6 years being as Chair.

### 4. Work of the Committee

The Committee's main role is to promote and maintain high standards of conduct by elected and co-opted members of South Wales Fire Authority and to assist them to observe the Members' Code of Conduct

The committee meets at least twice annually for the routine scheduled meetings. Additional meetings would be scheduled as required. The Committee endeavours to maintain regular training.



### Fire Authority Member Induction Training - Member Training Delivered to Fire Authority Members

A training session for elected members was held on 5<sup>th</sup> July 2022. The focus of this training is a general introduction for new elected members to the work of the Fire Authority and refresher training for returning elected members of the Authority.

Standards Committee members in attendance were:

<b>Independent Members</b> Mr Geoff Hughes	<b>Fire and Rescue Authority Members</b> Cllr Glynne Holmes Cllr Sian-Elin Melbourne
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### Training – Standards Committee Member Training Delivered by Dave Daycock

A training session for members was held during the 3<sup>rd</sup> October 2022 meeting focusing on the Members Code of Conduct. This was kindly delivered by David Daycock LLB (Wales) LLM (Bristol) Barrister, Clerk and Monitoring Officer Mid and West Wales Fire and Rescue Authority. The Training can be viewed in the [video of the Committee meeting](#) the training runs from 2 minutes into the video until 1 hour and 12 minutes.

Members in attendance were:

<b>Independent Members</b> Mr Simon Barnes (via teams) Dr Mark Kereby Mr David Fussell Ms Katie Thorogood	<b>Fire and Rescue Authority Members</b> Cllr Glynne Holmes Cllr Sian-Elin Melbourne
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### 03 October 2022 Meeting

The scheduled meeting was held in a hybrid format via Teams 03 October 2022. The video recording of the meeting is available via this [link](#).

Members in attendance were:

<b>Independent Members</b> Mr Simon Barnes (via teams) Dr Mark Kereby Mr David Fussell Ms Katie Thorogood	<b>Fire and Rescue Authority Members</b> Cllr Glynne Holmes Cllr Sian-Elin Melbourne
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### 30 January 2023 Meeting

The scheduled meeting was held in a hybrid format via Teams 30 January 2023.

Members in attendance were:

<b>Independent Members</b> Mr Ronald Alexander (Chairperson) Dr Mark Kereby Mr David Fussell Ms Katie Thorogood	<b>Fire and Rescue Authority Members</b> Cllr Aurfron Roberts Cllr Glynne Holmes Cllr Sian-Elin Melbourne
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## 5. Issues Discussed

### 03 October 2022 Standards Committee

#### Review of Terms of Reference of the Standards Committee

Following a review, Members unanimously agreed the Terms of Reference of the Standards Committee.

#### Schedule of Observation Visits by Independent Members of Standards Committee to SWFRA Committees

Members unanimously agreed to accept and schedule the observation visits by Independent Members of the Standards Committee to South Wales Fire & Rescue Authority Committees.

#### Member Training Delivered by Dave Daycock

Mr D Daycock, Mid & West Wales FRS Monitoring Officer, provided Members with an online verbal training session on the following key areas:-

- Part 1 – Members Code of Conduct
- Part 2 – Work of the Standards Committee and Members of the Standards Committee
- Part 3 – The Ombudsman, The Adjudication Panel of Wales, and the Role of the Monitoring Officer

#### Public Service Ombudsman for Wales' Code of Conduct Casebook - for the period March 2021 to August 2022.

Following discussion on individual cases and the rise in social media cases, Members agreed to note the content extracted from the 'Our Findings Section' of the Public Service Ombudsman for Wales website, concerning complaints against the Code of Conduct for the period March 2021 to August 2022.

#### Update Regarding the All Wales Standards Forum

Members agreed to note the verbal update on the All Wales Standards Forum.

#### Outcome Report Following the Consultation on Welsh Government's Standards of Conduct Statutory Guidance

The T/Monitoring Officer informed Members that Welsh Government consulted on the draft guidance relating to 'Standards of Conduct' under the Local Government and Elections (Wales) Act 2021, which included the following duties:-

- To promote and maintain high standards of conduct.
- To co-operate with the Council's Standards Committee
- To provide advice and training
- To write an Annual Report

### 30 January 2023 the Committee Meeting

#### Public Service Ombudsman for Wales - Code of Conduct Casebook - for the period 01 August 2022 to 29 December 2022.

Content will be drawn from drafted minutes

### Feedback report following Observations Visits by Independent Members of Standards Committee to SWFRA Committees

Content will be drawn from drafted minutes

### Standards Conference Wales 2023

Content will be drawn from drafted minutes

### Adjudication Panel for Wales – Annual Report 2021/22

Content will be drawn from drafted minutes

### Independent Remuneration Panel for Wales’ Draft Annual Report - February 2023

Content will be drawn from drafted minutes

### Public Services Ombudsman for Wales – Annual Report and Accounts 2020/21

Content will be drawn from drafted minutes

### Public Service Ombudsman for Wales – Updated Guidance on the Code of Conduct

Content will be drawn from drafted minutes

### Draft Standards Committee Annual Report

Content will be drawn from drafted minutes

## 6. Complaints of Breach of the Code of Conduct for Authority Members

Complaints made but not investigated by the PSOW	None
Complaints made and investigated by the PSOW	None
Investigations completed by the PSOW where the decision was no evidence of breach of the Code of Conduct or no action taken	None
Investigations undertaken by the PSOW where the decision was to discontinue the investigation	None
Investigations referred to the Standards Committee for consideration by the Standards Committee by the Standards Committee.	None
Investigations completed by the PSOW which determined there was evidence of a breach of the Code of Conduct	None

## 7. Financial Implications

The budget for the Standards Committee is managed through a single budget heading for all Authority costs. Independent members of the Standards Committee are entitled to claim remuneration based on meetings and events attended. For attending meetings in this financial year, a total of £XXX has been claimed. In the previous financial year 2021/2022 the committee costs were £659.

## 8. Conclusion

Following its work over the last 12 months the SWFRA Standards Committee is of the

opinion that it has complied with its duty to promote the code of conduct and that the Elected Members of the Authority have maintained high standards of conduct and co-operated with the Standards Committee in the exercise of the Standards Committee's functions; The Standards Committee recommends that the South Wales Fire and Rescue Authority notes its annual report 2022/23.

## 9. Useful Contacts

Geraint Thomas ACO - Director Corporate Services & Monitoring Officer Tel: 01443 232000 <b>Address:</b> Business Park, Forest View, Llantrisant, Ynysmaerdy, Pontyclun CF72 8LX <a href="http://www.southwales-fire.gov.uk">www.southwales-fire.gov.uk</a>	Sarah Watkins Head of Corporate Support & Deputy Monitoring Officer Tel: 01443 232000 <b>Address:</b> Business Park, Forest View, Llantrisant, Ynysmaerdy, Pontyclun CF72 8LX <a href="http://www.southwales-fire.gov.uk">www.southwales-fire.gov.uk</a>
Adjudication Panel for Wales Oak House, Cleppa Park, Celtic Springs Newport, NP10 8BD Telephone: 03000 259805 E-mail: <a href="mailto:adjudication.panel@gov.wales">adjudication.panel@gov.wales</a> <a href="http://www.adjudicationpanel.gov.wales/contact">www.adjudicationpanel.gov.wales/contact</a>	Public Services Ombudsman for Wales 1 Ffordd yr Hen Gae, Pencoed, CF35 5LJ Telephone: 0300 790 0203 Fax: (01656) 641199 E-mail: <a href="mailto:ask@ombudsman.wales">ask@ombudsman.wales</a> <a href="http://www.ombudsman.wales">www.ombudsman.wales</a>

**THIS REPORT IS NOT EXEMPT AND IN THE PUBLIC DOMAIN****SOUTH WALES FIRE & RESCUE AUTHORITY**AGENDA ITEM NO 7  
30 JANUARY 2023

STANDARDS COMMITTEE

REPORT OF HEAD OF CORPORATE SUPPORT

**PUBLIC SERVICE OMBUDSMAN FOR WALES' CODE OF CONDUCT CASEBOOK****THIS REPORT IS FOR INFORMATION**

REPORT APPROVED BY DIRECTOR OF CORPORATE SERVICES

REPORT PRESENTED BY HEAD OF CORPORATE SUPPORT – SARAH WATKINS

**SUMMARY**

This report presents to Members the Public Services Ombudsman for Wales Code of Conduct Casebook.

**RECOMMENDATION**

It is recommended that Members note the content extracted from the Our Findings Section of the Public Services Ombudsman for Wales website concerning complaints against the Code of Conduct for the period 1 August 2022 to 29 December 2022.

**1. BACKGROUND**

- 1.1 Members last considered the content extracted from the [Our Findings](#) Section of the Public Services Ombudsman for Wales website concerning complaints against the code of conduct for the period March 2021 to August 2022.
- 1.2 In Appendices 1 to 5 of this report Members will see extracts from the Public Services Ombudsman for Wales website regarding decisions made relating to the Code of Conduct.
- 1.3 Members should note that all the findings are available to be accessed via the Public Services Ombudsman for Wales website.

**2. ISSUE**

- 2.1 The Standards Committee, as part of its terms of reference, has responsibility to oversee matters relating to the Public Services Ombudsman for Wales (the Ombudsman).

- 2.2 The Ombudsman issue the findings against complaints made regarding the Code of Conduct on its website to provide the public with an overview of the work of the Ombudsman.
- 2.3 The Standards Committee review the work of the Ombudsman as a matter of good governance. There have been no findings of a breach of the code against any Members of South Wales Fire & Rescue Authority within the Ombudsman Website.
- 2.4 Members of the Standards Committee are requested to note the findings regarding complaints relating to the Code of Conduct in Appendices 1 to 5.

### **3. IMPLICATIONS**

#### **3.1 Community and Environment**

Equality, Diversity and Inclusion	No
Welsh Language	No
Well-Being Of Future Generations (Wales) Act	No
Socio Economic Duty	No
Sustainability / Environment / Carbon Reduction	No
Safeguarding	No
Consultation and Communications	No
Consultation with Representative Bodies	No
Impact Assessment	No

#### **3.2 Regulatory, Strategy and Policy**

Legal	No
Financial	No
Procurement	No
Corporate Risk	No
Information Management	No
Data Protection / Privacy	No
Health, Safety and Wellbeing	No
Governance & Audit	No
Service Policy	No
National Policy	No

#### **3.3 Resources, Assets and Delivery**

Human Resources and People Development	No
Assets and Resources (Property/Fleet/ICT/Equipment)	No
Service Delivery	No

Procurement	No
Budget Revenue/Capital	No

#### 4. RECOMMENDATION

- 4.1 It is recommended that Members note the content extracted from the Our Findings Section of the Public Services Ombudsman for Wales website concerning complaints against the Code of Conduct for the period 1 August 2022 to 29 December 2022.

<b>Contact Officer:</b>	Sarah Watkins Head of Corporate Support
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<b>Background Papers</b>	<b>Date</b>	<b>Source/Contact</b>
None		

<b>Appendices</b>	
Appendix 1	Code of Conduct Integrity
Appendix 2	Code of Conduct Promotion of Equality and Respect
Appendix 3	Code of Conduct Disclosure of Registration of Interests
Appendix 4	Code of Conduct Duty to uphold the Law
Appendix 5	Code of Conduct Selflessness and Stewardship

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**Appendix 1****Code of Conduct Integrity**

**No outcomes to report for the search period 01 August 2022 to 29 December 2022**

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## Appendix 2

**Code of Conduct - Promotion of Equality and Respect****Promotion of equality & respect : Ceredigion County Council**

Report date: 03/08/2022	Subject: Promotion of equality & respect
Outcome: CODE	Case ref number: 202106365
Report type: Code - No Action Necessary	Relevant body: Ceredigion County Council

The Ombudsman received a self-referred complaint from a Member (“the Former Member”) of Ceredigion County Council (“the Council”), that they had breached the Council’s Code of Conduct for members.

The Member said that during a discussion at a public Council meeting about Welsh Ambulance Service NHS Trust (“WAST”) provision in Ceredigion, they had made inappropriate comments about “incomers” to the county and “immigrants” being allowed into Wales by the Welsh Government and the potential impact on those services. The Ombudsman’s investigation considered whether the Former Member’s conduct may have breached paragraphs 4(a), 4(b) and 6(1)(a) of the Council’s Code of Conduct.

Information was obtained from the Council including a transcript of what the Former Member had said in the meeting, minutes of Council meetings, and comments from the Former Member. The Ombudsman found that following the incident the Former Member had stepped down from their political party to sit as an independent member. During the investigation the Former Member stood in the election on 5 May 2022 and was not returned by the local electorate.

In comments to the Council and the Ombudsman, the Former Member said the remarks had been inappropriate and taken in a way not intended. The Ombudsman found that the Former Member’s remarks did not extend to gratuitous or personal comment or hate speech and would not have been interpreted as representative of the views of the Council. As such, they would not have amounted to a breach of paragraphs 4(a) or 6(1)(a) of the Code of Conduct. The Ombudsman determined, however, that they could be considered divisive and disrespectful, and suggestive of a breach of paragraph 4(b) in failing to show respect and consideration for others.

The Ombudsman considered that, as the Former Member’s role was ultimately decided by the local electorate and they were no longer a member of the Council, any sanction which could be given if a breach of the Code of Conduct was found by

**the Council's Standards Committee would be limited and therefore it was not in the public interest to take any further action in respect of the matter.**

**The Ombudsman found that under Section 69(4)(b) of the Local Government Act 2000 no action needed to be taken in respect of the matters investigated.**

**Appendix 3****Code of Conduct - Disclosure of Registration of Interests**

**No outcomes to report for the search period 01 August 2022 to 29 December 2022**

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## Appendix 4

## Code of Conduct - Duty to uphold the Law

**Duty to uphold the law : Llandovery Town Council**

Report date: 27/10/2022	Subject: Duty to uphold the law
Outcome: CODE	Case ref number: 202100012
Report type: CODE - Referred to Standards Committee	Relevant body: Llandovery Town Council

The Ombudsman received a complaint that a Member (“the Member”) of Llandovery Town Council (“the Council”) had breached the Code of Conduct. The Member had been convicted of drug driving and it was reported in a newspaper that she did not intend to stand down as Mayor.

The investigation considered whether the Member failed to comply with paragraph 6(1)(a) of the Code of Conduct in that members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute.

The Ombudsman considered the Member’s conviction and the fact that her sentence fell short of automatic disqualification as outlined in Section 80A of the Local Government Act 1972. The Ombudsman also considered the account provided by the Member.

The Ombudsman considered whether further action was needed in the public interest and the overriding purpose of the ethical standards regime in Wales, which is to uphold standards of conduct in public life and maintain confidence in local democracy. The Ombudsman was of the view that the Member’s conviction and the press coverage that followed which referred to the Council, the Member’s membership of the Council and her position as Mayor, could be regarded a conduct that was capable of bringing her Council and/or her office as a councillor into disrepute and was suggestive of a breach of paragraph 6(1)(a) of the Code of Conduct.

The report on the investigation was referred to the Monitoring Officer of Carmarthenshire County Council for consideration by its Standards Committee.

The Standards Committee concluded that the member had breached paragraph 6(1)(a) of the Code of Conduct. Accordingly, the Standards

**Committee decided that the Member should be suspended to 2 months and be required to attend Code of Conduct training within 6 months.**



**Appendix 5****Code of Conduct - Selflessness and Stewardship**

**No outcomes to report for the search period 01 August 2022 to 29 December 2022**

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## AGENDA ITEM NO 8

**Feedback report following Observation visits by Independent Members of  
Standards Committee to SWFRA Committees**

-

To be presented verbally on the day

Presenting Officer: Assistant Chief Officer – Corporate Services, Geraint  
Thomas

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## SWFRA Observations Checklist for Independent Members of Standards Committee at SWFRA Meetings v1

Observations of Independent Member of Standards Committee	
Name of Independent member observing:	
SWFRA Meeting observed:	
Date of Meeting:	
Type of Meeting	Online / Hybrid / In person only
Time of Meeting:	
Location of Meeting:	
Location of Observer:	

		Comments
<b>Introduction</b>	Were you welcomed by the Monitoring Officer / Deputy?	Yes/No/NA*
	Were Members advised that you were observing the Meeting?	Yes/No/NA*
<b>Room Set Up</b>	From the seating arrangement was it clear who the Members, the Officer(s) and the public were?	Yes/No/NA*
	Did Members and Officer(s) have name cards identifying who they were?	Yes/No/NA*
	Was the room well lit?	Yes/No/NA*

## SWFRA Observations Checklist for Independent Members of Standards Committee at SWFRA Meetings v1

		Comments
<b>Room Set up cont.</b>	Could you hear what was being said?	Yes/No/NA*
	Were the room(s) used of an appropriate size?	Yes/No/NA*
	Were a copies of the agenda available on the website were any copies available for the public (other than any Part II reports)?	Yes/No/NA*
<b>Meeting</b>	Did the meeting commence on time?	Yes/No/NA*
	Does the Authority have a procedure for public speaking or is there an opportunity to suspend Standing Orders to allow a person to speak?	Yes/No/NA*
<b>Decision Making</b>	Were motions moved and seconded?	Yes/No/NA*
	If there wasn't agreement by the meeting as a whole was the motion voted on?	Yes/No/NA*
	Were any amendments moved and seconded?	Yes/No/NA*

## SWFRA Observations Checklist for Independent Members of Standards Committee at SWFRA Meetings v1

		Comments
<b>Decision Making cont.</b>	Were votes on the amended motion taken before the original motion? [A vote on an original motion is only necessary if the vote on an amendment is lost]	Yes/No/NA*
	Was only one amendment at any given time the subject of discussion prior to taking a vote on the amendment?	Yes/No/NA*
	Did the meeting follow the agenda?	Yes/No/NA*
	Were rulings by the Chair adhered to?	Yes/No/NA*
	If Part II items appeared on the agenda, did Members agree to move into Part II of the agenda?	Yes/No/NA*
	Were Members of the Public (including the Independent Standards Committee Member) asked to leave the meeting room prior to the discussion of Part II matters?	Yes/No/NA*
	Were there any other items discussed at the meeting without a report being available and no prior notice given?	Yes/No/NA*

## SWFRA Observations Checklist for Independent Members of Standards Committee at SWFRA Meetings v1

		Comments
<b>Conduct of Members</b>	Did Members show respect and consideration for others?	Yes/No/NA*
	If a Member declared a personal interest, did the Member explain the nature of the interest?	Yes/No/NA*
	If a Member declared a personal and prejudicial interest in a report did they leave the Meeting Room during the consideration of the relevant report?	Yes/No/NA*
	Did a Member declare a personal and prejudicial interest and that they had a dispensation to speak from the Standards Committee?  And if so, did the Member leave the Meeting Room having spoken on the matter?	Yes/No/NA*
	Did a Member declare a personal and prejudicial interest and that they had a dispensation to speak and vote?	Yes/No/NA*
	What time did the Meeting end?	Yes/No/NA*



## **SWFRA Observations Checklist for Independent Members of Standards Committee at SWFRA Meetings v1**

**Any additional general comments**

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## AGENDA ITEM NO 9

**Standards Conference Wales 2023**

-

To be presented verbally on the day

Presenting Officer: Head of Corporate Support, Sarah Watkins

For Members interest please see the link below for the All Wales Standards Committee Conference which took place on 9 February 2022

<https://e1.pcloud.link/publink/show?code=kZUQmYZEaM4NkAzcX7Cbzqhg59WG5Jq1kEV>

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## **THIS REPORT IS NOT EXEMPT AND IN THE PUBLIC DOMAIN**

**SOUTH WALES FIRE & RESCUE AUTHORITY**

AGENDA ITEM NO 10  
30 JANUARY 2023

STANDARDS COMMITTEE

REPORT OF HEAD OF CORPORATE SUPPORT

## **ADJUDICATION PANEL FOR WALES – ANNUAL REPORT 2021/22**

### **THIS REPORT IS FOR INFORMATION**

REPORT APPROVED BY DIRECTOR OF CORPORATE SERVICES

REPORT PRESENTED BY HEAD OF CORPORATE SUPPORT – SARAH WATKINS

#### **SUMMARY**

This report advises Members of the Adjudication Panel for Wales Annual Report 2021/22.

#### **RECOMMENDATIONS**

That Members note the Adjudication Panel for Wales' Annual Report 2021/22.

## **1. BACKGROUND**

- 1.1 The Adjudication Panel for Wales (APW) is an independent tribunal set up to determine alleged breaches of an Authority's Statutory Members' Code of Conduct by Elected and Co-opted Members of Welsh County, County Borough and Community Councils, Fire and National Park Authorities.
- 1.2 The APW has two statutory functions in relation to breaches of the Members' Code of Conduct:
  - To form case or interim case tribunals to consider references from the Public Services Ombudsman for Wales following the investigation of allegations that a Member has failed to comply with their Authority's Members' Code of Conduct; and
  - To consider appeals from Members against the decisions of local authority Standards Committees that they may have breached the Members' Code of Conduct.

## **2. ISSUE**

- 2.1 The APW report is attached at Appendix A to this report. Section 2 (at page 8-11) provides details of the performance and progress from 2017-

18 to 2021-22, and details the number of references and appeals that have been received each year. Summaries of case tribunal hearings can be found at Section 3 (page 12) of the APW Report.

### **3. IMPLICATIONS**

#### **3.1 Community and Environment**

Equality, Diversity and Inclusion	No
Welsh Language	No
Well-Being Of Future Generations (Wales) Act	No
Socio Economic Duty	No
Sustainability / Environment / Carbon Reduction	No
Safeguarding	No
Consultation and Communications	No
Consultation with Representative Bodies	No
Impact Assessment	No

#### **3.2 Regulatory, Strategy and Policy**

Legal	No
Financial	No
Procurement	No
Corporate Risk	No
Information Management	No
Data Protection / Privacy	No
Health, Safety and Wellbeing	No
Governance & Audit	No
Service Policy	No
National Policy	No

3.2.1 The role of the Standards Committee is to oversee, maintain and strengthen high standards of conduct in public office and an awareness of the work of the APW is an important part of this work.

#### **3.3 Resources, Assets and Delivery**

Human Resources and People Development	No
Assets and Resources (Property/Fleet/ICT/Equipment)	No
Service Delivery	No
Procurement	No
Budget Revenue/Capital	No

### **4. RECOMMENDATIONS**

- 4.1 That Members note the Adjudication Panel for Wales' Annual Report 2021/22.

<b>Contact Officer:</b>	Sarah Watkins Head of Corporate Support
-------------------------	--

<b>Background Papers</b>	<b>Date</b>	<b>Source / Contact</b>
Adjudication Panel for Wales Annual Report Year 2021 – 2022	March 2021	<a href="https://adjudicationpanel.gov.wales/sites/adjudicationpanel/files/2022-07/2021-2022-apw-annual-report.pdf">https://adjudicationpanel.gov.wales/sites/adjudicationpanel/files/2022-07/2021-2022-apw-annual-report.pdf</a>

<b>Appendices</b>	
Appendix 1	Adjudication Panel for Wales Annual Report 2021/22

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# Adjudication Panel for Wales Annual Report

Year 2021 – 2022

PDC / APW

PANEL DYFARNU CYMRU  
ADJUDICATION PANEL FOR WALES

# Contents

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## Foreword

This is my seventh report as President of the Adjudication Panel for Wales. The report covers the period 1 April 2021 – 31 March 2022.

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 financial year has seen the APW deal with an unusually high number of cases. It is not clear whether this is connected to the impact of the COVID-19 pandemic, the election cycle or simply a natural fluctuation. There is no common theme to be drawn from the cases heard. This year has seen all types of councillors appearing before the APW, ranging from leaders of councils to members of community councils. Given the new duties imposed on leaders of parties in local government concerning standards in public life, it is to be expected that matters will improve. I remain of the view that a good year for standards is when the APW is quiet.

At the time of writing this foreword, the 2022 local government elections have just taken place. Whilst congratulating those who have been elected to their important public service role, I also encourage councillors to take advantage of the Code of Conduct training they will be offered by monitoring officers and others and to review the guidance issued by the Public Services Ombudsman for Wales. Such training is designed to help and support councillors to carry out their work for their community in accordance with the Code and to avoid ever having to appear before either the standards committee or the APW.

Finally, I note the recommendations of the Penn review and its proposals for changes to the APW's powers and procedures. I look forward to working with the Welsh Government as it considers its position in relation to the report it commissioned and its implementation. I am conscious that the Welsh Tribunals as a whole face a time of significant change, following the Law Commission report on Welsh justice, but am confident the APW will continue to deliver fair decisions to ensure compliance with the Code while protecting the enhanced freedom of expression for those engaged with politics.

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.

**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.

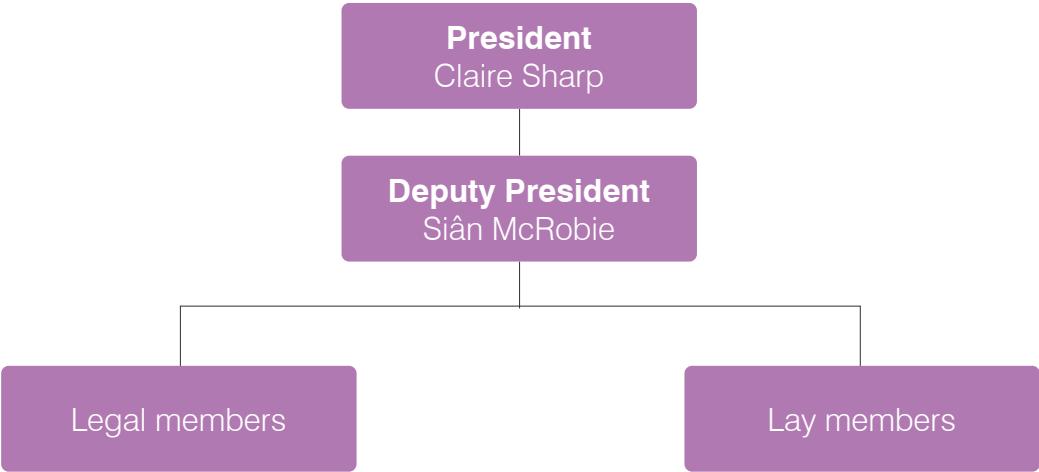
The APW publishes its decisions on the website for the APW. Decisions of Case Tribunals can be appealed on limited grounds to the High Court. Permission to appeal to the High Court must first be sought from the High Court.

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 7.

## Members of the APW

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

<b>President</b>	The President has judicial responsibility for the APW and its members.
<b>Deputy President</b>	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.
<b>Legal Members</b>	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.
<b>Lay Members</b>	Lay members have a wide range of knowledge and experience relevant to the work of the APW.
<b>Administration</b>	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 **5 May 2021**, with a continued emphasis on judgecraft; together with case law updates and a session on credibility of witnesses and fact-finding.

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](mailto: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

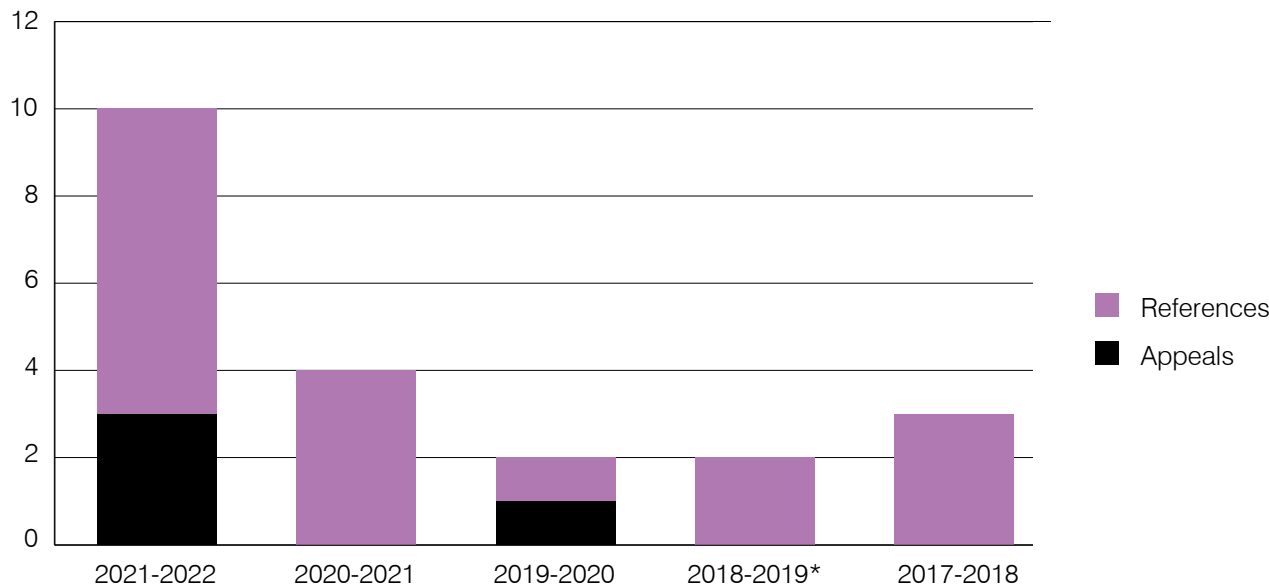
## Numbers and Statistics

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 2017-March 2022



\* 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 2017-March 2022

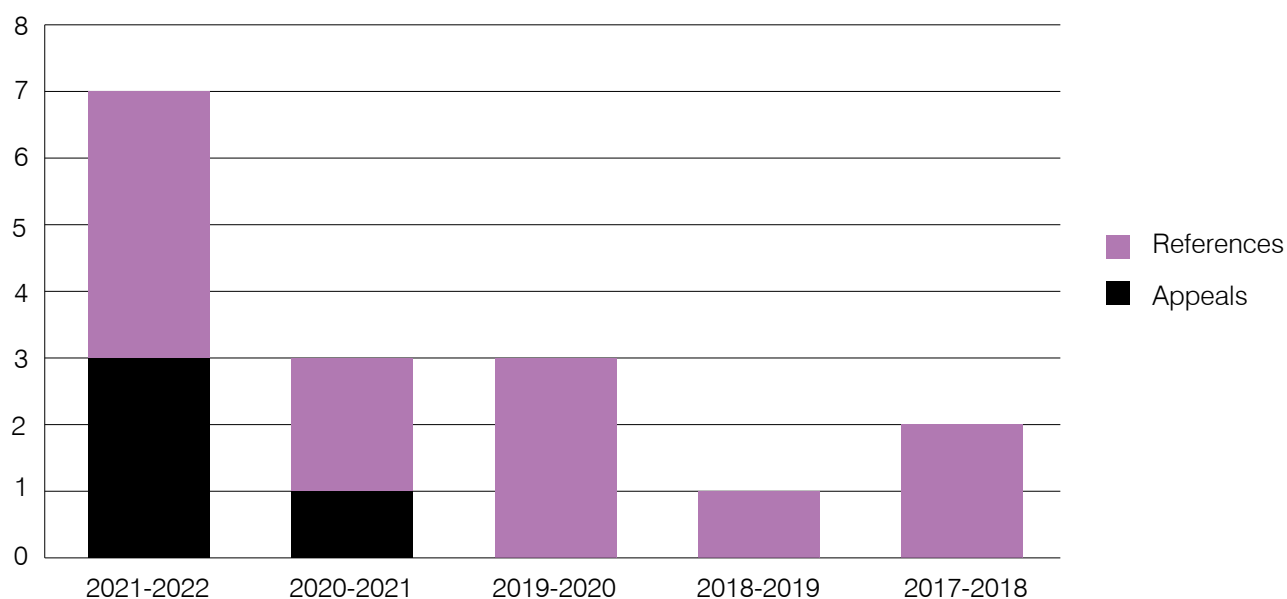
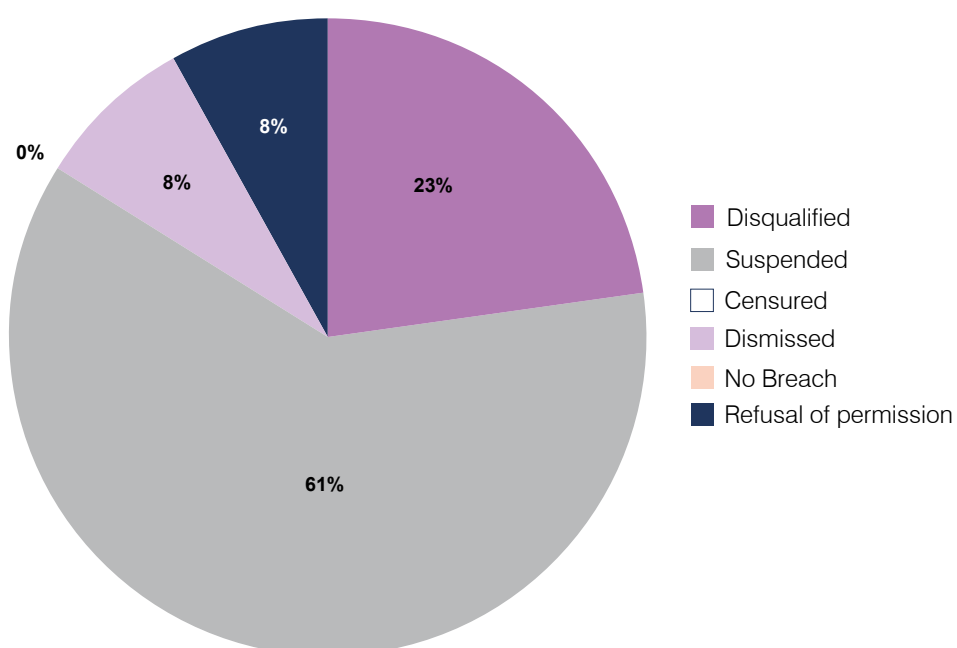
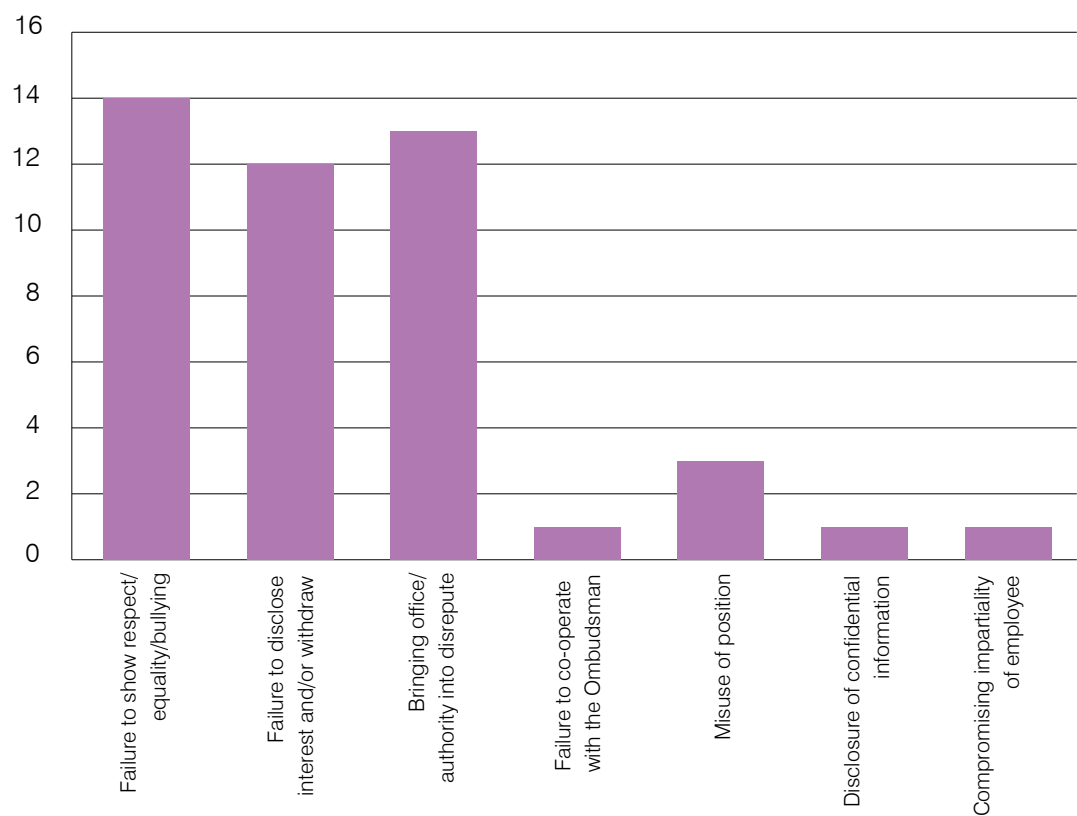


Chart 2.3: Outcomes of references and appeals April 2017- March 2022

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 2017-March 2022



Hearings data

During 2021-2022:

Type	Length (in days)
Reference	8 hearing days
Appeal	2 hearing day

6 listing conferences took place in relation to these cases.

Onward appeals

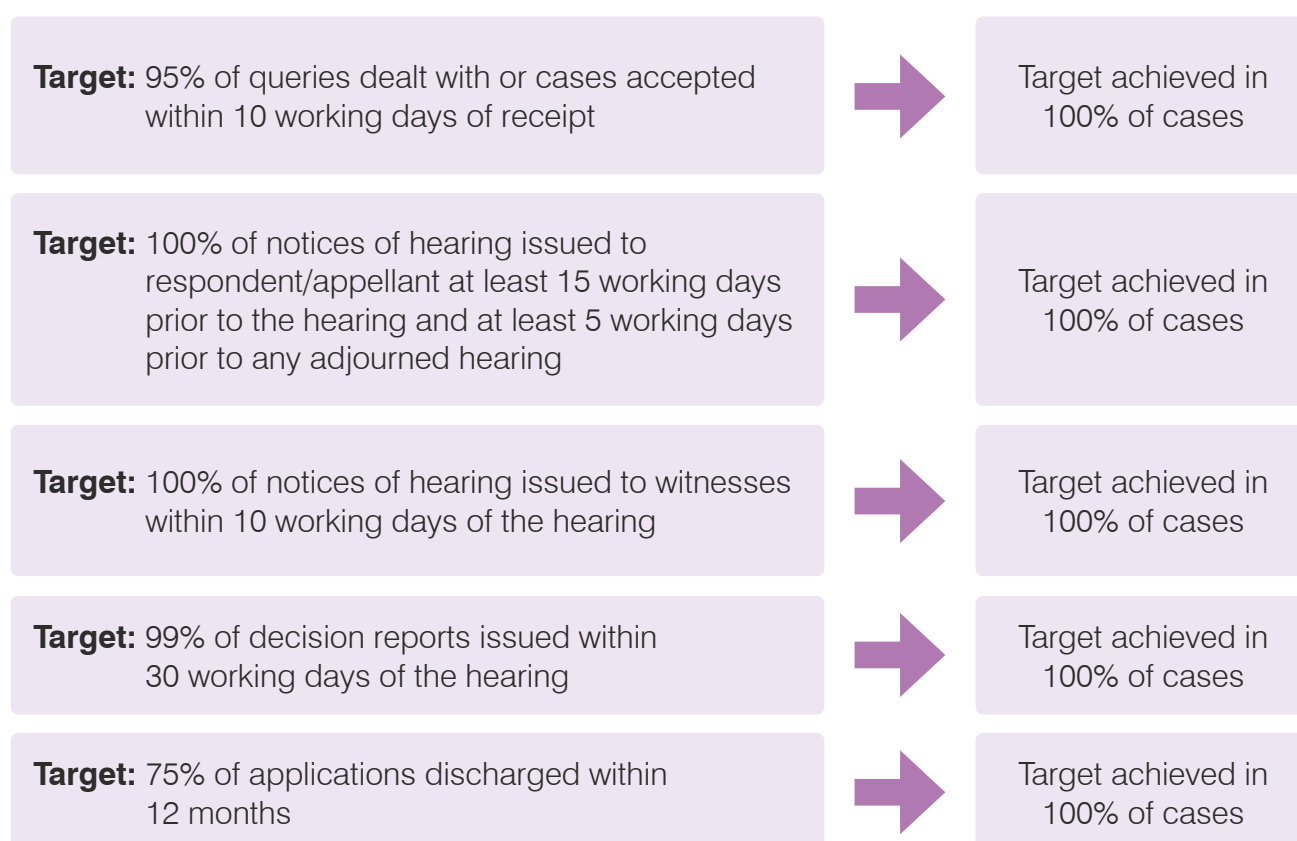
Applications for permission to appeal a decision of a Case Tribunal or Interim Case Tribunal can be made on limited grounds to the High Court. Over the period of this report, no applications for permission were made.

## 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 2021-2022



## Complaints

The APW received and concluded 1 formal complaint during the reporting period.

## Section 3 – Case summaries

In this section:

- References
- Appeals

### References

During the reporting period, **4 case tribunals** took place resulting from a reference from the Ombudsman. A summary of the cases determined by the APW appears below:

APW/003/2020-021/CT

Caerphilly County Borough Council

The allegations were that the councillor had breached the Code of Conduct for Caerphilly County Borough Council by conducting himself in a manner reasonably regarded as bringing the office or authority into disrepute, using his position to secure an advantage, failing to disclose a personal interest in council business when attending a meeting or making written representations, and failing to withdraw from a meeting in respect of a matter in which he had a prejudicial interest (without obtaining a dispensation).

The councillor was Leader of the Council. In that role, he attended meetings of a City Deal Regional Cabinet, a joint working arrangement between 10 Councils. The councillor was also a director of an investment vehicle company. Having seen a confidential report, the councillor invested personally in a company affected by the contents of that report. When the councillor attempted to amend his register of interests a few months later to reflect his investment, he was advised by a senior officer this was not necessary; he then did not declare his interest at a later City Deal meeting, but did so on further occasions and left those meetings.

The Case Tribunal found by unanimous decision that the councillor had failed to comply with the Code of Conduct for Caerphilly County Borough Council 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)).

The Case Tribunal unanimously concluded that the councillor was to be suspended from acting as a member of a relevant authority in respect of his breaches of paragraphs 6 and 7 of the Code for a period of five months and in respect of his breaches of paragraphs 11 and 14 of the code a period of two months concurrently. In addition, it recommended that the Monitoring Officer re-emphasised the requirement for members to register interests as/when they arise and that the duty does not arise annually.

APW/001/2021-022/CT

Taff's Well and Nantgarw Community Council, Rhondda Cynon Taf County Borough Council

The allegations were that the councillor had breached the Code of Conduct for Taff's Well and Nantgarw Community Council by bullying or harassing others, by failing to show respect and consideration for others, conducting himself in a manner reasonably regarded as bringing the office or authority into disrepute, using his position to secure an advantage, and failing to observe the law and the authority's rules governing the claiming of expenses and allowances.

The councillor was a member of a community council and required additional support to carry out his role due to his disabilities. He sought payment of expenses that he said were required to enable him to carry out his role, but the clerk to the Council refused the applications on the basis that she was not satisfied with the evidence provided. This led to a series of emails in which the councillor questioned the clerk's qualifications, doubted the justification for her salary, demeaned the work that she undertook and ultimately referred to her as part of an **"axis of evil"** that was bullying him. When the Chair became involved, the councillor sent abusive emails to him. During the PSOW's investigation, the councillor interfered with the evidence of a witness and wrote a letter (ostensibly from the witness) seeking to resile from the evidence given to the ombudsman.

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

- You must show respect and consideration for others (paragraph 4(b));
- You must not use bullying behaviour or harass any person (paragraph 4c);
- 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));
- You must (a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member (paragraph 9(a)).

The Case Tribunal unanimously concluded that the councillor was to be disqualified from acting as a member of a relevant authority for a period of 12 months.

APW/005/2021-022/CT

Abertillery and Llanhillieth Community Council, Blaenau Gwent County Borough Council

The allegations were that the councillor had breached the Code of Conduct for Abertillery and Llanhillieth Community Council by failing to carry out his duties with due regard to equality of opportunity for all, by bullying or harassing others, by failing to show respect and consideration for others, conducting himself in a manner reasonably regarded as bringing the office or authority into disrepute, and by failing to comply with the requests of the PSOW during his investigation.

The councillor was a member of a community council, as was another councillor who had a hearing impairment. The accused councillor was overtly rude to his colleague about her disability on more than one occasion and tried to make it hard for her to participate in meetings. In addition, during the PSOW's investigation the accused councillor was found to have failed to engage or co-operate with the investigation (including failing to answer written questions) and this was not due to his health as asserted.

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

- You must carry out your duties and responsibilities with 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 (paragraph 4(a));
- You must show respect and consideration for others (paragraph 4(b));
- You must not use bullying behaviour or harass any person (paragraph 4c);
- 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 comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers (paragraph 6(2)).

The Case Tribunal unanimously concluded that the councillor was to be suspended for a period of ten months from acting as a member of a relevant authority. It further recommended that the accused councillor undertook further training on the Code of Conduct and Equality and Diversity, and provided a full written apology to his colleague in respect of his breaches of the Code towards her.

#### APW/006/2021-022/CT

#### Caernarfon Royal Town Council and Gwynedd Council

The allegations were that the councillor had breached the Code of Conduct for Caernarfon Royal Town Council and Gwynedd Council by bullying or harassing others, by failing to show respect and consideration for others, conducting himself in a manner reasonably regarded as bringing the office or authority into disrepute, using his position to secure an advantage, and failing to co-operate with the PSOW's investigation.

The councillor was unhappy about the activities of a colleague during the COVID-19 pandemic. He posted comments on Facebook to denigrate him and to suggest his parents received free meals, was found to have assaulted a third party when that individual was out leafletting with the other councillor, and repeatedly threatened and claimed to have issued court proceedings for compensation and/or injunctive relief and/or a harassment complaint with the Police against the councillor to whom he objected. During the PSOW's investigation, the councillor was found to have failed to engage. While the accused councillor asserted that he was unwell, no medical evidence was provided either to the APW or the PSOW.

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

- You must show respect and consideration for others (paragraph 4(b));
- You must not use bullying behaviour or harass any person (paragraph 4c);
- 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 comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers (paragraph 6(2));
- 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)).

The Case Tribunal unanimously concluded that the councillor was to be suspended from acting as a member of a relevant authority for a period of nine months.

## Appeals

During the reporting period, 2 appeal tribunals took place arising from a decision made by a local government standards committee. In addition, permission to appeal was refused by the President in respect of one appeal.

A summary of the cases determined by the APW appears below:

### APW/002/2021-022/AT Denbighshire County Council

An appeal was received against the determination of the standards committee that the councillor had breached Denbighshire County Council's Code of Conduct and should be suspended from office for 2 months.

The proceedings arose from the councillor's decision to become involved in a personal dispute between a constituent and another individual in a car park. The councillor decided to investigate and attempt to view the CCTV, and visited the individual's workplace and spoke to her colleagues about the matter. He later wrote a letter of complaint to the individual's employer about the incident in the car park.

The standards committee found that the councillor had breached the Code of Conduct in respect of the following paragraphs:

- You must not use bullying behaviour or harass any person (paragraph 4c);
- 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)).

Permission to appeal was given by the President only in respect of the issue as to whether the actions of the councillor constituted harassment and whether the sanction imposed should be reviewed. The Appeal Tribunal by unanimous decision found that the actions of the councillor did constitute a course of harassment, that this was a breach of the Code, and endorsed the two month suspension sanction imposed by the standards committee.

APW/003/2021-022/AT  
Wrexham Council

An appeal was received against the determination of the standards committee that the councillor had breached Wrexham Council's Code of Conduct and should be suspended from office for three months.

The proceedings arose from the councillor's decision to complain about a member of a public to her employer (and copied into the relevant regulator) because she had complained about him to the PSOW.

The standards committee found that the councillor had breached the Code of Conduct in respect of the following paragraphs:

- You must show respect and consideration for others (paragraph 4(b));
- You must not use bullying behaviour or harass any person (paragraph 4c);
- 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)).

Permission to appeal was given by the President as whether the sanction imposed should be reviewed; the councillor in part relied upon the two-month suspension given by Denbighshire County Council's standards committee for similar conduct. The Appeal Tribunal by unanimous decision found that the sanction should be reviewed and recommended that a two-month suspension should be considered by the standards committee. On referral back to the standards committee, it declined to change the sanction and the suspension of three months came into effect.



## 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;
- Pandemic permitting, return as appropriate to “face to face” hearings and attend key outreach events;
- Following the outcome of the Law Commission report on Welsh tribunals and the review of the Ethical Framework, action any changes as required by the legislature.

# Section 5 – Expenditure

In this section:

- Expenditure for 2021-2022

## Expenditure for 2021-2022

Content	Amount
Members Fees and Expenses (proceedings and training)	£41,370
Tribunal events (hearing and other costs)	£7,780
<b>Total</b>	<b>£49,151</b>

Rounded to the nearest £1

**THIS REPORT IS NOT EXEMPT AND IN THE PUBLIC DOMAIN**

**SOUTH WALES FIRE & RESCUE AUTHORITY**

AGENDA ITEM NO 11  
30 JANUARY 2023

STANDARDS COMMITTEE

REPORT OF DIRECTOR OF CORPORATE SERVICES

**INDEPENDENT REMUNERATION PANEL FOR WALES: DRAFT ANNUAL REPORT 2023 TO 2024**

**THIS REPORT IS FOR INFORMATION**

REPORT APPROVED BY DIRECTOR OF CORPORATE SERVICES

REPORT PRESENTED BY HEAD OF CORPORATE SUPPORT – SARAH WATKINS

**SUMMARY**

This report brings to Members' attention the relevant sections of the Independent Remuneration Panel for Wales Draft Annual Report that relate to payments to Members of Welsh Fire & Rescue Authorities.

**RECOMMENDATIONS**

That Members note the extract of the Independent Remuneration Panel's Draft Annual Report, attached at Appendix 1, which provides details of payments to Members of Welsh Fire & Rescue Authorities.

**1. BACKGROUND**

- 1.1 As Members will be aware, the Local Government (Wales) Measure 2011 gave powers to the Independent Remuneration Panel for Wales to determine and review the remuneration of Members of Local Authorities, National Park Authorities, Fire & Rescue Authorities and Town & Community Councils.
- 1.2 The Panel is also required to produce an Annual Report and consult on this prior to its issue. The Panel has now issued its draft report, and the relevant extracts for Members are attached at Appendix 1 to this report.

**2. ISSUE**

- 2.1 Members will note that the proposals for Councillors' remuneration for Fire & Rescue Authority duties recommend an increase for the 2023/24 municipal year of salaries as follows:
  - Basic salary £2,482 per annum

- Senior Salary £6,222 per annum (inclusive of basic salary)
- Chair Of Fire Authority Salary £11,282 per annum (inclusive of basic salary)

2.2 South Wales Fire & Rescue Authority received and noted the draft report of the Independent Remuneration Panel for Wales on 19 December 2022.

### 3. IMPLICATIONS

#### 3.1 Community and Environment

Equality, Diversity and Inclusion	No
Welsh Language	No
Well-Being Of Future Generations (Wales) Act	No
Socio Economic Duty	No
Sustainability / Environment / Carbon Reduction	No
Safeguarding	No
Consultation and Communications	No
Consultation with Representative Bodies	No
Impact Assessment	Yes

3.1.1 There are no equality impacts arising directly as a result of the draft report as the report is intended to apply to all Elected Members equally regardless of protected characteristics. Additionally, the Independent Remuneration Panel will be responsible for undertaking their own equality risk assessment of the implications of their report prior to its publication in February 2023.

#### 3.2 Regulatory, Strategy and Policy

Legal	No
Financial	Yes
Procurement	No
Corporate Risk	No
Information Management	No
Data Protection / Privacy	No
Health, Safety and Wellbeing	No
Governance & Audit	No
Service Policy	No
National Policy	No

3.2.1 The annual increase for allowances for Members of South Wales Fire & Rescue Authority and the independent members is contained within the proposed revenue budget which was approved for consultation on 19 December 2023.

### 3.3 Resources, Assets and Delivery

Human Resources and People Development	No
Assets and Resources (Property/Fleet/ICT/Equipment)	No
Service Delivery	No
Procurement	No
Budget Revenue/Capital	No

## 4. RECOMMENDATION

- 4.1 That Members note the extract of the Independent Remuneration Panel's Draft Annual Report, attached at Appendix 1, which provides details of payments to Members of Welsh Fire & Rescue Authorities.

<b>Contact Officer:</b>	ACO Geraint Thomas Director of Corporate Services
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Background Papers	Date	Source / Contact
Independent Remuneration Panel for Wales: draft annual report 2023 to 2024	06 October 2022	<a href="https://www.gov.wales/sites/default/files/pdf-versions/2022/10/4/1665049109/independent-remuneration-panel-wales-draft-annual-report-2023-2024.pdf">https://www.gov.wales/sites/default/files/pdf-versions/2022/10/4/1665049109/independent-remuneration-panel-wales-draft-annual-report-2023-2024.pdf</a>

Appendices	
Appendix 1	Independent Remuneration Panel for Wales: draft annual report 2023 to 2024

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Llywodraeth Cymru  
Welsh Government

## APPENDIX 1

### REPORT

# Independent Remuneration Panel for Wales: draft annual report 2023 to 2024

Sets the range and level of payments for the financial year 2023 to 2024.

**First published:** 6 October 2022

**Last updated:** 6 October 2022

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# Contents

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**Role and responsibilities of the Panel**

**Summary of deliberations and determinations**

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# Introduction

Welcome to the draft report of the Independent Remuneration Panel for Wales, setting the decisions and determinations on pay, expenses and benefits for elected members of principal councils, community and town councils, national park authorities and fire and rescue authorities for implementation from April 2023.

This is my first report as Chair of the Panel, having been appointed in June this year. I would like to take this opportunity to thank John Bader, the outgoing Chair, for his service over many years and who led the Panel through 2 significant pieces of work last year, the Independent 10 year review of the Panel and restoring the link between elected members salaries and average earnings in Wales. I also thank Joe Stockley for his service and I am pleased to announce the appointment of Bev Smith in June this year. Saz Willey, Vice Chair, and Ruth Glazzard have continued to lead the work of the Panel during this period of change and I thank them for the support they have given both Bev and I, as new members.

This year the Panel has continued to focus on and take forward the recommendations from the 10 year review. There are 4 key strands to this work, review the way we work, set out a 3 year strategy for the Panel, improve how we communicate and engage with stakeholders and build a robust evidence base to inform decisions.

We have embarked on the recommended effectiveness review of the way we work and have started developing our longer-term strategy with a panel development day in August. We have agreed that our mission should be to deliver a fair and accountable reward framework for Wales' communities to have their voices heard within our democracy. We will use our expertise and professionalism to build trusting, sustainable partnerships to inform our work and deliver the changes Wales needs.

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We aim to improve the way we communicate and engage both with our immediate stakeholders and the general public. As a first step we now publish a summary of our monthly meetings on our website, but recognise there is much more to do. We aim to improve the accessibility and ease of use of our website and develop it into a more useful resource tool for people. We intend it to be an easy to use store of information on our determinations, and, building on our current frequently asked questions page, develop our guidance on how all decisions should be applied.

Whilst we are an independent body, we will continue to work collaboratively with key stakeholders engaged in promoting participation in local democracy. We look forward to participating in the forthcoming events hosted by the Welsh Government and Minister for Finance and Local Government, to share knowledge, experience, and best practice across a range of subjects related to the role of a councillor to develop a shared understanding of how we can take collective action to increase diversity in local democracy.

The Welsh Government will soon be publishing research which explores the barriers to standing for elected office and the changing role of the councillor and is developing a programme of work around the role of the community and town councils.

The Panel has decided that this year will be a year of consolidation. Major changes were put in place last year, and a significant uplift in salary levels was agreed. We wish to allow time for last year's determinations to bed in and to allow the Panel to continue its development of a research and evidence base to inform future decisions and move to a longer term planning cycle. This report reflects that decision.

During the past few years, we have been considering the structure of our reports and how we can make them more accessible to all. We have concluded that much of the information published replicates previous years, often without significant change. For this report we decided to focus on the changes made as

a result of the proposals. We have therefore decided that the majority of the content set out in previous reports will be removed from the report and placed on the Panel's website. We will make arrangements for those who are unable to access the website.

This change has significantly reduced the size of the report and made it more manageable to navigate. This approach is also in line with our efforts to respect the challenges facing us in protecting our planet.

This is a work in progress, and we would be interested in your views about this approach and so have specifically asked for some feedback as part of our consultation questions at the end of the report.

## Panel Membership

- Frances Duffy, Chair
- Saz Willey, Vice Chair
- Ruth Glazzard
- Bev Smith

Detailed information about the members can be found on the [Panel website](#).

## Role and responsibilities of the Panel

### Role of the Panel

The Panel is responsible for setting the levels and arrangements for the remuneration of members of the following organisations:

- principal councils, county and county borough councils

- community and town councils
- national park authorities
- fire and rescue authorities
- corporate joint committees

The Panel is an independent body and is able to make decisions about:

- the salary structure within which members are remunerated
- the type and nature of allowances to be paid to members
- whether payments are mandatory or allow a level of local flexibility
- arrangements in respect of family absence
- arrangements for monitoring compliance with the Panel's decisions

The Panel is an independent organisation and the organisations listed above are required, by law, to implement the decisions it makes.

The Panel is also consultee for proposed changes to the pay of principal council Chief Executives.

## Principles

The work of the Panel is underpinned by a set of principles which guides its approach, methodology and decision making. They are:

- upholding trust and confidence: citizens rightly expect that all those who choose to serve in local authorities uphold the public trust by embracing the values and ethics implicit in such public service
- simplicity: the Framework is clear and understandable
- remuneration: the Framework provides for payment to members of authorities who carry a responsibility for serving their communities. The level of payment should not act as a barrier to taking up or continuing in the post
- diversity: democracy is strengthened when the membership of authorities

adequately reflects the demographic and cultural make-up of the communities such authorities serve

- accountability: taxpayers and citizens have the right to receive value for money from public funds committed to the remuneration of those who are elected, appointed or co-opted to serve in the public interest
- fairness: the Framework will be capable of being applied consistently to members of all authorities within the Panel's remit as a means of ensuring that levels of remuneration are fair, affordable and generally acceptable
- quality: the Panel recognises that the complex mix of governance, scrutiny and regulatory duties incumbent upon members requires them to engage with a process of continuous quality improvement
- transparency: transparency of members' remuneration is in the public interest

## Summary of deliberations and determinations

### Methodology

Each year the Panel engages with members of the bodies for which it sets remuneration levels, officers within those organisations, clerks, Welsh Local Government Association, One Voice Wales and the Society for Local Council Clerks. It does this through a range of meetings which, at the moment, remain mostly online. The Panel will continue with these discussions. They provide an opportunity for the Panel to explore views about existing arrangements, the impact decisions are having on individuals, how the arrangements are operating in practice and any issues or concerns individuals wish to raise. It also provides an opportunity for discussion about emerging situations which the Panel may need to consider in respect of its decision making.

The draft report is published widely and members of the public are encouraged to and have provided valuable feedback and we welcome this.

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The Panel also considers feedback from the publishing of the Annual Report in the previous year. The changes made in last year's Report, in particular the uplift in the basic salary, seem to have been well received by stakeholders. The issues raised with the Panel have all been centred around the detail of the Determinations, asking for guidance on how they should be applied or asking for points of clarification where the text of the Report was unclear.

The Panel has therefore agreed to review the format and structure of the main Report and make better use of the Panel website to provide information and guidance.

The Panel has a duty to set payments that are fair and that encourage and enable democratic participation. It must also take account of affordability and acceptability.

In making its determinations for this Draft Report, the Panel considered a range of benchmarks, including past, current and projected indices and actual figures and the known and forecast extent and impact of multiple economic and social factors. These included post Brexit and COVID work environments and the cost of living, energy and climate crises.

The Panels proposals are consulted on and following consideration of the views received in response to its consultation the Panel makes its final determinations which are published each year in its Annual Report.

## **Panel's Determinations for 2023 to 2024**

### **Basic salary for elected members of principal councils: determination 1**

The basic salary, paid to all elected members, is remuneration for the

responsibility of community representation and participation in the scrutiny, regulatory and related functions of local governance. It is based on a full time equivalent of 3 days a week. The Panel regularly reviews this time commitment and no changes are proposed for 2023 to 2024.

Last year the Panel reset the basic salary to align with the [2020 Annual Survey of Hours and Earnings \(ASHE\)](#) published by the Office of National Statistics. This reduced the imbalance that had arisen between the basic salary of members of principal councils and the average salaries of their constituents. The change took effect from the May 2022 local elections. The rationale for this significant step can be found in last year's [Annual Report](#) and a detailed explanatory paper setting out the historical context and analysis is available on the [Panel's website](#).

Building on this decision the Panel has determined that for the financial year 1 April 2023 to 31 March 2024 it is right to retain a link between the basic salary of councillors and the average salaries of their constituents. The basic salary will be aligned with 3 fifths of the all Wales [2021 ASHE](#), the latest figure available at drafting. This will be £17,600. This will represent a 4.76% increase in the basic salary.

## **Salaries paid to Senior, Civic and Presiding members of principal councils: determination 2**

The limit on the number of senior salaries payable ("the cap") will remain in place. At the 2022 local elections boundary reviews changed the number of members for some councils. The Panel adjusted the senior salary cap for these councils in its 2022 to 2023 Annual Report. As there are no further changes for 2023 to 2024, the maximum number of senior salaries payable within each council remains as set out in the [2022 to 2023 Report](#).

All senior salaries include the basic salary payment. The different levels of

additional responsibility of and between each role is recognised in a banded framework. The framework was revised last year after a review of differentials and market comparators. No changes to banding are proposed this year. Early next year the Panel will gather evidence from principal councils to explore whether and how the workload of elected members has changed.

The **ASHE 2021** increase applies to the role element of Band 1 and Band 2 salaries, leader, deputy leader and executive members.

To complete the last year’s realignment of the framework, Band 3 and Band 4 salary holders will receive a small increase to the role element of their pay and the role element of Band 5 pay will remain frozen. The increase in basic salary will apply.

The salary of a leader of the largest (Group A) council will therefore be £66,000. All other payments have been decided in reference to this and are set out in Table 1.

**Table 1: salaries payable to basic, senior, civic and presiding members of principal councils**

**Group A**

- Cardiff
- Rhondda Cynon Taf
- Swansea



## Description

	Remuneration
Basic salary (payable to all elected members)	£17,600
Band 1: leader	£66,000
Band 1: deputy leader	£46,200
Band 2: executive members	£39,600
Band 3: committee chairs, civic head and presiding officer (if remunerated)	£26,400
Band 4: leader of the largest opposition group	£26,400
Band 5: leader of other political groups and deputy civic head	£21,340
Band 5: deputy presiding member (no role payment)	£17,600

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Group B

- Bridgend
- Caerphilly
- Carmarthenshire
- Conwy
- Flintshire
- Gwynedd
- Newport
- Neath Port Talbot
- Pembrokeshire
- Powys
- Vale of Glamorgan
- Wrexham

Description

	Remuneration
Basic salary (payable to all elected members)	£17,600
Band 1: leader	£59,400
Band 1: deputy leader	£41,580
Band 2: executive members	£35,640

	Remuneration
<b>Band 3: committee chairs, civic head and presiding officer (if remunerated)</b>	£26,400
<b>Band 4: leader of the largest opposition group</b>	£26,400
<b>Band 5: leader of other political groups and deputy civic head</b>	£21,340
<b>Band 5: deputy presiding member (no role payment)</b>	£17,600

## Group C

- Blaenau Gwent
- Ceredigion
- Denbighshire
- Merthyr Tydfil
- Monmouthshire
- Torfaen
- Isle of Anglesey

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## Description

	Remuneration
<b>Basic salary (payable to all elected members)</b>	£17,600
<b>Band 1: leader</b>	£56,100
<b>Band 1: deputy leader</b>	£39,270
<b>Band 2: executive members</b>	£33,660
<b>Band 3: committee chairs, civic head and presiding officer (if remunerated)</b>	£26,400
<b>Band 4: leader of the largest opposition group</b>	£26,400
<b>Band 5: leader of other political groups and deputy civic head</b>	£21,340
<b>Band 5: deputy presiding member (no role payment)</b>	£17,600

There are no further changes to the payments and benefits paid to elected members and therefore all other Determinations from 2022 to 2023 still stand and should be applied in 2023 to 2024, including those covering:

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- travel and subsistence
- care and personal assistance
- sickness absence
- corporate joint committees
- assistants to the executive
- additional salaries and job sharing arrangements
- co-opted Members

### **Salaries for joint overview and scrutiny committees: determination 3**

The salary of a chair of a Joint Overview and Scrutiny Committee will be £8,800.

The salary of vice-chair will be £4,400.

There are no other changes.

### **Payments towards costs and expenses of members of community and town councils: determination 4**

Last year the Panel carried out a major review of the remuneration framework for community and town councils and undertook a comprehensive consultation exercise with the sector. The Framework was updated then and this year the Panel has decided to make limited but important changes.

The Panel recognise that all members of community and town councils necessarily spend time working from home on council business. This was the case before and during COVID and is continuing. As a result, members have extra domestic costs and also need office consumables.

The Panel considers members should not be out of pocket for carrying out their duties. It therefore proposes the following.

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### **Basic payment for extra costs of working from home**

All councils must pay their members £156 a year (equivalent to £3 a week) towards the extra household expenses (including heating, lighting, power and broadband) of working from home.

### **Set payment for consumables**

Councils must either pay their members £52 a year for the cost of office consumables required to carry out their role, or alternatively councils must enable members to claim full reimbursement for the cost of their office consumables.

It is a matter for each council to make and record a policy decision in respect of when and how the payments are made and whether they are paid monthly, yearly or otherwise. The policy should also state whether and how to recover any payments made to a member who leaves or changes their role during the financial year.

The level of payments is set out in Table 2.

**Table 2: payments to community and town councils**

Type of payment	Group	Requirement
Extra costs payment	1 (Electorate over 14,000)	Mandatory for all members
Senior role	1 (Electorate over 14,000)	Mandatory for 1 member; optional for up to 7
Mayor or chair	1 (Electorate over 14,000)	Optional: up to a maximum of £1,500
Deputy mayor or deputy chair	1 (Electorate over 14,000)	Optional: up to a maximum of £500
Attendance allowance	1 (Electorate over 14,000)	Optional
Financial loss	1 (Electorate over 14,000)	Optional
Travel and subsistence	1 (Electorate over 14,000)	Optional
Costs of care or personal assistance	1 (Electorate over 14,000)	Mandatory
Extra costs payment	2 (Electorate over 10,000 to 13,999)	Mandatory for all members
Senior role	2 (Electorate over 10,000 to 13,999)	Mandatory for 1 member; optional up to 5

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Mayor or chair	2 (Electorate over 10,000 to 13,999)	Optional: up to a maximum of £1,500
Deputy mayor or deputy chair	2 (Electorate over 10,000 to 13,999)	Optional: up to a maximum of £500
Attendance allowance	2 (Electorate over 10,000 to 13,999)	Optional
Financial loss	2 (Electorate over 10,000 to 13,999)	Optional
Travel and subsistence	2 (Electorate over 10,000 to 13,999)	Optional
Costs of care or personal assistance	2 (Electorate over 10,000 to 13,999)	Mandatory
Extra costs payment	3 (Electorate over 5,000 to 9,999)	Mandatory for all members
Senior role	3 (Electorate over 5,000 to 9,999)	Optional up to 3 members
Mayor or chair	3 (Electorate over 5,000 to 9,999)	Optional: up to a maximum of £1,500
Deputy mayor or deputy chair	3 (Electorate over 5,000 to 9,999)	Optional: up to a maximum of £500
Attendance allowance	3 (Electorate over 5,000 to 9,999)	Optional

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Financial loss	3 (Electorate over 5,000 to 9,999)	Optional
Travel and subsistence	3 (Electorate over 5,000 to 9,999)	Optional
Costs of care or personal assistance	3 (Electorate over 5,000 to 9,999)	Mandatory
Extra costs payment	4 (Electorate over 1,000 to 4,999)	Mandatory for all members
Senior role	4 (Electorate over 1,000 to 4,999)	Optional up to 3 members
Mayor or chair	4 (Electorate over 1,000 to 4,999)	Optional: up to a maximum of £1,500
Deputy mayor or deputy chair	4 (Electorate over 1,000 to 4,999)	Optional: up to a maximum of £500
Attendance allowance	4 (Electorate over 1,000 to 4,999)	Optional
Financial loss	4 (Electorate over 1,000 to 4,999)	Optional
Travel and subsistence	4 (Electorate over 1,000 to 4,999)	Optional
Cost of care or personal assistance	4 (Electorate over 1,000 to 4,999)	Mandatory

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Basic costs payment	5 (Electorate less than 1,000)	Mandatory for all members
Senior role	5 (Electorate less than 1,000)	Optional up to 3 members
Mayor or chair	5 (Electorate less than 1,000)	Optional: up to a maximum of £1,500
Deputy mayor or deputy chair	5 (Electorate less than 1,000)	Optional: up to a maximum of £500
Attendance allowance	5 (Electorate less than 1,000)	Optional
Financial loss	5 (Electorate less than 1,000)	Optional
Travel and subsistence	5 (Electorate less than 1,000)	Optional
Cost of care or personal allowance	5 (Electorate less than 1,000)	Mandatory

There are no further changes to the payments and benefits paid to elected members and therefore all other Determinations from 2022 to 2023 still stand and should be applied in 2023 to 2024, including those covering:

- payments for undertaking senior roles
- contributions towards costs of care and personal assistance
- reimbursement of travel and subsistence costs
- compensation for financial loss

- attendance allowance
- co-opted members

## **Payments to national parks authorities and fire and rescue authorities: determination 5**

The 3 national parks in Wales: Brecon Beacons, Pembrokeshire Coast and Snowdonia were formed to protect spectacular landscapes and provide recreation opportunities for the public. **The Environment Act 1995** led to the creation of a national park authority (NPA) for each park.

National park authorities comprise members who are either elected members nominated by the principal councils within the national park area or are members appointed by the Welsh Government through the Public Appointments process. The Welsh Government appointed and council nominated members are treated equally in relation to remuneration.

The 3 fire and rescue services (FRAs) in Wales: Mid and West Wales, North Wales and South Wales were formed as part of local government re-organisation in 1996. FRAs comprise elected members who are nominated by the Principal Councils within each fire and rescue service area.

Payments will increase as a result of the uplift proposed for elected members of principal councils. Therefore, there will also be an uplift of 4.76% in the basic salary element.

The remuneration for Chairs will remain linked to a Band 3 senior salary of principal councils. Therefore there will be a small increase to the role element of their pay. Deputy Chairs, Committee Chairs and other senior roles will remain linked to Band 5. Therefore their role element of pay will remain frozen. The increase in basic salary will apply. Full details of the levels of remuneration for members of national park authorities and fire and rescue authorities, is set out in

Table 3.

**Table 3: payments to national parks authorities and fire and rescue authorities**

**National parks authorities**

	Amount
Basic salary for ordinary member	£4,964
Chair	£13,764
Deputy chair (where appointed)	£8,704
Committee chair or other senior post	£8,704

**Fire and rescue authorities**

	Amount
Basic salary for ordinary member	£2,482
Chair	£11,282
Deputy chair (where appointed)	£6,222

	Amount
Committee chair or other senior post	£6,222

All other Determinations for 2022 to 2023 will still stand and should be applied in 2023 to 2024, including those covering:

- contributions towards costs of care and personal assistance
- reimbursement of travel and subsistence costs
- compensation for financial loss
- co-opted members
- restrictions on receiving double remuneration where a member holds more than one post

**This document may not be fully accessible.**  
For more information refer to our [accessibility statement](#).

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## **THIS REPORT IS NOT EXEMPT AND IN THE PUBLIC DOMAIN**

**SOUTH WALES FIRE & RESCUE AUTHORITY**

AGENDA ITEM NO 12  
30 JANUARY 2023

STANDARDS COMMITTEE

REPORT OF HEAD OF CORPORATE SUPPORT

## **PUBLIC SERVICE OMBUDSMAN FOR WALES – ANNUAL REPORT AND ACCOUNTS 2021/22**

### **THIS REPORT IS FOR INFORMATION**

REPORT APPROVED BY DIRECTOR OF CORPORATE SERVICES

REPORT PRESENTED BY HEAD OF CORPORATE SUPPORT – SARAH WATKINS

#### **SUMMARY**

This report presents Members with extracts from the Annual Report and Accounts for the Public Services Ombudsman for Wales for the year ending 31 March 2022, in respect of Members' Code of Conduct matters.

#### **RECOMMENDATIONS**

It is recommended that Members note the content of the report.

### **1. BACKGROUND**

- 1.1 The Annual Report is a combined report addressing matters relating to the dual functions of the Public Services Ombudsman for Wales (the Ombudsman). The link to the full annual report can be found at <https://www.ombudsman.wales/wp-content/uploads/2022/08/ANNUAL-REPORT-2021-22-Signed-Version.pdf>. The full report is attached at Appendix 1. The Executive Summary of the report can be found at Appendix 2. An easy read version of the annual report 'What happened between 2021-22' is attached at Appendix 3. Additionally, the Ombudsman has published a video of their Annual Report 2021/22 (7 minutes) which can be seen on this [link](#).

### **2. ISSUE**

- 2.1 There are three main roles to the role of the Ombudsman, which are to investigate complaints about public service providers in Wales, consider complaints about breaches of the Code of Conduct by Elected Members, and driving systemic improvement of public services.

2.2 With reference to Members' Code of Conduct complaints, the Ombudsman may consider complaints about the behaviour of:

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

2.3 The Annual Report details the performance of the Ombudsman office over the year, provides an update on developments that may have occurred and delivers any key messages arising from their work carried out during the year.

2.4 The Annual Report sets out the workloads that have been dealt with by the Ombudsman office during 2021/22 and breaks this workload down into the number of enquiries received and the number of complaints received. It also breaks down the complaints by those received about public services (public body complaints) and those received in relation to Code of Conduct complaints, which this Committee is concerned with.

2.5 The number of Code of Conduct complaints in 2021/22 was 294, a decrease of 5% compared to the previous year. Complaints about Members of National Parks (5) and Fire Authorities (0) have remained low.

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

2.6 Of those complaints, the highest number once again related to the promotion of equality and respect (51% compared to 55% in 2020/21); 11% related to the failure to disclose or register interests (14% last year); 5% related to accountability and openness (4% in 2020/21); 9% related to integrity (down from 12% last year); and 8% related to duty to uphold the law (8% last year). 20 cases were referred to the local Standards Committee (11) or the Adjudication Panel for Wales (9), a 100% increase on the previous year.



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

- 2.7 Further statistical data is contained within the Annual Report. However, in general terms, the nature of the complaints were again weighted towards those around equality and respect, followed by failure to register or declare interests and objectivity and propriety; then duty to uphold the law and then issues relating to integrity, accountability and openness and selflessness and stewardship, which once again largely mirrors the position of the previous years.
- 2.8 All the Code of Conduct complaints received were assessed against a two-stage test. Considering whether:
- a complaint is supported by direct evidence that is suggestive that a breach has taken place.
  - it is in the public interest to investigate that matter. Public interest can be described as “something which is of serious concern and benefit to the public”.
- 2.9 Although the Ombudsman still refer a very small proportion of all Code of Conduct complaints received, it was more than half of those they decided to investigate. It was also twice as many the previous year and the highest number of referrals that they have made since 2012/13.
- 2.10 The Ombudsman are concerned about this increase. It suggests that the ethical standards of a small number of councillors have the potential to undermine public confidence and the reputation of local government democracy.

### 3. IMPLICATIONS

### 3.1 Community and Environment

Equality, Diversity, and Inclusion	No
Welsh Language	No
Well-Being Of Future Generations (Wales) Act	No
Socio Economic Duty	No
Sustainability / Environment / Carbon Reduction	No
Safeguarding	No
Consultation and Communications	No
Consultation with Representative Bodies	No
Impact Assessment	No

### 3.2 Regulatory, Strategy and Policy

Legal	No
Financial	No
Procurement	No
Corporate Risk	No
Information Management	No
Data Protection / Privacy	No
Health, Safety and Wellbeing	No
Governance & Audit	No
Service Policy	No
National Policy	No

### 3.3 Resources, Assets and Delivery

Human Resources and People Development	No
Assets and Resources (Property/Fleet/ICT/Equipment)	No
Service Delivery	No
Procurement	No
Budget Revenue/Capital	No

## 4. RECOMMENDATIONS

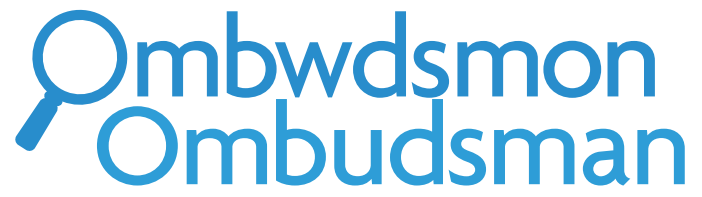
- 4.1 It is recommended that Members note the content of the report.

<b>Contact Officer:</b>	Sarah Watkins Head of Corporate Support
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<b>Background Papers</b>	<b>Date</b>	<b>Source / Contact</b>
Annual Report and Accounts 2021/22 of the Public Services Ombudsman for Wales for the year ended 31 March 2022		<a href="https://www.ombudsman.wales/wp-content/uploads/2022/08/ANNUAL-REPORT-2021-22-Signed-Version.pdf">https://www.ombudsman.wales/wp-content/uploads/2022/08/ANNUAL-REPORT-2021-22-Signed-Version.pdf</a>
Public Services Ombudsman for Wales Annual Report and Accounts Executive summary 2021/2021		<a href="https://www.ombudsman.wales/wp-content/uploads/2022/08/2021-22-ANNUAL-REPORT-2021-22-EXECUTIVE-SUMMARY.pdf">https://www.ombudsman.wales/wp-content/uploads/2022/08/2021-22-ANNUAL-REPORT-2021-22-EXECUTIVE-SUMMARY.pdf</a>
Public Services Ombudsman for Wales Annual Report 2021/22 in 7 minutes		<a href="https://www.youtube.com/watch?v=RILRSbjRy60">https://www.youtube.com/watch?v=RILRSbjRy60</a>

<b>Appendices</b>	
Appendix 1	Annual Report and Accounts 2021/22
Appendix 2	Annual Report and Accounts 2021/22 Executive Summary
Appendix 3	Easy Read - Public Services Ombudsman for Wales Annual Report - What happened between 2021-2022

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OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU  
PUBLIC SERVICES OMBUDSMAN FOR WALES

# Annual Report and Accounts

2021 / 2022

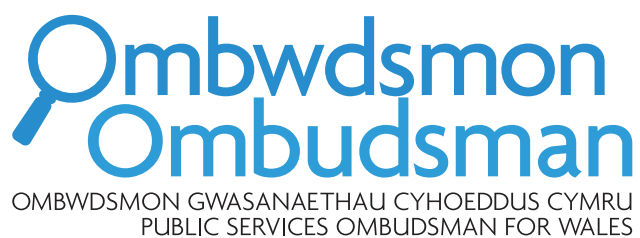


We can provide a summary of this document in accessible formats, including Braille, large print and Easy Read.  
To request, please contact us:

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

Tel: 0300 790 0203

Email: [communications@ombudsman.wales](mailto:communications@ombudsman.wales)



## **Annual Report and Accounts 2021/22**

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

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

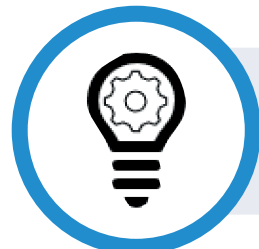
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We have continued to deliver for those who have suffered injustice during the pandemic.



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



We embrace learning and welcome feedback



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



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



We pull together and support each other.

## Foreword

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

### **Nick Bennett**

Public Services Ombudsman for Wales

March 2022

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

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

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

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

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

### **Michelle Morris**

Public Services Ombudsman for Wales

20 July 2022





## The impact of COVID-19

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

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

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

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

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

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

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

## About us

### We have three main roles.

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

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

#### Complaints about public service providers


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

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

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

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

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

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

## Code of Conduct complaints

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

We can consider complaints about elected members of:

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

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

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

We are a “prescribed person” under the Public Interest Disclosure Act for raising whistleblowing concerns about breaches of the Code of Conduct by members of local authorities. We explain this role in more detail in [the Whistleblowing section of the Report](#).

## Systemic improvement of public services

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

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

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

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

## Our Key Performance Indicators

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

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














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

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

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

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

## Snapshot of the year

April 2021		22 County and County Borough Councils become subject to complaint handling standards.
May 2021		We publish new Code of Conduct Guidance for members of local authorities in Wales.
June 2021		Health Boards and Trusts become subject to complaints handling standards.
July 2021		We issue a public interest report about <a href="#">Cwm Taf Morgannwg UHB</a> – and our Annual Report 2020/21.
August 2021		We launch a new <a href="#">Our Findings tool</a> . We issue a public interest report about <a href="#">Betsi Cadwaladr UHB &amp; Denbighshire Council</a> .
September 2021		We publish complaints standards data for the first time We issue public interest reports about <a href="#">Betsi Cadwaladr UHB</a> and <a href="#">Bridgend Council</a> .
October 2021		We launch the findings of our first Own Initiative investigation We issue <a href="#">a public interest report about Hywel Dda UHB</a> We appear before the Senedd's Finance Committee.
November 2021		We publish our third <a href="#">Equality and Human Rights Casebook</a> .
December 2021		We issue <a href="#">a public interest report about Cardiff and Vale UHB</a>
January 2022		We publish <a href="#">revised Principles of Good Administration and Principles of Good Records Management</a> .
February 2022		We publish <a href="#">a public interest report about Cardiff Council</a>
March 2022	20	We refer the 20th complaint about the conduct of councillors in the year and say farewell to outgoing Ombudsman Nick Bennett.

## A guide to some terms used in this Report

### Case

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

### Caseload

All cases that we handle.

### Enquiry

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

### Pre-assessment

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

### Complaint

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

### Outcome

Our decision after we have considered a complaint.

### Intervention

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

### Referral

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

## Strategic Aim 1: Deliver Justice

---

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



## Deliver Justice: our work at a glance

**8178**

We received 8178 new cases (enquiries, pre-assessments and complaints).

**32%** more than in 2020/21

**14%** more than in 2019/20

**2726**

We received 2,726 new complaints about public services.

**45%** more than in 2020/21

**22%** more than in 2019/20

**18%**

We found that something had gone wrong in 18% of complaints that we closed.

**1,131**

We issued 1131 recommendations to public service providers.

**294**

We received 294 new complaints about the Code of Conduct.

**5%** less than in 2020/21

**27%** more than in 2019/20

**20**

We referred 20 complaints about the Code of Conduct to the Standards Committees of the relevant local authorities, or the Adjudication Panel for Wales.

**100% more referrals than last year**

**7%**

We upheld only 7% of the review requests we received. Although there is always more work for us to do to improve, this gives us confidence in our decisions.

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

**43%**

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

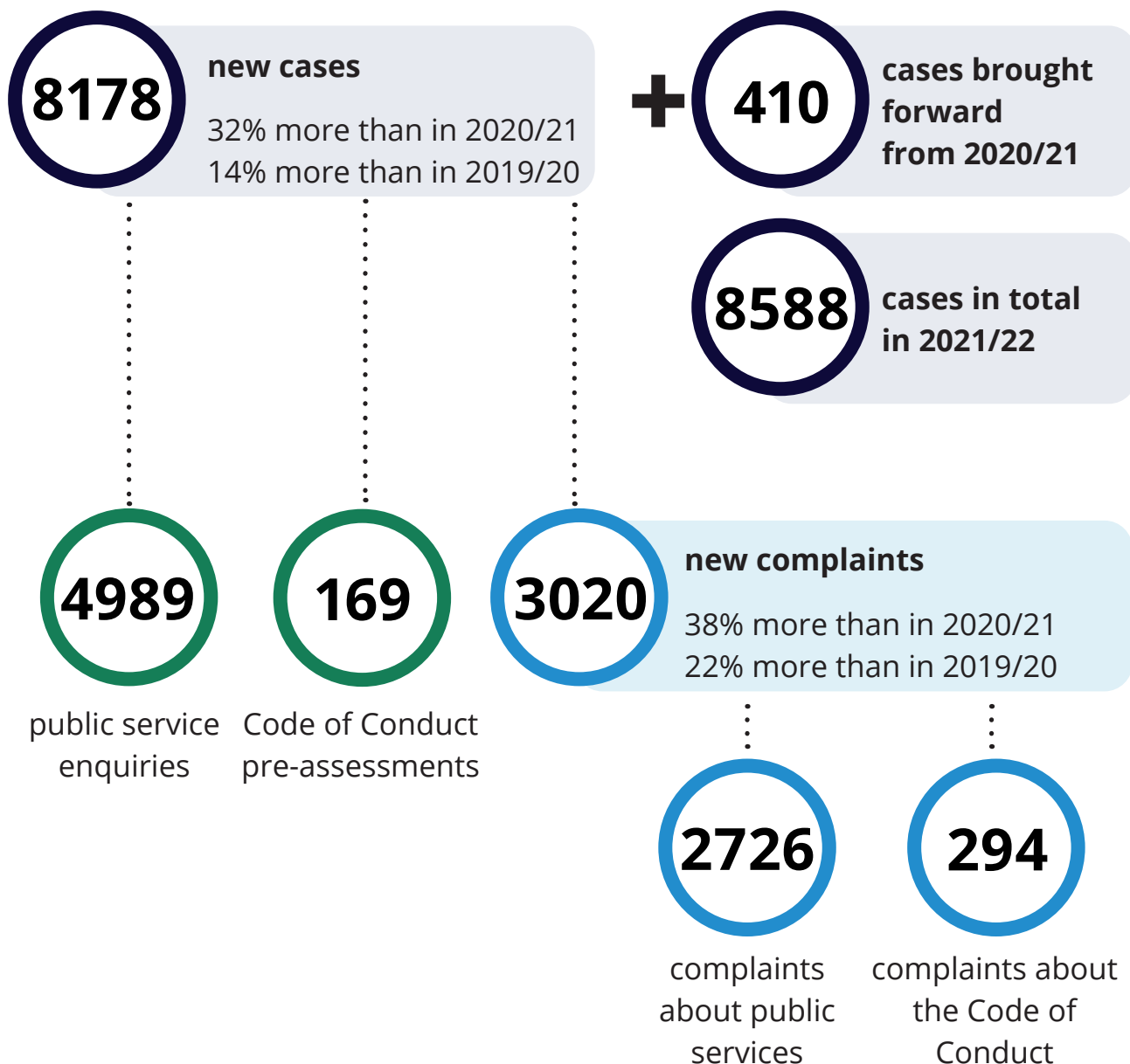
**221**

We accepted 221 oral complaints - and our first complaint in British Sign Language.

## Our caseload

### New caseload

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



## Closed caseload

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

**7983**

### closed cases

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

**605**

### cases carried over to 2022/23

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

**4953**

public service  
enquiries

**165**

Code of Conduct  
pre-assessments

**2865**

### closed complaints

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

**2584**

complaints  
about public  
services

**281**

complaints about  
the Code of  
Conduct

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

## Enquiry

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

## Complaint

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

## Assessment

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

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

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

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

## Investigation

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

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

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

propose a voluntary settlement - similar to Early Resolution.

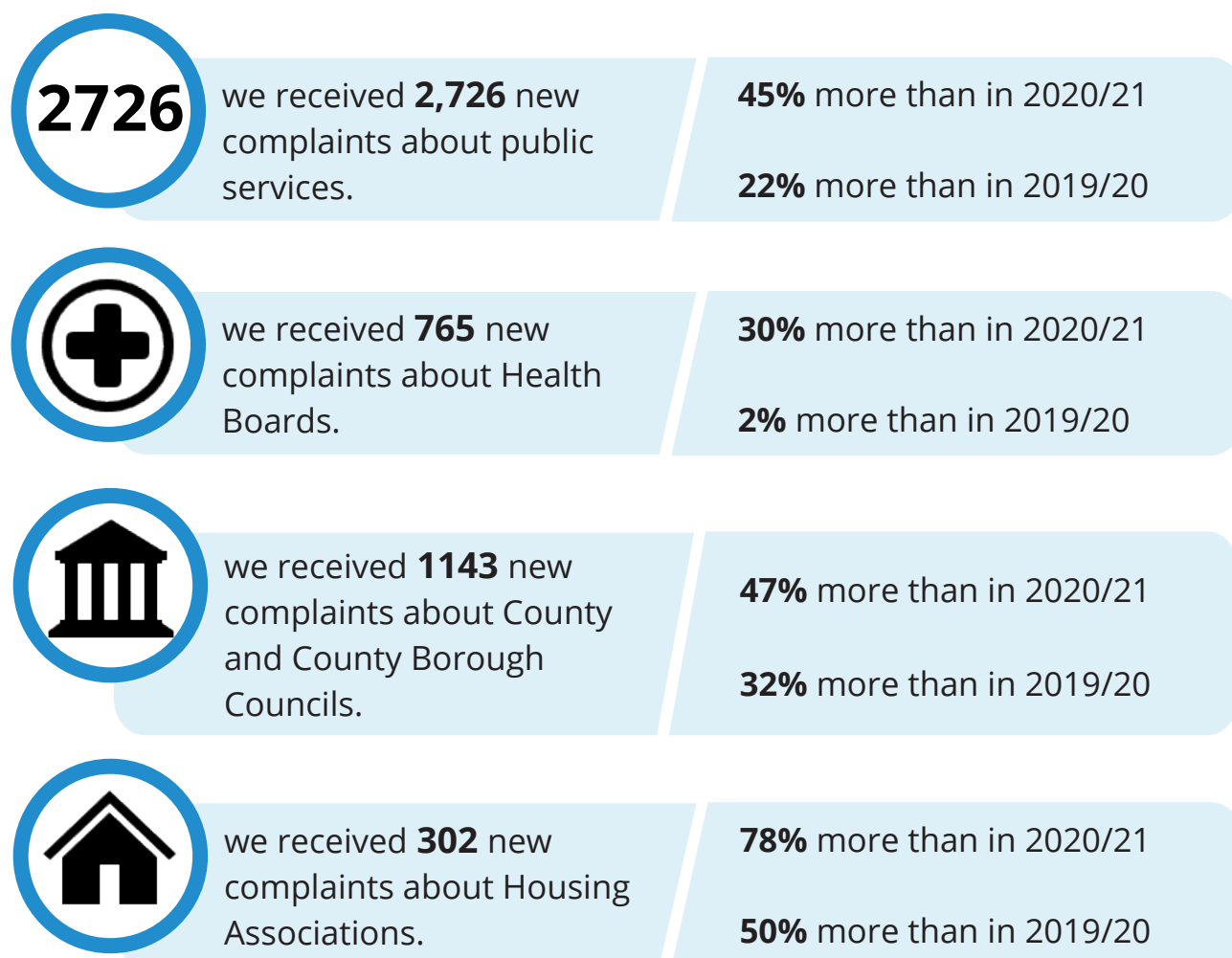
issue a report upholding the complaint.



## Complaints about public services

### New complaints about public services

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



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

## Which bodies people complained about

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



### Health Boards

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

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

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

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

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

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



## County and County Borough Councils

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

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

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

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



## Housing Associations

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

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

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

Our new complaints about County and County Borough Councils:

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

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



## What people complained about

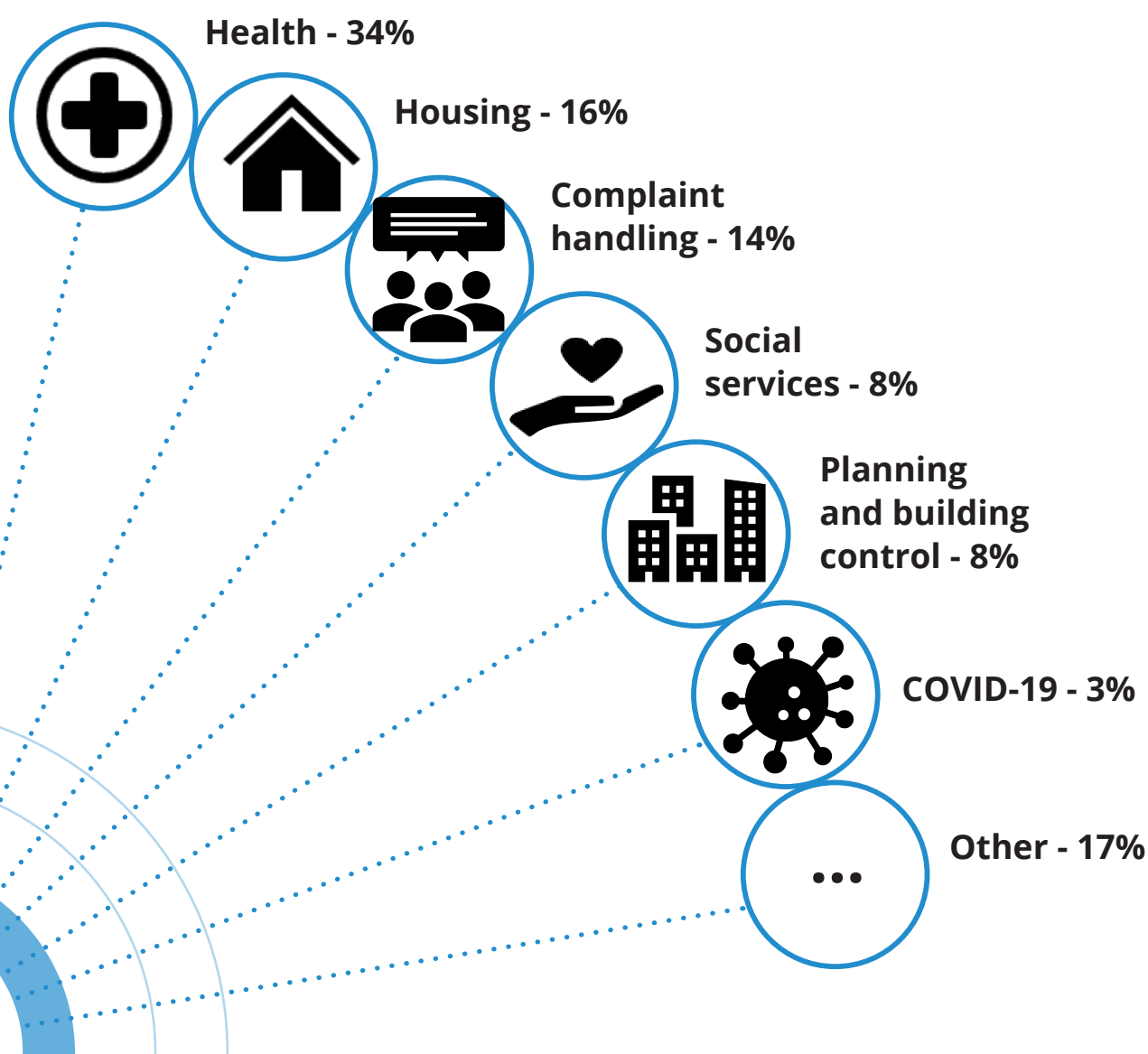
We report our new complaints showing the different public service providers they relate to. However, we also monitor and report on the subject of those complaints.

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

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

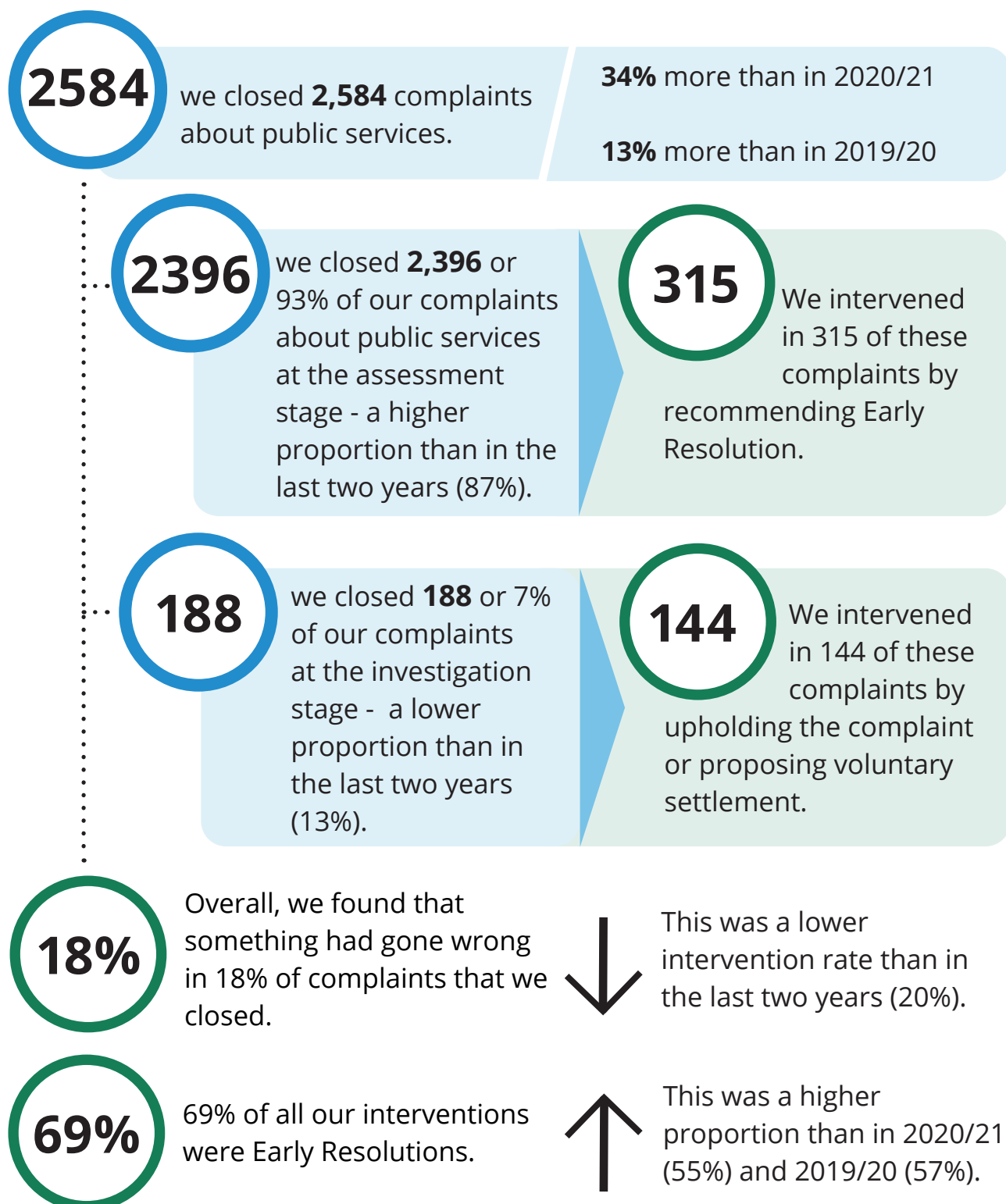
14% (from 12% in 2020/21 and 9% in 2019/20). We hope that we will start to see fewer of those complaints, as public bodies put into action the learning from our complaints standards training. However, we also know that many public bodies have received many more complaints this year. This can influence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

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



## Closed complaints about public services

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



## How many complaints we closed

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



### Our closed complaints: Health Boards

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

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

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



### Our closed complaints: County and County Borough Councils

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

## Complaint stages



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

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

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

## When we closed complaints

### Assessments

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

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

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

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

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

### Investigations

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

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

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

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

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



## Our interventions



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

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

### When we intervened

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

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

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

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

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

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

**Our reference: 202105152**

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

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

**Our reference: 202103182**

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

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

**Our reference: 202103058**

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



### Our interventions: Health Boards

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

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

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

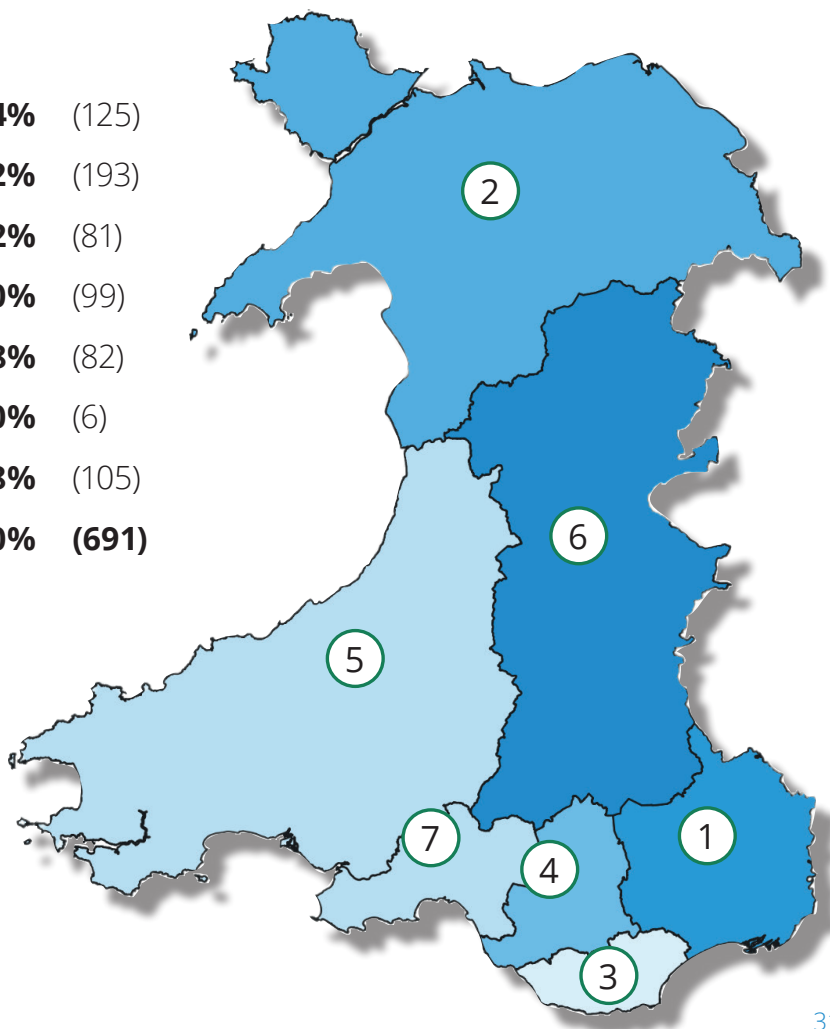
Teaching Health Board and Cwm Taf Morgannwg University Health Board.

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

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

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

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





### Our interventions: County and County Borough Councils

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

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

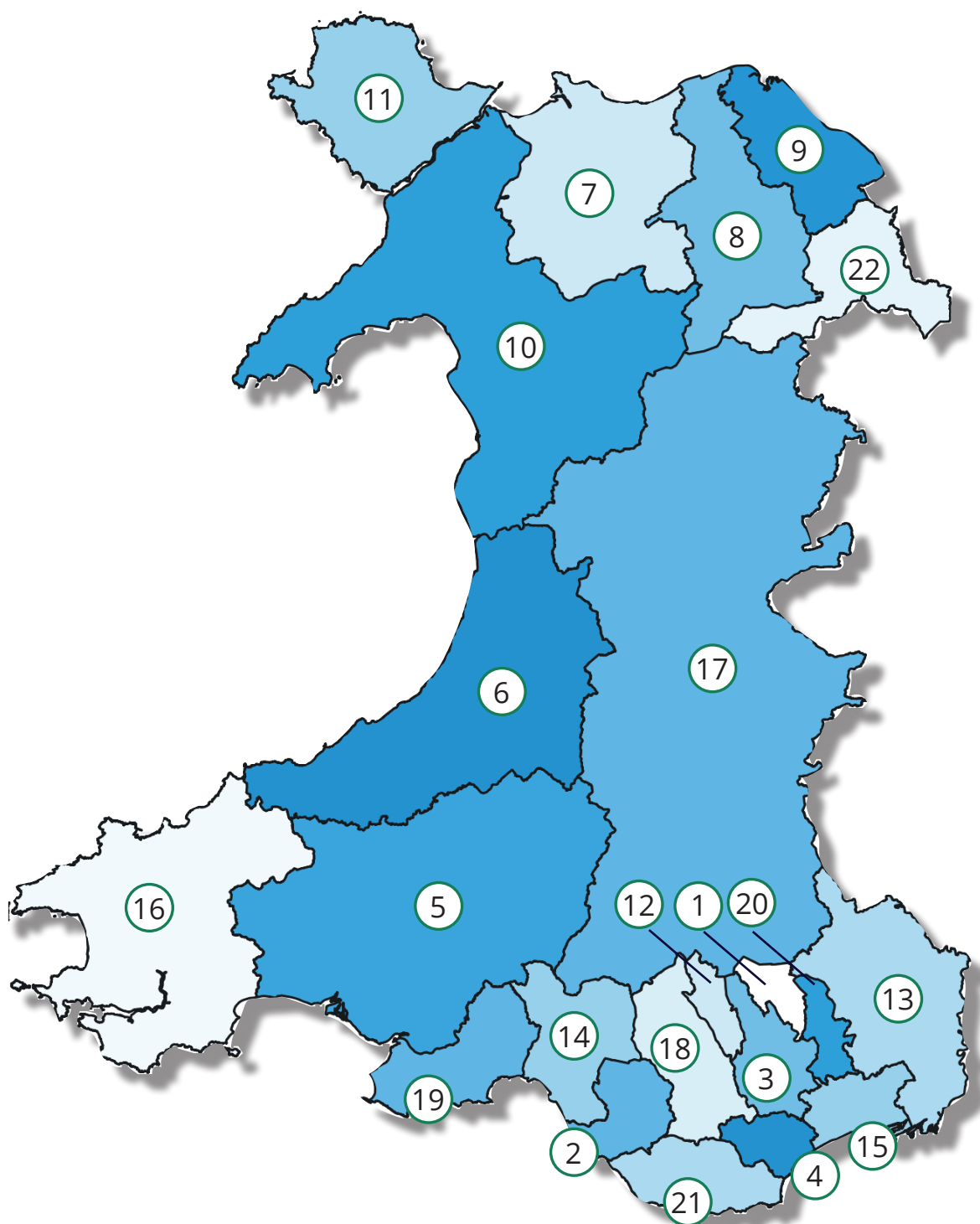
Compared to **2020/21**, our rate of intervention decreased for many councils, such as Conwy, Carmarthenshire, Pembrokeshire and Wrexham. However, for some councils, such as Ceredigion and Torfaen, we intervened in a much higher proportion of complaints.

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

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

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

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



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

## Recommendations

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

**1,131**

we issued 1131 recommendations to public service providers.

**£132k**

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

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

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

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

### Of our recommendations,

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

### Our reference: 201904733



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

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

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

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

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



## Compliance

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

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

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



**81%**

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



**0**


we did not issue any special reports.

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

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

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





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

### Pre-assessment

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

### Complaint

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

### Assessment - our two-stage test

We apply our two-stage test:

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

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

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

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

### Investigation

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

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

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

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

# Complaints about the Code of Conduct

## New Code of Conduct complaints

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

**294**

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

**5%** less than in 2020/21

**27%** more than in 2019/20



**171** complaints about councillors at Town and Community Councils.

**2%** more than in 2020/21

**27%** more than in 2019/20



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

**17%** less than in 2020/21

**19%** more than in 2019/20



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



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



## Who people complained about

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

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

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

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

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

## What people complained about

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

The table below shows the proportion of complaints that we received for each subject.

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

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

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

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

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

### Our two-stage test

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

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

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

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

### Our reference: 201906362



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

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

The Panel suspended the councillor for 10 months.

## Closed Code of Conduct complaints

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

**281**

we closed 281 complaints about the Code of Conduct.

**3%** less than in 2020/21

**20%** more than in 2019/20

**39**

we completed 39 investigations.

**63%** more than in 2020/21

**18%** more than in 2019/20

**20**

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

### Code of Conduct referrals

*i*

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

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

## Main trends

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

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

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

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

## Referrals

In 2021/22 we made:

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

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

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

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

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

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

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

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

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

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

**Our reference: 201903571**

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

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

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

**Our reference: 201906873**

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

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

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



## Promoting better practice

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

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

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

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

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

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

## Whistleblowing disclosure report

Since 1 April 2017, we are a 'prescribed person' under the Public Interest Disclosure Act 1998. The Act provides protection for employees who pass on information concerning wrongdoing in certain circumstances. The protection only applies where the person who makes the disclosure reasonably believes that:

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


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

In 2021/22, we received 27 Code of Conduct complaints that would potentially meet the statutory definition of disclosure from employees or former employees of a council. Almost a half of those disclosures (12) related to allegations that the members concerned had 'failed to promote equality and respect'. We investigated 11 of these complaints. So far, we have closed one of those investigations. We decided in that case that no further action was necessary.

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

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

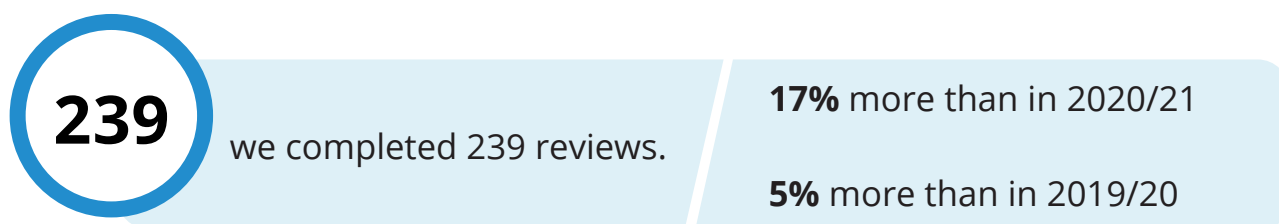
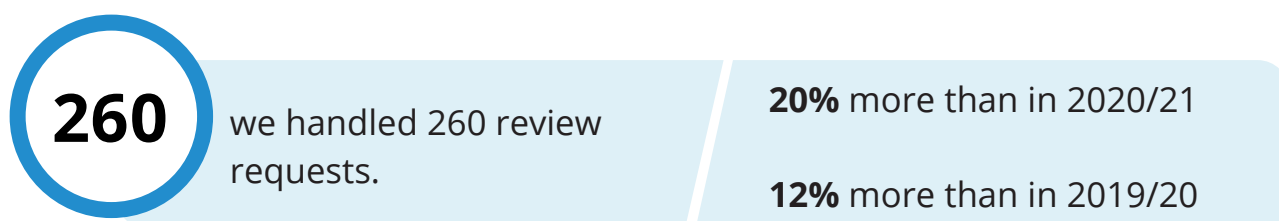
One of the investigations opened in 2020/21 is still ongoing.



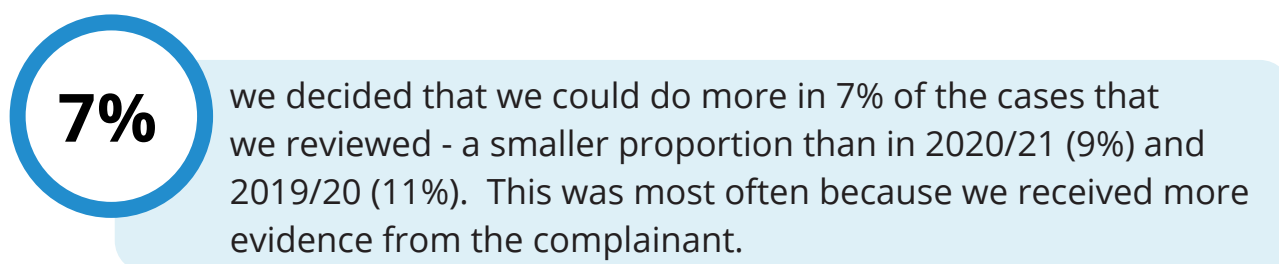
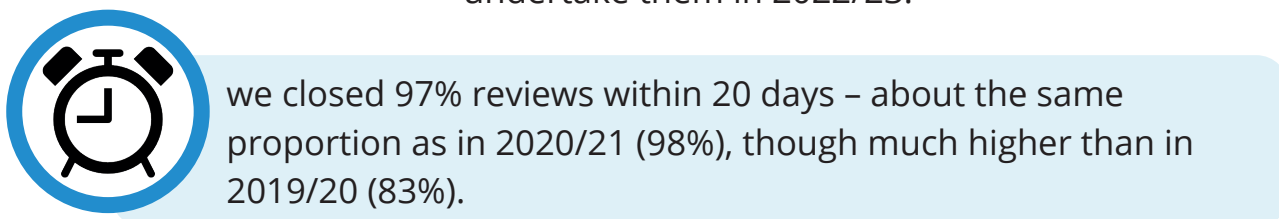
**“ What you and your team do is so important. It brings answers to families in dire need and helps so much when we are literally alone in the dark.**

## Review and Quality Assurance

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



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





## Review requests

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

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

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

## Quality assurance

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

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

## Learning lessons

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

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

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

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



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

## How quickly we considered complaints

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

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

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

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

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

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

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

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

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

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

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

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

## What people think about our service

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

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

**43%**

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

**89%**

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

**32**

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

**93%**

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

**41%**

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



## Our complainants

### Telephone survey results

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

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

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

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

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

**80%**
**95%**

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

**60%**
**86%**

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

**65%**
**91%**

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

**43%**
**89%**

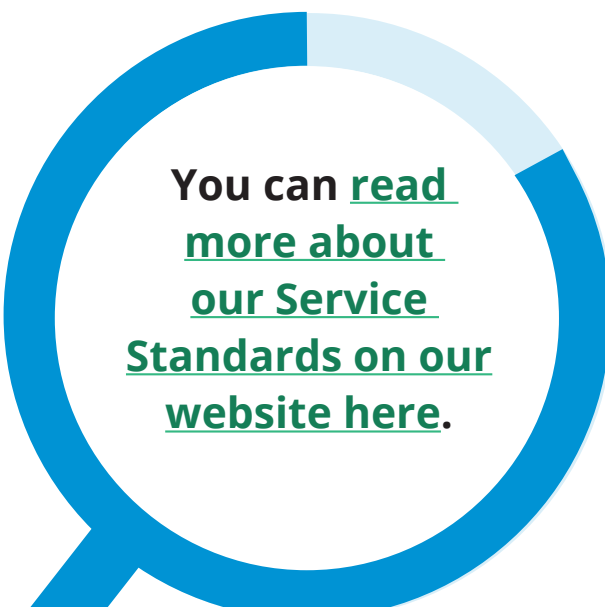
43% of all respondents and 89% of those happy with the outcome said they were happy with our customer service.

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

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

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

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



**You can read more about our Service Standards on our website here.**

## Complaints about us

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

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

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

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

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

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

## Lessons

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

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

## Bodies in our jurisdiction

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

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

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

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

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

**26 public bodies**  
**took part in our Sounding**  
**Boards this year**

## How accessible we are

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

**43%**

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

**80%**

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

**221**

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

Cymraeg

we complied with all our Welsh Language Standards.

**14**

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

## Awareness and trust

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

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

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

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

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

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

Of people who responded to the national survey,



## Additional needs

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

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

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

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

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

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

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

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



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

## Welsh language

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

## Outreach

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

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

## Lessons

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

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

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



## Strategic Aim 2: Promote Learning

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





## Promote Learning: our work at a glance



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



We provided 140 virtual training sessions to public bodies across Wales



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



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

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



We issued 7 public interest reports.



We responded to 16 public consultations.



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



We published our third Equality and Human Rights Casebook.



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

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

## Complaints Standards

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



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



We provided 140 virtual training sessions to public bodies across Wales



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

### Model Policies

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

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

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

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

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

## Training

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

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

## Statistics

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

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

## Own Initiative investigations

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

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

In 2021/22:

3

We completed 3 extended investigations.



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

### Our extended investigations

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

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

Two further extended investigations are ongoing.

### Homelessness Reviewed – our first wider own initiative investigation

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

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

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

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

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

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

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

## Policy work

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

**16**

we responded to 16 public consultations.

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

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

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

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

## Sharing our findings

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



we issued 7 public interest reports.



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



we published our third Equality and Human Rights Casebook.



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



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



## Public interest reports

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

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

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

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

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



### Our reference: 202001285



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

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

We recommended that the Health Board should:

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

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

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



### Our reference: 202000661 and 202001667



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

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

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

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

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

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

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



### Our reference: 202002273



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

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

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

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

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

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



**Our reference: 202002558**

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

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

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

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

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

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



### Our reference: 202003539



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

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

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

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

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

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





## Our reference: 201906202



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

We upheld these complaints.

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

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

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

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



### Our reference: 202005937 / 202100061 / 202100409



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

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

We recommended that the Council should:

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

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

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





## Our Findings

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

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

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

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



## Equality and Human Rights Casebook

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

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

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

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

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



## Annual letters

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



## Guidance

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

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



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

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



## Engagement

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

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

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

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

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

## Strategic Aim 3: Use Resources Wisely

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



## Use Resources Wisely: our work at a glance

**72%**

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

**2.7%**

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



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

**84%**

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



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

**FAIRPLAY  
EMPLOYER**

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



We achieved Autism Awareness Employer Status.



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



we avoided 176 kg of CO2 in emissions

We sent 0% of our general waste to landfill.



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

## Training and development

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

**72%**

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

**100%**

All our staff completed their annual appraisal process.

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

### Training

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

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

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

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

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

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

## Appraisal process

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

This year, all our staff completed the appraisal process.

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

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





## Health and wellbeing

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

**2.7%**

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



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



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

**84%**

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

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

### Challenges

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

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

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

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

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

## Supporting staff wellbeing

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

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

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

## Staff survey

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

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

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

**87%**

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

**93%**

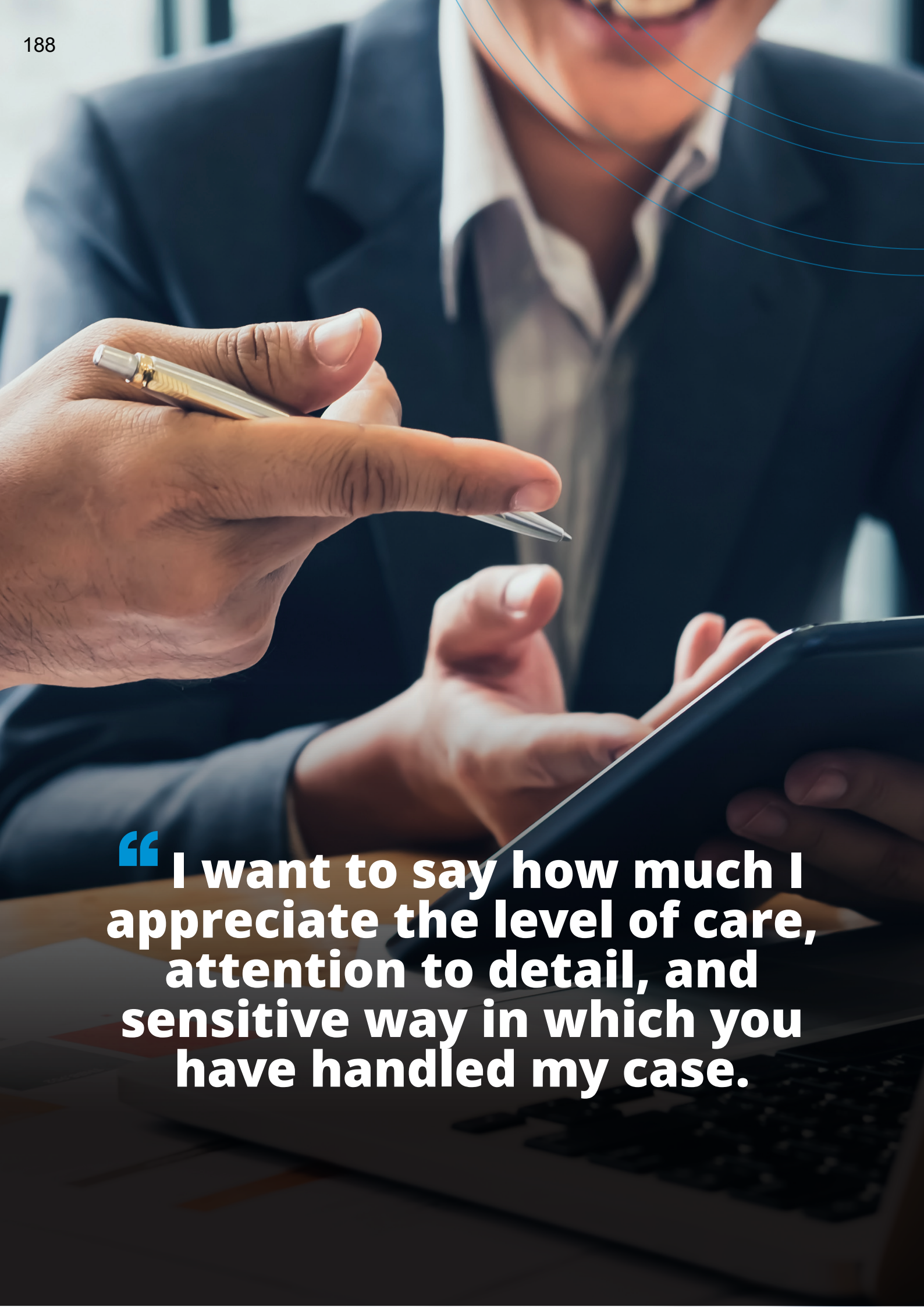
said that their working arrangements were sufficiently flexible to allow them to balance their work and home life priorities, up from 87% in 2020.

**61%**

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

**58%**

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

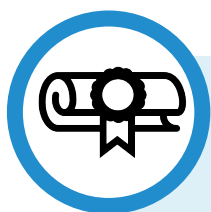


**“ I want to say how much I appreciate the level of care, attention to detail, and sensitive way in which you have handled my case.**



## Equality, diversity and inclusion

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



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



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



Ymwbyddiaeth am Awtistiaeth  
Autism Aware

we achieved Autism Awareness Employer Status.



we continued to be a Disability Confident Committed employer.



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



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



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

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

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

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

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

## Diversity of our workforce

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

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

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

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

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



## Awareness of autism and neurodiverse conditions

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

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

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



## Inclusion of disabled people

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

disabled people within our workforce and amongst our job applicants.

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

## Gender equality

We are aware that, in a relatively small organisation, individual recruitment outcomes can make apparently large differences. Women among our job applicants consistently outnumber men by a significant margin. We encourage and facilitate development opportunities for female staff which aims to remove barriers to employment or career progression.

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

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

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



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



## Welsh Language skills of our staff

Under the Welsh Language Standards, every year we measure the Welsh language

skills of our workforce.

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

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

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



## Working flexibly

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

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

## Sustainability

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



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



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



we sent 0% of our general waste to landfill.



we avoided 176 kg of CO2 in emissions

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

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

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

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

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

## Formal accountability

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

### The Senedd

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

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

### Judicial review

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

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

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

## Working with similar bodies

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



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

### The Ombudsman community

We continued to be closely involved in the work of the Ombudsman Association (OA), Public Service Ombudsman Group and International Ombudsman Institute (IOI).

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

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

### The Welsh Commissioners and the Auditor General

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

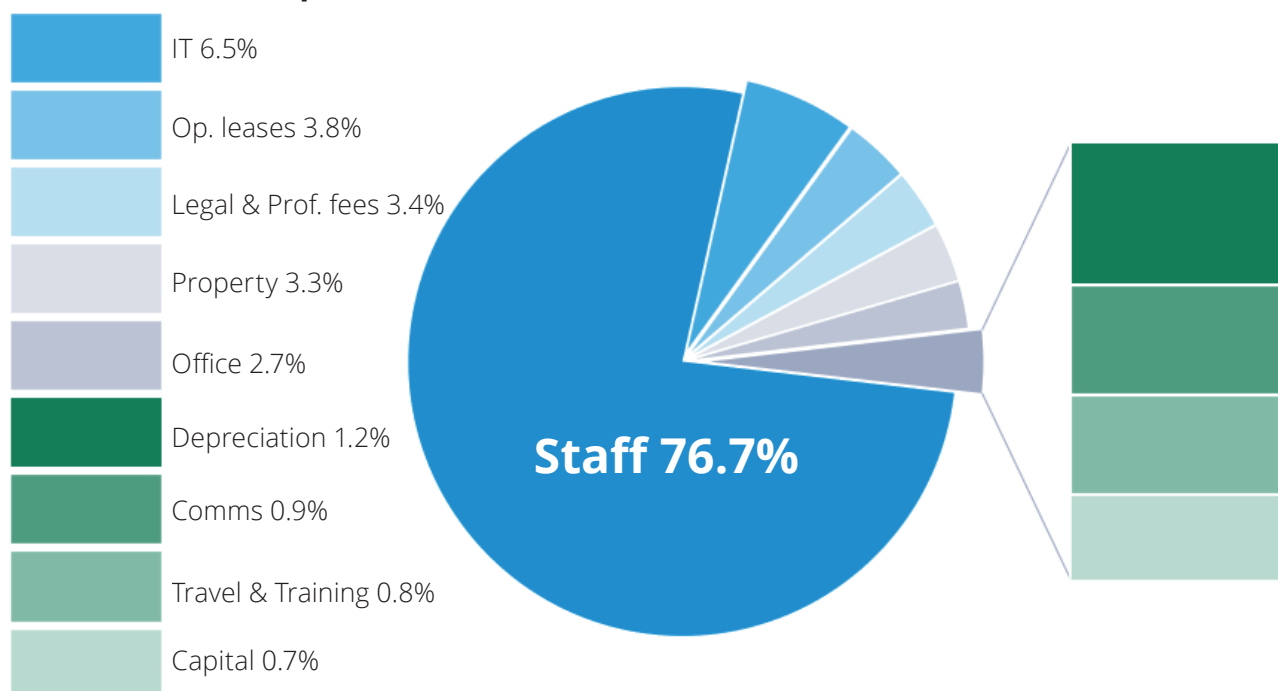
We also issued a joint statement with these bodies on the crisis in Ukraine. In that statement, we welcomed the commitment by the First Minister to make Wales a nation of sanctuary for refugees and asylum seekers.

## Financial Management

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

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

### Gross Resource Expenditure 2021/22



### Analysis of Spending by Strategic Aims



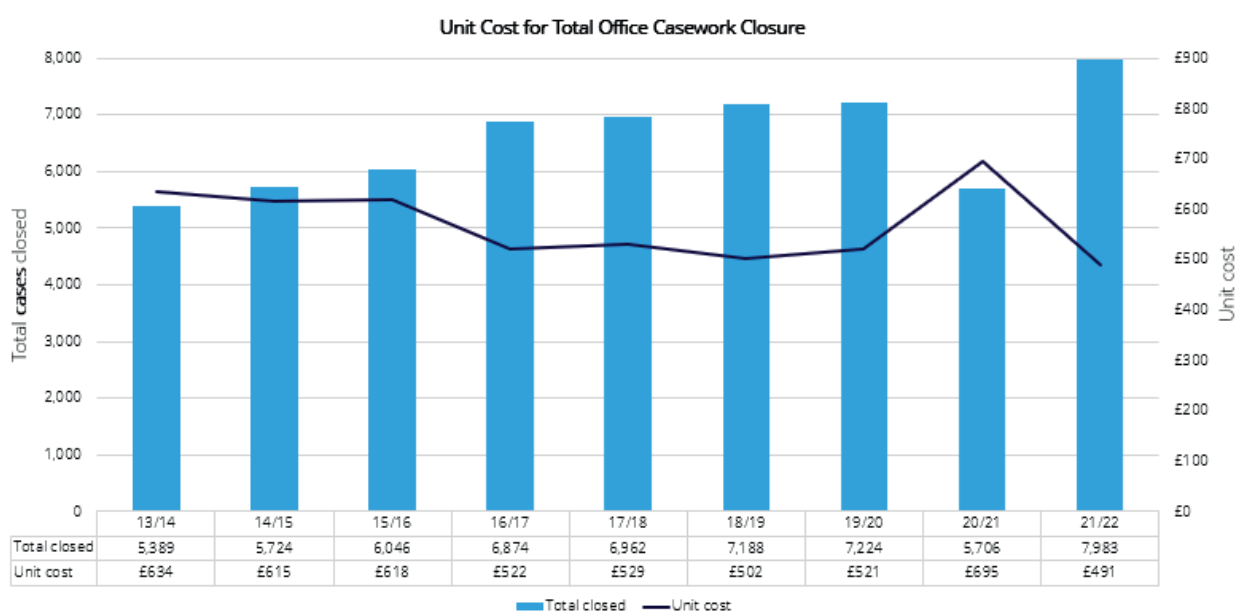


## Unit Costs

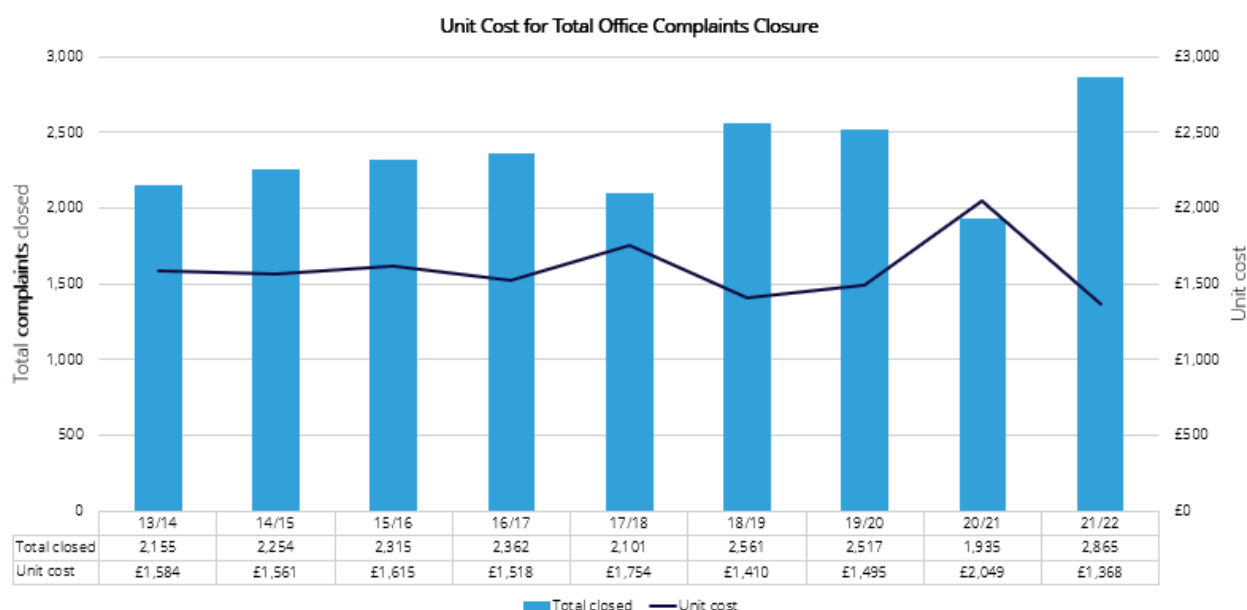
As outlined in last year's Annual Report & Accounts we will now present unit costs as calculated for our main activity – receiving, considering, investigating and responding to enquiries and complaints. This is our activity under Strategic Aim 1 and we will use the audited figures for Operating Costs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

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

### Unit Cost for Total Office Casework Closure



### Unit Cost for Total Office Complaints Closure



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

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

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

## Expenditure on activities under PSOW Act 2019

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

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

## Expenditure to 31 March 2022 compared to previous year

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

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

*MM Morris*

**Michelle Morris**  
**Accounting Officer**

Public Services Ombudsman for Wales

20 July 2022

## Accountability Report 2021/22

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# Corporate Governance Report

## Ombudsman's Report

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

As at 31 March 2022, the Office comprised 74 permanent full and part-time staff based in Pencoed, Bridgend including the Ombudsman, Chief Operating Officer & Director of Improvement, Chief Legal Adviser & Director of Investigations, as well as investigation and support staff.

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

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

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

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

## Remuneration and Pension Liabilities

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

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

Further details are given in the Pensions Disclosures.

## Corporate Governance

The office holder of the Public Services Ombudsman for Wales is a Corporation Sole.

The Audit & Risk Assurance Committee supports the Ombudsman by reviewing the comprehensiveness and reliability of assurances on governance, risk management, the control environment and on the integrity of financial statements and the annual report. Further details are set out in the Annual Governance Statement.

## Register of Interests

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

## Accounts Direction

Under the Accounts Direction issued by HM Treasury dated 21 December 2006, the Ombudsman is required to prepare accounts for the financial year ended 31 March 2022 in compliance with the accounting principles and disclosure requirements of the edition of the Government Financial Reporting Manual (the FReM) issued by HM Treasury which was in force for 2021/22.

The accounts have been prepared to:

- Give a true and fair view of the state of affairs at 31 March 2022 and of the net resource out-turn, resources applied to objectives, recognised gains and losses and cash flows for the financial year then ended.
- Provide disclosure of any material expenditure or income that has not been applied for the purposes intended by the Welsh Parliament or material transactions that have not conformed to the authorities that govern them.

## Auditors

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

The cost of the audit for 2021/22 was £19k (2020/21 = £17k).

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

*MM Morris.*

**Michelle Morris**

**Accounting Officer**

Public Services Ombudsman for Wales

20 July 2022

## Statement of Accounting Officer's Responsibilities

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

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

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

- Observe the Accounts Direction issued by the Treasury including the relevant accounting and disclosure requirements and apply suitable accounting policies on a consistent basis.
- Make judgements and estimates on a reasonable basis.
- State whether applicable accounting standards as set out in the government financial reporting manual have been followed and disclose and explain any material departures in the accounts.
- Prepare the accounts on a going concern basis.
- Confirm that the annual report and accounts as a whole is fair, balanced and understandable.
- Take personal responsibility for the annual report and accounts and the judgements required for determining that it is fair, balanced and understandable.

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

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



# Annual Governance Statement 2021/22

## Status of the Public Services Ombudsman for Wales

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

## Scope of Responsibility

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

In undertaking the role of Accounting Officer, I and my predecessor have ensured that the office operates effectively and to a high standard of probity. In addition, the Ombudsman has responsibility for maintaining a sound system of internal control that supports the achievement of PSOW's policies, aims and objectives, whilst safeguarding the public funds and assets for which the Ombudsman is personally responsible, in accordance with the responsibilities set out in 'Managing Welsh Public Money'.

The Ombudsman is independent of the Welsh Parliament but is accountable to its Finance Committee and Public Accounts and Public Administration Committee for the use of resources provided. In determining the level of resources available to the office, the PSOW's budget proposals are considered by the Finance Committee of the Welsh Parliament in accordance with the process laid down in the Act. A combined Annual Report and Accounts is prepared for consideration by the Finance Committee.

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

## Strategic Planning and Performance Monitoring

In the **Strategic Plan** for the 3 years 2019/20 to 2021/22, my predecessor set the following for the Office:

### Our Vision for public services in Wales:

Services that actively listen and learn from complaints.

### Our Mission:

To uphold justice and improve public services.

### Our Strategic Aims:

#### Strategic Aim 1: Deliver Justice

A fair, independent, inclusive and responsive complaints service.

#### Strategic Aim 2: Promote Learning, Work to Improve Public Services

Promote learning from complaints and stimulate improvements on a wider scale.

#### Strategic Aim 3: Use Resources Wisely and Future-proof the Organisation

Identify and adopt best practice. Secure value for money and services that are fit for the future. Support staff and ensure good governance which supports and challenges us.

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

## System of Internal Control

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

The system has been in place in the office of the PSOW for the year ended 31 March 2022 and up to the date of approval of these accounts and accords with HM Treasury guidance. Internal controls were unaffected by changes resulting from the COVID-19 pandemic. No significant areas of internal control weaknesses have been identified from audit work and steps to improve controls further are implemented promptly and monitored by the Audit & Risk Assurance Committee.

## **Corporate Governance arrangements: Audit & Risk Assurance Committee**

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

### **a) Terms of Reference**

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

### **b) Membership**

Membership comprises a minimum of four, and a maximum of eight, independent external members.

The membership of the Committee during 2021/22 was:

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

### c) Training

Members of the Committee are invited to assess their training needs annually. An induction programme is provided for all new members of the ARAC. During 2021 members took part in a Risk Workshop (June) and undertook Governance and Accountability training (October).

### d) Meetings

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

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

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

During the year, the Committee also received reports on a number of other appropriate matters within its Terms of Reference. They included the 9- and 12 month accounts, internal audit plans, internal audit reports, a review of the Whistleblowing Policy, updates on major IT developments, relevant financial and corporate governance matters. The Committee reviewed the Office's counter-fraud arrangements, in the context of the Cabinet Office Counter-Fraud Framework, and reviewed a proposed new anti-fraud policy, to satisfy itself that appropriate arrangements are in place. The Committee provided advice to me to ensure that the 2021/22 Annual Governance Statement included appropriate information and complied with best practice.

A standing item is risk management. At each meeting the Committee considered a report on the greatest identified risks. The Committee explored and challenged the reported risks to satisfy itself that key risks had been identified. The overall approach to risk management and risk mitigation was also considered at a workshop facilitated by the internal auditors. This resulted in a number of improvements to the risk management policy and process.

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

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

### e) Internal and External Audit

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

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

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

The internal auditors' Annual Report for 2021/22 stated: "The Public Services Ombudsman for Wales has reasonable and effective risk management, control and governance processes in place". These findings also provide assurance that the arrangements in place are reducing the office's exposure to risk.

The Committee noted the thoroughness of the audit work, practicality of recommendations and the open and positive response of management to the recommendations made.

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

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

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

## f) Monitoring processes

At each meeting during 2021/22, the Committee received a report on progress made on the implementation of External and Internal Audit recommendations. Committee members were satisfied that all the recommendations made, had been implemented or will be implemented in accordance with agreed timescales.

## g) Annual Review and Assessment

This annual review is undertaken to evaluate the work of the Committee and to ensure that the work of the Audit & Risk Assurance Committee continues to comply with the Good Practice Principles set out in the HM Treasury Audit Committee Handbook. To assist the Committee in determining that it was complying with good practice, each member was invited to complete the National Audit Office's 'The Audit Committee self-assessment checklist'. Comments received from Committee members were considered in preparing the Annual Review for 2021/22.

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

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

## Reporting of Personal Data Related Incidents

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

## Advisory Panel

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

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

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

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

## The Risk and Control Framework

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

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

I am continuing to enhance the robust internal control arrangements to ensure that the office has the capacity to identify, assess and manage risk effectively.

In undertaking this responsibility during the year ended 31 March 2022, my predecessor was supported by a Chief Operating Officer to whom some of his responsibilities have been delegated.

Bearing in mind the letter of assurance I have received from my predecessor, I am satisfied that the systems in place identify potential risks at an early stage and enable, through active management, the appropriate action to be taken to minimise any adverse impact on the office.

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

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

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



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

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

## Risk Assurance Framework Arrangements

PSOW Framework			
<ul style="list-style-type: none"><li>• Strategic objectives from Corporate Plan</li><li>• Work programme</li><li>• Risk management</li><li>• Anti-fraud policy</li><li>• Governance framework</li><li>• Policies, procedures and code of conduct</li></ul>			
Advisory Panel	Accounting Officer	Audit & Risk Assurance Committee	Management Team
Provides support and advice on vision, values and purposes as well as strategic direction and planning.	Governance. Decision making. Financial management. Risk management.	Reviews and monitors governance, risks and internal controls. Agrees annual governance statement.	3-year Corporate Plan. Operational Plan. Performance monitoring. Corporate policies. Risk management. Value for money.
Central Guidance	PSOW policies, plans and risk register		Annual Governance Statement
HM Treasury. FReM. Managing Welsh Public Money. Public Sector Internal Audit.			
Assurance Map Components			
<b>1st line of defence</b> Strategic and operational delivery reporting. KPI reporting. Financial controls / Budget monitoring.	<b>2nd line of defence</b> Risk register reviews. Quality assurance. Information security assurance.	<b>3rd line of defence</b> Internal audit reports. Financial accountant spot checks.	
Other assurances External audit. Scrutiny by Finance Committee and PA&PAC.			

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

## Budgeting Process

As Accounting Officer, I ensure that I have in place arrangements for tight control of the public money entrusted to me. The Management Team receives a monthly budget monitoring report setting out details of actual, against budgeted expenditure. Any unexpected expenditure issues that may arise during the year are considered so that appropriate action can be taken to remain within the budgeted expenditure where possible or to seek additional resources where cost pressures cannot be contained. In 2021/22 the April 2021 pay award was not settled until March 2022, creating uncertainty as to affordability of what might be agreed. In addition, the Ombudsman received a report recommending priority action to improve IT systems resilience, security and performance. Additional resources were secured to address these two issues. The additional resources to cover for a higher than anticipated pay award were not ultimately required and those funds are being returned.

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

## Conclusion

The Office's system of internal controls was unaffected by the pandemic and by homeworking. I can report that there were no significant weaknesses in the office's system of internal controls in 2021/22 which would affect the achievement of the office's policies, aims and objectives and that robust Corporate Governance is in operation with no breaches of the Corporate Governance Code.

*MM Morris*

**Michelle Morris**

**Accounting Officer**

Public Services Ombudsman for Wales

20 July 2022

# Remuneration Report

## Public Services Ombudsman for Wales

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

## Remuneration

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

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

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

## Salary

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

## Benefits in kind

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

## Bonuses

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

## Pay multiples

The banded remuneration of the highest-paid director in the financial year 2021/22 was £150-£155,000 (2020/21 = £150-£155,000).

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

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

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

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

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

## Pay awards

Staff pay is linked to the pay awards made to employees within Local Government in England and Wales. In line with that procedure, a 1.75% pay increase was awarded to staff in March 2022 backdated to April 2021.

## Pensions

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

### Pension Liabilities

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

Name	As at 31/03/22					As at 31/03/21
	Accrued pension at pension age and related lump sum	Real increase in pension and related lump sum at pension age	CETV	Real Increase in CETV	Employer contribution to partnership pension accounts	CETV
	£000	£000	£000	£000	Nearest £100	£000
Nick Bennett	50-55	2.5-5	688	33	-	623
Chris Vinestock	70-75	0-2.5	1068	15	-	997
Katrin Shaw	40-45	0-2.5	666	13	-	617

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

## Sickness

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

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

## Reporting of Civil Service and other compensation schemes

No exit packages were paid in 2021/22 (2020/21 Nil).

### Advisory Panel and Audit & Risk Assurance Committee

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

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

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

For staff reporting issues see the Annual Equality Report.

*MM Morris*

**Michelle Morris**

**Accounting Officer**

Public Services Ombudsman for Wales

20 July 2022

# Welsh Parliament Accountability and Audit Report

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

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

	Revised Estimate			Out-turn				2020/21
	Gross Expenditure	Income	Net Total	Gross Expenditure	Income	Net Total	Net total compared to estimate	Net Total
	£000	£000	£000	£000	£000	£000	£000	£000
Revenue	5,259	(17)	5,242	5,094	(17)	5,077	165	4,164
Capital	46	-	46	37	-	37	9	5
<b>Resource DEL</b>	<b>5,305</b>	<b>(17)</b>	<b>5,288</b>	<b>5,131</b>	<b>(17)</b>	<b>5,114</b>	<b>174</b>	<b>4,169</b>
Resource AME	-	-	-	-	-	-	-	974
<b>Total Resources</b>	<b>5,305</b>	<b>(17)</b>	<b>5,288</b>	<b>5,131</b>	<b>(17)</b>	<b>5,114</b>	<b>174</b>	<b>5,143</b>
<b>Net Cash Requirement</b>	<b>5,246</b>	<b>-</b>	<b>5,246</b>	<b>5,143</b>	<b>(17)</b>	<b>5,126</b>	<b>120</b>	<b>4,076</b>

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

Resource    £89,000  
Cash        £35,000

The 2020/21 figures include a one-off pension surplus adjustment. The Ombudsman's salary is paid directly from the Welsh Consolidated Fund with only the reimbursement of actual business expenses included in the PSOW accounts.



## Reconciliation of Net Resource to Net Cash Requirements

for the year ended 31 March 2022

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

*MM Morris*

**Michelle Morris**

**Accounting Officer**

Public Services Ombudsman for Wales

20 July 2022

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

## Report on financial statements

### Opinion

I certify that I have audited the financial statements of the Public Services Ombudsman for Wales for the year ended 31 March 2022 under paragraph 18 (2) of Schedule 1 of the Public Services Ombudsman (Wales) Act 2019. These comprise the Summary of Net Resource Out-turn, Statement of Comprehensive Net Expenditure, Statement of Financial Position, Consolidated Statement of Cash Flows, Statement of Changes in Taxpayers Equity and related notes, including a summary of significant accounting policies. These financial statements have been prepared under the accounting policies set out within them. The financial reporting framework that has been applied in their preparation is applicable law and UK adopted international accounting standards as interpreted and adapted by HM Treasury's Financial Reporting Manual.

In my opinion the financial statements:

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

### Opinion on regularity

In my opinion, in all material respects, the expenditure and income in the financial statements have been applied to the purposes intended by the Senedd and the financial transactions recorded in the financial statements conform to the authorities which govern them.

### Basis of opinions

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

of Public Sector Entities in the United Kingdom". My responsibilities under those standards are further described in the auditor's responsibilities for the audit of the financial statements section of my report. I am independent of the body in accordance with the ethical requirements that are relevant to my audit of the financial statements in the UK including the Financial Reporting Council's Ethical Standard, and I have fulfilled my other ethical responsibilities in accordance with these requirements. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinions.

## Conclusions relating to going concern

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

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

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

## Other information

The other information comprises the information included in the annual report other than the financial statements and my auditor's report thereon. Legislation and directions issued to the Public Services Ombudsman for Wales do not specify the content and form of the other information to be presented with the financial statements. The Accounting Officer is responsible for the other information in the annual report. My opinion on the financial statements does not cover the other information and, except to the extent otherwise explicitly stated in my report, I do not express any form of assurance conclusion thereon. My responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or knowledge obtained in the course of the audit, or otherwise appears to be materially misstated. If I identify such material inconsistencies or apparent material misstatements, I am required to determine whether this gives rise to a material misstatement in the financial statements themselves. If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact.

I have nothing to report in this regard.

## Report on other requirements

### Opinion on other matters

As legislation and directions issued to the Public Services Ombudsman for Wales do not specify the content and form of the other information to be presented with the financial statements, I am not able to confirm that the other information to be issued with financial statements has been prepared in accordance with guidance.

In my opinion, based on the work undertaken in the course of my audit, the information given in the Annual Report is consistent with the financial statements.

Although there are no legislative requirements for a Remuneration Report, the Public Services Ombudsman for Wales has prepared such a report and in my opinion, that part ordinarily required to be audited has been prepared in accordance with HM Treasury guidance.

Although there are no legislative requirements for an Annual Governance Statement, based on the work undertaken in the course of my audit the information given in the Annual Governance Statement for the financial year for which the financial statements are prepared is consistent with the financial statements and the Annual Governance Statement has been prepared in accordance with HM Treasury guidance.

### Matters on which I report by exception

In the light of the knowledge and understanding of the body and its environment obtained in the course of the audit, I have not identified material misstatements in the Annual Report.

I have nothing to report in respect of the following matters which I report to you if, in my opinion:

- proper accounting records have not been kept or returns adequate for my audit have not been received from branches not visited by my team;
- the financial statements are not in agreement with the accounting records and returns;
- information specified by HM Treasury regarding the remuneration and other transactions is not disclosed; or
- I have not received all of the information and explanations I require for my audit.

## Responsibilities

### Responsibilities of the Accounting Officer for the financial statements

As explained more fully in the Statement of Accounting Officer's Responsibilities, the Accounting Officer is responsible for preparing the financial statements in accordance with the Public Services Ombudsman for Wales Act 2019 and HM Treasury directions made there under, for being satisfied that they give a true and fair view and for such internal control as the Accounting Officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Accounting Officer is responsible for assessing the body's ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting unless deemed inappropriate.

### Auditor's responsibilities for the audit of the financial statements

My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

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

My procedures included the following:

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

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

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

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

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

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

A further description of the auditor's responsibilities for the audit of the financial statements is located on the Financial Reporting Council's website [www.frc.org.uk/auditorsresponsibilities](https://www.frc.org.uk/auditorsresponsibilities). This description forms part of my auditor's report.

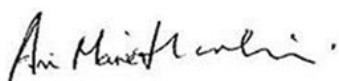
## Responsibilities for regularity

The Accounting Officer is responsible for ensuring the regularity of financial transactions.

I am required to obtain sufficient evidence to give reasonable assurance that the expenditure and income have been applied to the purposes intended by the Senedd and the financial transactions conform to the authorities which govern them.

## Report

I have no observations to make on these financial statements.



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

**24 Cathedral Road**  
**Cardiff**  
**CF11 9LJ**

# Annual Accounts 2021/22

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# Statement of Comprehensive Net Expenditure

for the year ended 31 March 2022

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

Notes 1 to 19 form part of these statements.

All activities commenced in the period are continuing.

# Statement of Financial Position

for the year ended 31 March 2022

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

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

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

*MM Morris.*

**Michelle Morris**

**Accounting Officer**

Public Services Ombudsman for Wales

20 July 2022

## Statement of Cash Flows

for the year ended 31 March 2022

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

Notes 1 to 19 form part of these statements.

## Statement of Changes in Taxpayers' Equity

for the year ended 31 March 2022

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

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

# Notes to the Financial Statements

## 1. Statement of Accounting Policies

These financial statements have been prepared in accordance with the Government Financial Reporting Manual (the FReM) issued by HM Treasury which is in force for 2021/22. The accounting policies contained in the FReM apply International Financial Reporting Standards (IFRS) as adopted or interpreted for the public sector. Where the FReM permits a choice of accounting policy, the accounting policy which has been judged to be most appropriate to the particular circumstances of the PSOW for the purpose of giving a true and fair view has been selected. The particular accounting policies adopted by the PSOW are described below. They have been applied consistently in dealing with items considered material in relation to the accounts.

### 1.1 Accounting Convention

These accounts have been prepared under the historical cost convention modified to account for any revaluation of fixed assets, where material to their value to the business, by reference to their current costs.

### 1.2 Property, Plant and Equipment

Expenditure on property, plant and equipment is capitalised where the purchases are expected to have a useful life extending over more than 1 year and the cost exceeds £5k. Assets costing less than £5k may be capitalised providing they are capital in nature and are part of a larger scheme that is, in total, more than £5k. Assets are shown at cost less an allowance for depreciation. On initial recognition, fixed assets are measured at cost, including such costs as installation, which are directly attributable to bringing them into working condition for their intended use. In reviewing the costs of fixed assets previously acquired and the prices paid for new acquisitions during the year there is no material difference between the historic net book value of the assets and their replacement cost less depreciation.

### 1.3 Depreciation

Assets are depreciated at rates calculated to write them down to zero or, if applicable, estimated residual value on a straight-line basis over their estimated useful life following an initial charge of a full month's depreciation in the month of purchase. Assets in the course of construction are depreciated from the month in which the asset is brought into use.

Except where otherwise noted asset lives are assumed to be the following:

Plant	10 years or the lease term if shorter
Furniture and other fittings	10 years or in the case of fittings, the lease term
Computers and other equipment	3 to 10 years

## 1.4 Intangible assets

Purchased computer software licences and developed software are capitalised where expenditure of £5k or more is incurred, and the useful life is more than 1 year. Intangible assets costing less than £5k may be capitalised providing they are capital in nature and are part of a larger scheme that is, in total, more than £5k. Intangible assets are reviewed annually for impairment and are stated at amortised historic cost. Software licences are amortised over the shorter of the term of the licence and the useful economic life of the computer equipment on which they are installed. This would usually be from 3 to 5 years. Developed software is amortised over the estimated useful life. In the year of acquisition, amortisation charges commence when the asset is brought into use.

## 1.5 Value Added Tax

The PSOW is not registered for VAT. Expenditure is therefore disclosed gross of VAT.

## 1.6 Pensions

The pension obligations to present and past employees are covered by the provisions of the Principal Civil Service Pension Scheme (PCSPS) and by direct payment to previous Commissioners for Local Administration in Wales or any surviving beneficiaries. Full details are disclosed in the Pension Disclosures at the end of the Financial Statements. The costs of providing these pensions are charged through the Statement of Comprehensive Net Expenditure.

## 1.7 Early departure costs

Where the PSOW is required to meet the additional cost of benefits beyond the normal benefits payable by the appropriate pension scheme in respect of employees who retire early, these costs are charged to the Statement of Comprehensive Net Expenditure in full when the liability arises.

## 1.8 Leases

Expenditure on leased property and equipment is charged in the period to which it relates.

## 1.9 Staff Costs

In line with IAS 19, short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave, as well as non-monetary benefits for current employees, are recognised when an employee has rendered services in exchange for those benefits.

## 1.10 Provisions

These are sums which are of uncertain timing or amount at the balance sheet date and represent the best estimate of the expenditure required to settle the obligations. Where the effect of the time value of money is significant, the estimated risk adjusted cash flows are discounted using the recommended HM Treasury discount rate.

## 1.11 Income

All income is recognised in the Statement of Comprehensive Net Expenditure in accordance with IAS 18 and IFRS 15.

## 1.12 Impact of Standards Not Yet Effective

Standard	Effective date	Further details
IFRS 16 Leases	2022-23	<p>IFRS 16 will replace the current leases standard IAS 17 and requires a lessee to recognise assets and liabilities for leases with a term of more than 12 months, unless the underlying asset is of low value. A lessee is required to recognise a right of use asset representing its right to use the underlying leased asset and a lease liability representing its obligation to make lease payments. As a consequence, a lessee also recognises depreciation of the right-of-use asset and interest on the lease liability and classifies cash repayments of the lease liability into a principal and interest portion. This is a significant change in lease accounting.</p> <p>From 1 April 2022, our office building will be recognised as a new right-of-use asset and it will be depreciated over the anticipated future lease period. This change will result in an increase to the depreciation and interest finance charges in the Ombudsman's budget.</p> <p>For PSOW the potential impact of implementing the standard will be:</p> <ul style="list-style-type: none"> <li>• Creation of right-of-use asset valued at £685k</li> <li>• Premises and facilities – a decrease of £198k</li> <li>• Change in working capital – an increase of £198k</li> <li>• Interest – a new charge of £7k</li> <li>• Depreciation – an increase of £204k</li> </ul> <p>Overall, there will be an increase in resource expenditure of £13k but no impact on the cash requirement from the Welsh Consolidated Fund.</p>
IFRS 17 Insurance Contracts	2023-24 at earliest	<p>IFRS 17 replaces IFRS 4 Insurance Contracts, and requires a current measurement model, using updated information on obligations and risks, and requiring service results to be presented separately from finance income or expense. It applies to all insurance contracts issued, irrespective of the type of entity issuing the contracts, so is not relevant only for insurance companies.</p>



## 2. Staff Costs and Numbers

The aggregate employment costs were as follows:

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

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

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

### 3. Non-Staff Administration Costs

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

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

### 4. Operating Income

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

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

## 5. Operating Costs by Strategic Aims

The costs of providing a first-class Ombudsman service to Wales are set out below. We have 3 strategic aims for delivering our mission and the allocation of costs to each of the aims has been based on the following:

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

	2021/22		2020/21	
	£000	%	£000	%
<b>Strategic Aim 1:</b> A fair, independent, inclusive and responsive complaints service.	3,918	77.2	3,965	77.2
<b>Strategic Aim 2:</b> Promote learning from complaints and stimulate improvements on a wider scale.	944	18.6	959	18.7
<b>Strategic Aim 3:</b> Identify and adopt best practice. Secure value for money and services that are fit for the future. Support staff and ensure good governance which supports and challenges us.	215	4.2	214	4.1
<b>Net Resources Out-turn</b>	<b>5,077</b>	<b>100.0</b>	<b>5,138</b>	<b>100.0</b>

The Aims analysis excludes capital expenditure.

## 6a. Property, Plant and Equipment

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

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

## 6b. Intangible Assets

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

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

In the opinion of the Public Services Ombudsman for Wales there is no material difference between the net book value of assets at current values and at their historic cost.

## 7. Trade and other Receivables

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

## 8. Cash and Cash Equivalents

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

A figure of £120k (£20k in 2020/21) has been included within the accounts, being the net balance at the year-end on all the bank accounts operated by the Public Services Ombudsman for Wales, irrespective of whether the individual account is in debit or credit.

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

## 9. Trade Payables and other Current Liabilities

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

## 10. Provisions for Liabilities and Charges

	2021/22				2020/21
	Pensions for Former Commissioners	Dilapidation Costs	Other Costs	Total	Total
	£000	£000	£000	£000	£000
Balance at 1 April	210	306	-	516	526
Additional provision required	37	17	-	54	31
Discount rate movement	2	-	-	2	3
Provisions utilised in the year	(45)	-	-	(45)	(44)
<b>Balance at 31 March</b>	<b>204</b>	<b>323</b>	<b>-</b>	<b>527</b>	<b>516</b>

Analysis of expected timings of payment of provisions:

	2021/22	2020/21
	£000	£000
Payable within 1 year	46	45
Payable within 2 to 5 years	474	455
Payable in more than 5 years	7	16
<b>Balance at 31 March 2022</b>	<b>527</b>	<b>516</b>

Pension provisions are calculated based on the National Life Tables for England and Wales issued by the Office of National Statistics. Later year pension increases are in line with GDP deflator information issued by HM Treasury. The discount factor has been amended to -1.30% for the financial year (-0.95% in 2020/21) in line with the guidance issued by the Treasury. Two surviving spouses of former Commissioners remain as a pension liability.

## 11.Reconciliation of Operating Cost to Operating Cash Flows

	Notes	2021/22	2020/21
		£000	£000
<b>Net operating cost</b>		<b>(5,077)</b>	<b>(4,164)</b>
Adjust for non-cash items	3	61	61
Decrease/(Increase) in trade and other receivables	7	(26)	(21)
Increase/(Decrease) in trade and other payables	9	42	35
Movement in provisions	10	11	(10)
Movement in cash repaid to Welsh Consolidated Fund	8	(100)	28
<b>Net cash outflow from operating activities</b>		<b>(5,089)</b>	<b>(4,071)</b>

## 12.Non-Current Asset Expenditure and Financial Investment

	2021/22	2020/21
	£000	£000
Purchases of property, plant and equipment	(16)	(5)
Proceeds of disposals of property, plant and equipment	-	-
Purchases of intangible assets	(21)	-
<b>Net cash outflow from investing activities</b>	<b>(37)</b>	<b>(5)</b>



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

	2021/22	2020/21
	£000	£000
Net Cash Requirement:		
Operating activities	(5,089)	(4,071)
Capital Expenditure	(37)	(5)
	<b>(5,126)</b>	<b>(4,076)</b>
Financing from Welsh Parliament	5,246	4,096
Repayment to Welsh Consolidated Fund	(20)	(48)
<b>Increase/(Decrease) in cash and cash equivalents</b>	<b>100</b>	<b>(28)</b>

### 14. Commitments under Operating Leases

	2021/22	2020/21
	£000	£000
Total future minimum operating lease payments on building:		
Payable within 1 year	198	198
Within 2 and 5 years	502	699
More than 5 years	-	-
	<b>700</b>	<b>897</b>
Other:		
Payable within 1 year	-	-
Within 2 and 5 years	-	-
More than 5 years	-	-
	-	-
<b>Total of all operating leases</b>	<b>700</b>	<b>897</b>

## 15. Contingent Liabilities

There are no claims or litigations that would affect the financial statements themselves but there is one Code of Conduct case where leave to appeal has been sought. The outcome is uncertain and the amount of any potential liability is unknown.

## 16. Capital Commitments

There were no capital commitments at 31 March 2022 (2020/21 Nil).

## 17. Related Party Transactions

The PSOW is headed by the Public Services Ombudsman for Wales. The office was established under the Public Services Ombudsman (Wales) Act 2005 and is now governed by the Public Services Ombudsman (Wales) Act 2019. The Ombudsman is independent of Government and the funding arrangements of the Office are set up to ensure that the independence of the Office is secured. The PSOW has had a number of material transactions with the Welsh Parliament, HM Revenue and Customs (Tax and National Insurance) and the Cabinet Office (payments in respect of the Principal Civil Service Pension Scheme). During the year, no directors, key members of staff or their close relatives have undertaken any material transactions.

## 18. Events after the Reporting Period

None.

## 19. Special Payments

One payment totalling £29k was made to a member of staff who left PSOW's employment during the year.

## Pension Disclosures

One pension scheme was operated on behalf of current staff during 2021/22 – The Principal Civil Service Pension Scheme (PCSPS). There also remains an ongoing liability to meet the unfunded pensions of two dependant relatives of former Local Government Commissioners.

### Civil Service Pensions

Pension benefits are provided through the Civil Service pension arrangements. From 1 April 2015 a new pension scheme for civil servants was introduced – the Civil Servants and Others Pension Scheme or alpha, which provides benefits on a career average basis with a normal pension age equal to the member's State Pension Age (or 65 if higher). From that date all newly appointed civil servants and the majority of those already in service joined alpha. Prior to that date, civil servants participated in the Principal Civil Service Pension Scheme (PCSPS). The PCSPS has four sections: 3 providing benefits on a final salary basis (classic, premium or classic plus) with a normal pension age of 60; and one providing benefits on a whole career basis (nuvos) with a normal pension age of 65.

These statutory arrangements are unfunded with the cost of benefits met by monies voted by Parliament each year. Pensions payable under classic, premium, classic plus, nuvos and alpha are increased annually in line with Pensions Increase legislation. Existing members of the PCSPS who were within 10 years of their normal pension age on 1 April 2012 remained in the PCSPS after 1 April 2015. Those who were between 10 years and 13 years and 5 months from their normal pension age on 1 April 2012 switched into alpha sometime between 1 June 2015 and 1 February 2022. Because the Government plans to remove discrimination identified by the courts in the way that the 2015 pension reforms were introduced for some members, it is expected that, in due course, eligible members with relevant service between 1 April 2015 and 31 March 2022 may be entitled to different pension benefits in relation to that period (and this may affect the Cash Equivalent Transfer Values shown in this report – see below). All members who switched to alpha have their PCSPS benefits 'banked', with those with earlier benefits in one of the final salary sections of the PCSPS having those benefits based on their final salary when they leave alpha. (The pension figures quoted for officials show pension earned in PCSPS or alpha – as appropriate. Where the official has benefits in both the PCSPS and alpha the figure quoted is the combined value of their benefits in the two schemes.) Members joining from October 2002 may opt for either the appropriate defined benefit arrangement or a defined contribution (money purchase) pension with an employer contribution (partnership pension account).

Employee contributions are salary-related and range between 4.6% and 8.05% for members of classic, premium, classic plus, nuvos and alpha. Benefits in classic accrue at the rate of 1/80th of final pensionable earnings for each year of service. In addition, a lump sum equivalent to three years initial pension is payable on retirement. For premium, benefits accrue at the rate of 1/60th of final pensionable earnings for each year of service. Unlike classic, there is no automatic lump sum. Classic plus is essentially a hybrid with benefits for service before 1 October 2002 calculated broadly as per classic and benefits for service from October 2002 worked out as in premium. In nuvos a member builds up a pension based on his pensionable earnings during their period of scheme membership. At the end of the scheme year (31 March) the member's earned pension account is credited with 2.3% of their pensionable earnings in that scheme year and the accrued pension is uprated in line with Pensions Increase legislation. Benefits in alpha build up in a similar way to nuvos, except that the accrual rate is 2.32%. In all cases members may opt to give up (commute) pension for a lump sum up to the limits set by the Finance Act 2004.

The partnership pension account is an occupational defined contribution pension arrangement which is part of the Legal & General Mastertrust. The employer makes a basic contribution of between 8% and 14.75% (depending on the age of the member). The employee does not have to contribute, but where they do make contributions, the employer will match these up to a limit of 3% of pensionable salary (in addition to the employer's basic contribution). Employers also contribute a further 0.5% of pensionable salary to cover the cost of centrally-provided risk benefit cover (death in service and ill health retirement).

The accrued pension quoted is the pension the member is entitled to receive when they reach pension age, or immediately on ceasing to be an active member of the scheme if they are already at or over pension age. Pension age is 60 for members of classic, premium and classic plus, 65 for members of nuvos, and the higher of 65 or State Pension Age for members of alpha. (The pension figures quoted for officials show pension earned in PCSPS or alpha – as appropriate. Where the official has benefits in both the PCSPS and alpha the figure quoted is the combined value of their benefits in the two schemes, but note that part of that pension may be payable from different ages.)

Further details about the Civil Service pension arrangements can be found at the website [www.civilservicepensionscheme.org.uk](http://www.civilservicepensionscheme.org.uk).

## Cash Equivalent Transfer Values

A Cash Equivalent Transfer Value (CETV) is the actuarially assessed capitalised value of the pension scheme benefits accrued by a member at a particular point in time. The benefits valued are the member's accrued benefits and any contingent

spouse's pension payable from the scheme. A CETV is a payment made by a pension scheme or arrangement to secure pension benefits in another pension scheme or arrangement when the member leaves a scheme and chooses to transfer the benefits accrued in their former scheme. The pension figures shown relate to the benefits that the individual has accrued as a consequence of their total membership of the pension scheme, not just their service in a senior capacity to which disclosure applies.

The figures include the value of any pension benefit in another scheme or arrangement which the member has transferred to the Civil Service pension arrangements. They also include any additional pension benefit accrued to the member as a result of their buying additional pension benefits at their own cost. CETVs are worked out in accordance with The Occupational Pension Schemes (Transfer Values) (Amendment) Regulations 2008 and do not take account of any actual or potential reduction to benefits resulting from Lifetime Allowance Tax which may be due when pension benefits are taken.

## **Real Increase in CETV**

This reflects the increase in CETV that is funded by the employer. It does not include the increase in accrued pension due to inflation, contributions paid by the employee (including the value of any benefits transferred from another pension scheme or arrangement) and uses common market valuation factors for the start and end of the period.

## **Compensation for loss of office**

No staff left under Voluntary Exit or Voluntary Redundancy terms during the financial year.

## Pensions for former Ombudsmen

With the agreement of the Secretary of State for Wales in 1991 and subsequent confirmation by Statutory Instrument 1993 No. 1367, Local Government Commissioners became eligible to join the Local Government Pension Scheme. However, the pensions of the three previous Local Government Commissioners remained the responsibility of the Public Services Ombudsman for Wales and are met through the Statement of Comprehensive Net Expenditure. At 31 March 2022 two surviving spouses of former Commissioners continued to receive a pension.

Pensions are increased annually in line with other pension schemes within the Public Sector. The basis of calculations of the Annual Pensions Increase has been changed from using the annual movement based on the Retail Price Index (RPI) to the Consumer Price Index (CPI). The amount of the uplift applied is normally set out in the Statutory Instrument Pensions Increase (Review) Order. This uplift for 2021/22 was 0.50%.

The total payments during 2021/21 were £45k (£44k in 2020/21). The liabilities arising out of the obligation to finance these pensions together with any dependant pensions has been calculated to be £204k (£209k in 2020/21). The calculation to determine the overall liability has been carried out internally using life expectancy tables for males and females in Wales obtained from the website of the Government Actuary's Department. A discount rate, from PES (2021), of -1.30% (-0.95% in 2020/21) has been applied in accordance with the Treasury guidance that all pension liabilities should be discounted.



**Public Services Ombudsman for Wales**

**1 Ffordd yr Hen Gae**

**Pencoed**

**CF35 5LJ**

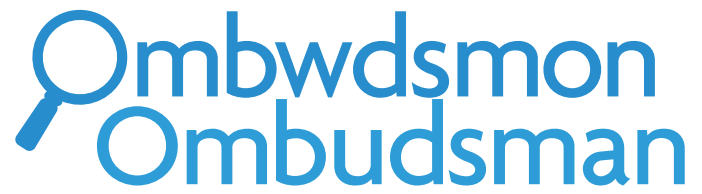
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OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU  
PUBLIC SERVICES OMBUDSMAN FOR WALES

# Annual Report and Accounts

## Executive summary

2021 / 2022



## About us

We have three main roles.

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

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

## How to find us

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## Highlights of the year

2021/22 was the final year of Nick Bennett's term of office as Ombudsman, a position he held since 2014. The last year was a challenging one for the office, with 32% more cases than the year before. We closed more complaints than ever, providing answers and putting things right for the people of Wales.

We welcomed Michelle Morris as Ombudsman from April 2022. Michelle is developing her Strategic Plan setting out how we will work to continue to deliver a fair and independent complaints service, for those dissatisfied with public services, and use the learning from complaints to make improvements.



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

We received this year a record number of new cases - 32% more than last year and 14% more than in 2019/20.



We delivered justice to more people in Wales by closing a record 2865 complaints about public services and the Code of Conduct - 29% more than last year and 14% more than in 2019/20.

### Complaints about public services

We saw more new complaints about:

People complained to us mainly about:

#### Health Boards

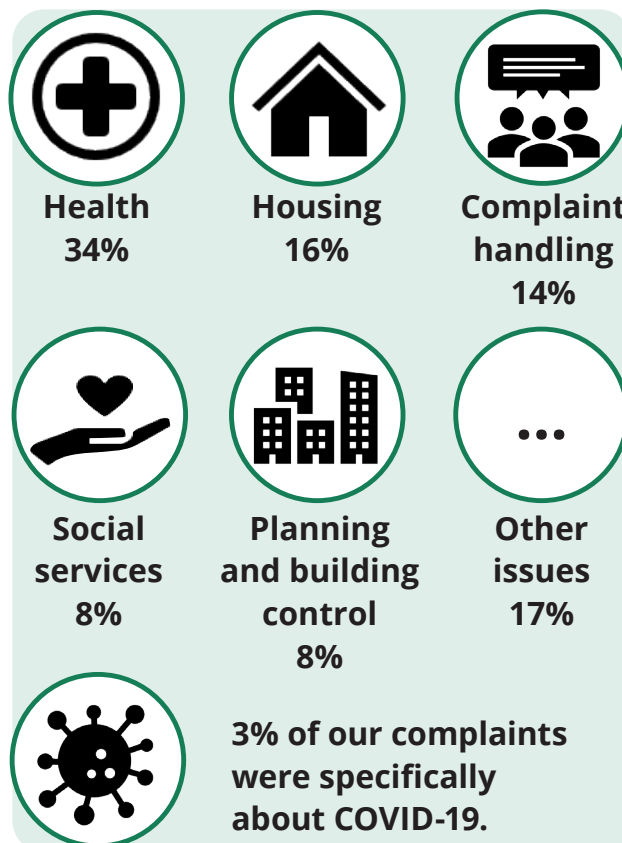
30% more than last year  
2% more than in 2019/20

#### County and County Borough Councils

47% more than last year  
32% more than in 2019/20

#### Housing Associations

78% more than last year  
50% more than in 2019/20



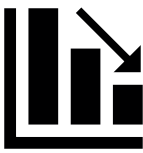
Our interventions

459

18%

We found that something had gone wrong and had to intervene in 459 or about 18% of complaints about public services that we closed this year.

That was a lower proportion than in the last two years (20%).



69%

in 69%, we proposed Early Resolution to deliver justice quickly.

31%

in 31%, we intervened after investigating.

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

Our recommendations

1,131

We issued 1131 recommendations to public service providers.

£132k

We recommended over £132,000 of financial redress – compared to £62,000 last year and £80,000 in 2019/20.

26%

26% of our recommendations this year were about process change, more training or more information for staff.

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



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

## Complaints about the Code of Conduct

Compared to last year, we received fewer complaints about the Code of Conduct. However, last year the volume of those complaints was unusually high. Compared to 2019/20, we received many more new Code of Conduct complaints.



We again saw more complaints about members of Town and Community Councils (2% more than last year and 27% more than in 2019/20).



About a half of our new complaints about the Code of Conduct (51%) was about the promotion of equality and respect - a slightly lower proportion than last year (55%).

Although we closed slightly fewer Code of Conduct complaints than last year, we investigated a much higher proportion - 14%, compared to 8% last year.

In cases where we investigate and have evidence to suggest there may have been a serious breach of the Code of Conduct, we refer the complaint and our findings to a local standards committee or to the Adjudication Panel for Wales.

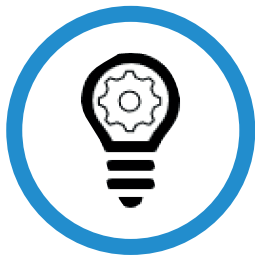


These bodies upheld and found breaches in all our referrals they considered in 2021/22. This gives us additional assurance that our process for considering these complaints is sound.

**20**

In 2021/22, we referred 20 complaints about the Code of Conduct to the Standards Committees of the relevant local authorities, or the Adjudication Panel for Wales. This was twice as many as last year. We are concerned about this increase.

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



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

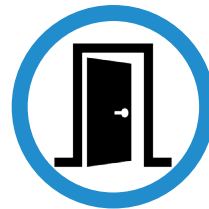
Despite the significant increase in our workload this year, we continued to promote learning from our complaints and improve broader public services.



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



We provided 140 virtual training sessions to public bodies across Wales



We launched the findings of our first wider Own Initiative Investigation –

**'Homelessness Reviewed: An open door to positive change'.**



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



We completed 3 extended investigations (where we were already investigating a problem and extended the investigation to other issues or complainants).



We issued 7 public interest reports.



We published our third Equality and Human Rights Casebook.



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



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





## We embrace learning and welcome feedback.

We do our best to make sure that we handle complaints fairly and in a transparent way. People who are unhappy with our decisions can ask for a review if they can show we did not properly consider the information they sent us, or if they can send us additional, new evidence.

**260**

We handled 260 review requests.

**20%** more than last year

**12%** more than in 2019/20

**7%**

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

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

**26**

This year, 26 public bodies attended our Sounding Boards. They gave us good feedback but were broadly satisfied with our service.

Our workload pressures had an effect, with fewer service users happy with our service this year. We are working on a detailed action plan to improve how we work based on this feedback.

**43%**

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

We received

**32**

complaints about us.

We upheld or partially upheld 41% - compared to 22% last year.



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

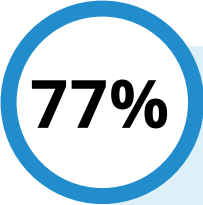
We are accountable to the Senedd for how we work and how we use our resources.



Our budget this year was £5.2m.



Our unit cost per case this year was £491.



We applied 77% of our resources to complaints handling.



91% of our budgeted funding for new powers (£332k) was spent on implementation.

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



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



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



We sent 0% of our general waste to landfill.



We avoided 176 kg of CO2 in emissions



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





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

We work to make sure that people are aware of and trust our service - and that we are accessible to all who need us. We had some successes this year, but have more work to do.

**43%**

43% of people who responded to a national survey knew about us (compared to 48% in 2020).

**80%**

80% of our complainants that we asked said that it was easy to contact us (compared to 85% last year).

**221**

We took 221 oral complaints (compared to 63 last year) and our first complaint in British Sign Language.

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

We are committed to creating an equal, diverse, and inclusive workplace.



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



We again achieved the Chwarae Teg FairPlay Employer award at silver level, and reduced our median Gender Pay Gap to 3%, from 5% last year.



We achieved Autism Awareness Employer Status.



## We pull together and support each other.

We value and support our staff. The challenges that we faced during the year affected their health and wellbeing. We worked hard to support them during the year and will carry on this work in 2022/23, as we expect our workload to remain high.

**100%**

All our staff completed their annual appraisal process.

**72%**

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

**2.7%**

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

Of people who responded to our staff survey this year,

**87%**

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

**93%**

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

**61%**

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

**58%**

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

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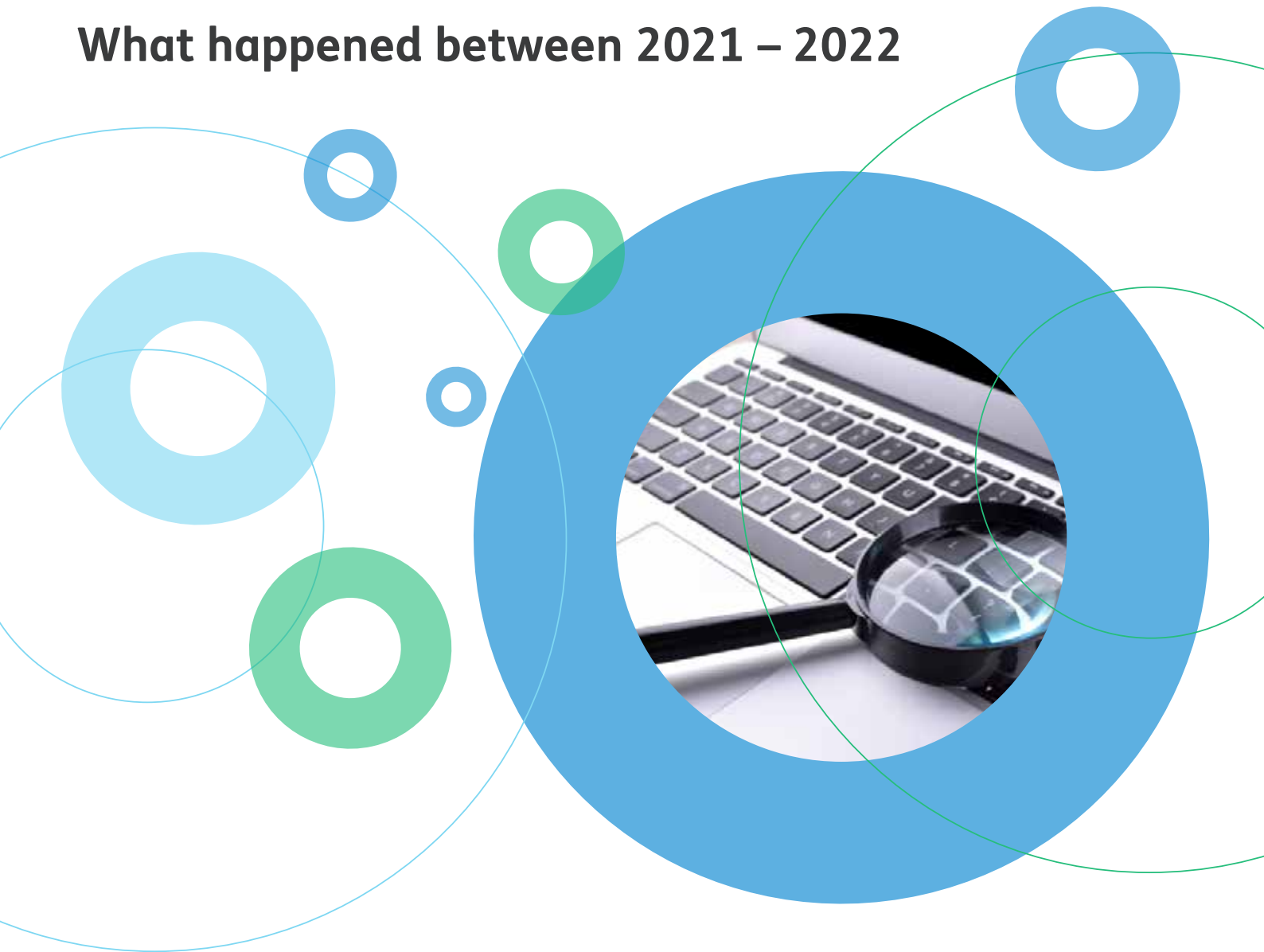
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OMBWDSMON GWASANAETHAU CYHOEDDUS CYMRU  
PUBLIC SERVICES OMBUDSMAN FOR WALES

# Public Services Ombudsman for Wales Annual Report

## What happened between 2021 – 2022



This document was written by the **Public Services Ombudsman for Wales**. It is an easy read version of 'Annual Report and Accounts 2021 - 2022'

July 2022

# How to use this document



This is an easy read document. But you may still need support to read it. Ask someone you know to help you.



Words in **bold blue writing** may be hard to understand. You can check what the words in blue mean on **page 28**.



Where the document says **we**, this means **Public Services Ombudsman for Wales**. For more information contact:

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# Introduction



We are the Public Services Ombudsman for Wales.

We deal with complaints about:

- **Public services**



**Public services** are services paid for by Government. For example: local councils, the NHS, social landlords.



- Local councillors breaking the **code of conduct**. Local councillors are people chosen to run a council.



**Code of conduct** means the rules and standards someone must follow in their job.





Our aim is to improve **public services**.



We make our own decisions to look into complaints. And we are not owned by any government organisation.



Our service is for all and free of charge.

# What happened between 2021-2022



Nick Bennett finished his term as an **Ombudsman** this year.



**Ombudsman** is the person leading our office. In our office, we have many people who look into complaints.



We welcomed Michelle Morris as an **Ombudsman** from April 2022.



Michelle is writing a plan about how we will work to provide a fair complaints service for people who are not happy with **public services**. Or about how local councillors behave.



We had many complaints in 2021 to 2022. It was much more than we had in 2020 to 2021 and 2019 to 2020.



We closed many complaints by making things right for the people of Wales.



We continued our work during COVID-19.

We had more than 8 thousand new cases:



- Almost 5 thousand cases were enquiries.
- 169 were **Code of Conduct** pre-assessments. This means cases which we could not look into because we did not get all the information we needed.
- 2,726 complaints were about **public services**.
- 294 complaints were about the **Code of Conduct**.
- We closed 2,865 complaints in total.

## Complaints about public services



We had complaints about:

- Health boards
- County and County Borough Council
- and Housing Associations

The complaints were about health services, housing, complaint handling, social services, planning and building control.



3 out of 100 complaints were about COVID-19.



We issued more than 1 thousand **recommendations** to public service providers.



**Recommendation** means saying what actions need to be taken to solve a problem.



We **recommended** that the providers pay over 132 thousand pounds of **financial compensation**. This was over twice as much as in 2020 to 2021.



**Financial compensation** is when you are paid money by a person or organisation. They pay you this money to cover the harm, loss or stress they have caused you.



26 out of 100 **recommendations** were about making changes in the way people work. Or about training. Or more information for staff.

## Complaints about the Code of Conduct



We had fewer complaints about the **Code of Conduct** than last year. But more than we had in 2019 to 2020.



Most of our new complaints were about members of Town and Community Councils.



Almost half of our new complaints about the **Code of Conduct** was about councillors not treating others **equally** and with respect.

Equality



**Equally** means treating people fairly and making sure they have the same chances in life.



We closed fewer **Code of Conduct** complaints than last year, but many more than the year before that. We looked into many more complaints.

If the complaints were very serious, we referred them to:



- a **local Standards Committees**
- or to the **Adjudication Panel for Wales.**



We referred 20 complaints about the **Code of Conduct** to the **local Standards Committees**. Or the **Adjudication Panel for Wales**.



This is twice as many as last year. We are worried about this increase.



When the **Adjudication Panel for Wales** and **Standards Committees** look at the complaints we refer, they generally agree with our findings.



# Supporting public services to improve



We had a lot more complaints this year. Our work was much more than last year.



But we continue to help **public services** to improve by learning from the complaints we get.



We have 39 **public bodies** in Wales under the **Complaints Standards Authority**.



The aim of the **Complaints Standards Authority** is to work with **public bodies** to help them deal with complaints in the right way.

We do this by:

- providing guidance and training
- and by collecting information about how they deal with complaints.







**Public bodies** are organisations that run services for the public. They have money from Welsh Government to run.



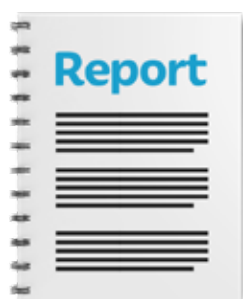
We provided 140 online training sessions to **public bodies** across Wales.



For the first time we put information about how many complaints were made to the County and County Borough Councils on our website.



We can look into problems with **public services** even if we have not had a complaint about them.



This year, we published a report about how County and County Borough Councils deal with homelessness assessments in Wales.



You can read about it here: [Homelessness Reviewed: An open door to positive change](#).



When we look into a complaint, we can look into extra things linked to it, if we think there may be a problem.

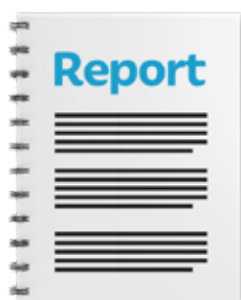


We completed 3 big investigations like that during the year.



If we think that our complaint is very serious or can help all **public bodies** to improve how they work, we issue a **public interest report** about it.

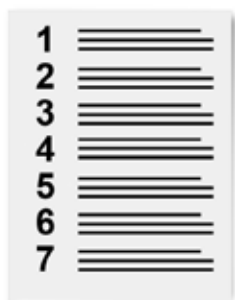
We wrote 7 reports like that this year:



- 5 about health care
- 1 about social care
- and 1 about waste management.



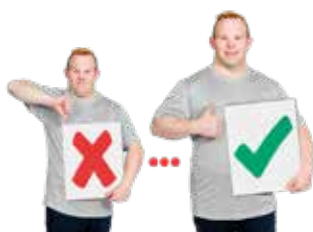
We have added the [Our Findings](#) tool on our website. This tool helps people to search through complaints that we closed.



We published our third [Equality and Human Rights Casebook](#). This has a list of our complaints about human rights and **equality**.



We have updated our guidance about Principles of [Good Administration](#) and [Good Records Management Matters](#).



This guidance is to help **public bodies** work better.

# What we learnt

## Equality



We want to make sure we are doing a good job. And we handle complaints in an **equal** and fair way.



If you are not happy with our decisions, you can ask for a **review**.



A **review** is when we check a plan or how something is working to make sure we are working in the best way.



You can ask for a **review** if you can show that we did not properly think about the information you sent. Or if you can send us new information.



We had 260 new **review** requests from people this year.

## About feedback from people



We asked for feedback from people who made a complaint and from the **public bodies**. We use that feedback to improve how we work.



This year, 26 **public bodies** took part in our **Sounding Boards**. This is a group where you can share your ideas and feedback.



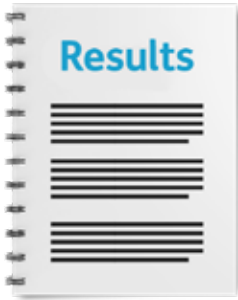
**Public bodies** gave us good feedback and were happy with our service.



But not as many people were happy with our service this year.



43 out of 100 people who made a complaint were happy with our service.



But people said they were happier with our service when they had a good result from their complaint.



We got 32 complaints about us.



We agreed with around 4 out of every 10 complaints about us.



We are working on an action plan to improve how we work based on this feedback.

# How we work and how we use our resources



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



The **Senedd** is the Welsh Parliament. It is where laws are made in Wales.



**Resources** are useful things we have or things we own. For example, buildings, vehicles, information, money and staff.



We had a budget of £5.2 million this year.



We used most of our **resources** to handle complaints. The rest of the **resources** were used on things such as training and other things.



We spent around £491 on every case this year.



We want to protect the environment and continue to support **sustainable** working.



**Sustainable** means that the services are run carefully so they can run in the future.



We had just over 9,000 kg of waste.



We used 2 % more energy than last year.





We did not send any general waste to landfill.



We tried to use **resources** that use the lowest amounts of energy.



We stayed connected with colleagues in the UK, Europe and around the world.

# About equality, diversity and inclusion



We want to make sure we have **equality**, **diversity** and **inclusion** in our organisation.



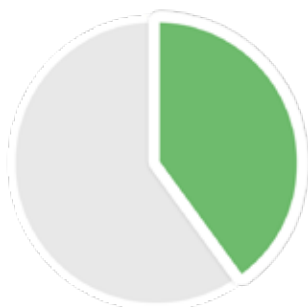
**Diversity** means people are not all the same. For example, people come from different backgrounds, make different choices or are good at different things.



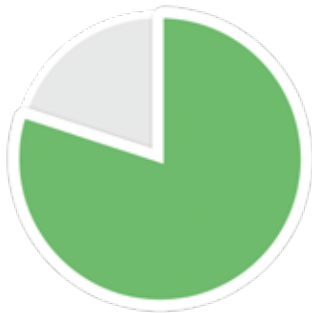
**Inclusion** means everyone can take part, and everyone has a fair chance.



We want people to know that everyone can use our service.



43 out of 100 people who took part in a national survey said that they knew about us.



80 out of 100 people who made a complaint said that it was easy to contact us.



We took 221 complaints in person or on the phone. And we had the first complaint in British Sign Language.



We want to make our workplace **equal, diverse,** and **inclusive.**



Most of our staff agreed that our workplace is **equal, diverse** and **inclusive.**



We got the **Autism Awareness Employer Status** this year. This means we have a good understanding about Autism.



We also got the **Chwarae Teg FairPlay Employer** award at silver level. This means we are recognised as being a fair employer.



And we reduced our **Gender Pay Gap** to 3% from 5% last year.



**Gender Pay Gap** is when men and women earn different amounts of money overall at an organisation. For example, maybe there are less women in manager jobs than men.

# How we support our staff



We value and support our staff.



The challenges that we faced during 2021to2022 affected how well and healthy our staff were.



We worked hard to support our staff during the year.



All our staff completed their yearly **appraisal process**.



This is when we talk about how staff have worked during the year and what they need to do in the future.

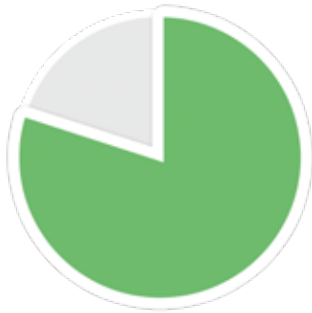


Around 7 out of 10 of staff completed 28 hours or more of professional development. This means things like training.



More staff took sick leave because of stress compared to last year. A lot of the times, this had nothing to do with work.

### Results from the staff survey this year:



87 out of 100 staff said that **Public Services Ombudsman** for Wales is a good place to work.



Almost all said that their work was flexible. This means that it allowed them to balance their work and home life.



More than half said that they had enough **resources** to do their work.



More than half said that the workload was okay.

# Hard words

## Code of conduct

Code of conduct means the rules and standards someone must follow in their job.

## Diversity

Diversity means people are not all the same. For example, people come from different backgrounds, make different choices or are good at different things.

## Equality

Equality means treating people fairly and making sure they have the same chances in life.

## Financial compensation

Financial compensation is when you are paid money by a person or organisation. They pay you this money to cover the harm, loss or stress they have caused you.

## Gender Pay Gap

This is when men and women earn different amounts of money overall at an organisation.

For example, maybe there are less women in manager jobs than men.

## Inclusion

Inclusion means everyone can take part, and everyone has a fair chance.

## Ombudsmen

Ombudsman is the person leading our office. In our office, we have many people who look into complaints.



## **Public services**

Public services are services paid for by Government. For example: local councils, the NHS, social landlords.

## **Public bodies**

Public bodies are organisations that run services for the public. They have money from Welsh Government to run.

## **Resources**

Resources are useful things we have or things we own. For example buildings, vehicles, information, money and staff.

## **Recommendation**

Recommendation means giving suggestions like what actions need to be taken to solve a problem.

## **Review**

A review is when we check a plan or how something is working to make sure we are working in the best way.

## **Sustainable**

Sustainable means that the services are run carefully so they can run in the future.

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**THIS REPORT IS NOT EXEMPT AND IN THE PUBLIC DOMAIN**

**SOUTH WALES FIRE & RESCUE AUTHORITY**

AGENDA ITEM NO 13  
30 JANUARY 2023

STANDARDS COMMITTEE

REPORT OF DIRECTOR OF CORPORATE SERVICES

**PUBLIC SERVICE OMBUDSMAN FOR WALES – UPDATED GUIDANCE ON THE CODE OF CONDUCT**

**THIS REPORT IS FOR INFORMATION**

REPORT APPROVED BY DIRECTOR OF CORPORATE SERVICES

REPORT PRESENTED BY HEAD OF CORPORATE SUPPORT – SARAH WATKINS

**SUMMARY**

This report informs the Standards Committee of the Public Service Ombudsman for Wales revised guidance setting out Members' obligations under the Code of Conduct.

**RECOMMENDATIONS**

That Members note the content of the report.

**1. BACKGROUND**

- 1.1 The Public Service Ombudsman for Wales (the Ombudsman) released guidance documents on the Code of Conduct in October 2022. There are two elements to the role of the Ombudsman which are to consider complaints about public service providers in Wales and to consider complaints that members of local authorities have breached their Authority's Members' Code of Conduct.
- 1.2 The statutory guidance set out at Appendix 1 is issued by the Ombudsman under Section 68 of the Local Government Act 2000 for elected, co-opted and appointed Members of:
- 1.3
  - county and county borough councils
  - fire and rescue authorities
  - national park authorities
  - police and crime panels in Wales
- 1.4 The purpose of the guidance is to provide Members with a general understanding of the Code and its requirements. The guidance introduces the Code and its enforcement. It outlines Members' obligations under the

Code, referencing specific paragraphs for further information and deals with general issues surrounding the disclosure and registration of interests under Parts 3 and 4 of the Code respectively.

## **2. ISSUE**

- 2.1 The revised guidance outlines Members' duties under the Code and explains the test applied by the Ombudsman when deciding whether to investigate an alleged breach of the Code. It also includes examples drawn from cases considered by the Ombudsman, local Standards Committees and the Adjudication Panel for Wales, and reflects on issues of concern and recent trends.

## **3. IMPLICATIONS**

### **3.1 Community and Environment**

Equality, Diversity and Inclusion	No
Welsh Language	No
Well-Being Of Future Generations (Wales) Act	No
Socio Economic Duty	No
Sustainability / Environment / Carbon Reduction	No
Safeguarding	No
Consultation and Communications	No
Consultation with Representative Bodies	No
Impact Assessment	No

### **3.2 Regulatory, Strategy and Policy**

Legal	No
Financial	No
Procurement	No
Corporate Risk	No
Information Management	No
Data Protection / Privacy	No
Health, Safety and Wellbeing	No
Governance & Audit	Yes
Service Policy	No
National Policy	No

- 3.2.1 Fire & Rescue Authorities are required to adopt a Code of Conduct encompassing the provisions of the model code. The Code of Conduct for South Wales Fire & Rescue Authority is contained within the Authority's Constitution. The constitutional documents for the Authority can be found on this [link](#). The Principles of Member Conduct and the Members' Code of Conduct are contained in

Appendix 1 of the Authority's General Standing Orders [link](#) (page 21 of the document).

### 3.3 Resources, Assets and Delivery

Human Resources and People Development	No
Assets and Resources (Property/Fleet/ICT/Equipment)	No
Service Delivery	No
Procurement	No
Budget Revenue/Capital	No

## 4. RECOMMENDATION

4.1 That Members note the content of the report.

<b>Contact Officer:</b>	T/ACO Geraint Thomas T/Director of Corporate Services
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Background Papers	Date	Source/Contact
The Code of Conduct for Members of Local Authorities in Wales  Guidance from the Public Services Ombudsman for Wales for members of county borough councils, fire and rescue authorities, national park authorities and police and crime panels	October 2022	<a href="https://www.ombudsmann.wales/wp-content/uploads/2022/11/Code-of-Conduct-Guidance-CC-CBC-NPA-PCP-31-10-2022.pdf">https://www.ombudsmann.wales/wp-content/uploads/2022/11/Code-of-Conduct-Guidance-CC-CBC-NPA-PCP-31-10-2022.pdf</a>
Constitutional documents for South Wales Fire & Rescue Authority		<a href="https://www.southwales-fire.gov.uk/publications/constitutional-documents/">https://www.southwales-fire.gov.uk/publications/constitutional-documents/</a>
General Standing Orders	27 June 2016	<a href="https://www.southwales-fire.gov.uk/app/uploads/2020/07/General-Standing-Orders-from-27.06.16.pdf">https://www.southwales-fire.gov.uk/app/uploads/2020/07/General-Standing-Orders-from-27.06.16.pdf</a>

Appendices	
Appendix 1	The Code of Conduct for Members of Local Authorities in Wales Guidance from the Public Services Ombudsman for Wales for members of county borough councils, fire and rescue authorities, national park authorities and police and crime panels

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## AGENDA ITEM NO 14

**FORWARD WORK PROGRAMME FOR  
STANDARDS COMMITTEE 2022/23**

<b>Expected Date of Report</b>	<b>Report Name</b>	<b>Purpose of Piece of Work</b>	<b>Information or Decision</b>	<b>Lead Director/ Contact Officer</b>	<b>Progress</b>
03 Oct 2022	Member Training Delivered by Dave Daycock	Catch up Member Standards Training for those unable to attend the April Training Session	I	T/D CS  Contact Officer: Geraint Thomas	Completed
03 Oct 2022	Review Terms of Reference of the Standards Committee	Members to review current Terms of Reference and agree or suggest amendments for approval	D	T/D CS  Contact Officer: Geraint Thomas	Completed
03 Oct 2022	Schedule of Observation Visits by Independent Members of Standards Committee to SWFRA Committees	To agree dates for Independent Members to observe FA Meetings	D	T/D CS  Contact Officer: Geraint Thomas	Completed
03 Oct 2022	Public Service Ombudsman for Wales - Code of Conduct Casebook	To review the latest PSOW Casebook publications	I	T/D CS  Contact Officer: Sarah Watkins	Completed
03 Oct 2022	Update regarding the All Wales Standards Forum	Update Members on progress	I	T/D CS  Contact Officer: Geraint Thomas	Completed

<b>Expected Date of Report</b>	<b>Report Name</b>	<b>Purpose of Piece of Work</b>	<b>Information or Decision</b>	<b>Lead Director/ Contact Officer</b>	<b>Progress</b>
03 Oct 2022	Outcome report following the Consultation on Welsh Government's Standards of Conduct Statutory Guidance	Update Members on progress	I	T/D CS Contact Officer: Geraint Thomas	Completed
30 Jan 2023	Public Service Ombudsman for Wales - Code of Conduct Casebook	To review the latest PSOW Casebook publications	I	ACO CS Contact Officer: Sarah Watkins	On agenda
30 Jan 2023	Feedback report following Observations Visits by Independent Members of Standards Committee to SWFRA Committees	Members to share observations	I	ACO CS Contact Officer: Geraint Thomas	On agenda
30 Jan 2023	Standards Conference Wales 2023	Update Members.	I	ACO CS Contact Officer: Sarah Watkins	On agenda
30 Jan 2023	Adjudication Panel for Wales – Annual Report 2021/22	Provide an overview of the APW Report 2021/22		ACO CS Contact Officer: Sarah Watkins	On agenda
30 Jan 2023	Independent Remuneration Panel for Wales' Draft Annual Report - February 2023	Provide an overview of the IRPW Report	I	ACO CS Contact Officer: Geraint Thomas	On agenda



<b>Expected Date of Report</b>	<b>Report Name</b>	<b>Purpose of Piece of Work</b>	<b>Information or Decision</b>	<b>Lead Director/ Contact Officer</b>	<b>Progress</b>
30 Jan 2023	Public Services Ombudsman for Wales – Annual Report and Accounts 2021/22	Provide an overview of the PSOW Annual Report	I	ACO CS Contact Officer: Sarah Watkins	On agenda
30 Jan 2023	Public Service Ombudsman for Wales – Updated Guidance on the Code of Conduct	Provide an overview of updated guidance to Members	I	ACO CS Contact Officer: Sarah Watkins	On agenda
30 Jan 2023	Draft Standards Committee Annual Report	For Members to review and agree the draft annual report of the Standards Committee	D	ACO CS Contact Officer: Sarah Watkins	On agenda
30 Jan 2023	Appointment of Vice Chair of the Standards Committee	To appoint the Vice Chair of the Committee	D	ACO CS Contact Officer: Geraint Thomas	On agenda

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## AGENDA ITEM NO 15

**To consider any items of business that the Chairperson deems urgent  
(Part 1 or 2)**

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1.	Apologies for Absence	
2.	Declarations of Interest	
	Members of the Fire & Rescue Authority are reminded of their personal responsibility to declare both orally and in writing any personal and/or prejudicial interest in respect of matters contained in this agenda in accordance with the provisions of the Local Government Act 2000, the Fire & Rescue Authority's Standing Orders and the Members Code of Conduct.	
3.	Chairperson's Announcements	
4.	To receive the minutes of:	
	<ul style="list-style-type: none"> <li>Standards Committee held on Monday 3 October 2022</li> </ul>	5
	<b>REPORTS FOR DECISION</b>	
5.	Appointment of Vice Chair of the Standards Committee – <b>to be presented verbally on the day</b>	11
6.	Draft Standards Committee Annual Report	13
	<b>REPORTS FOR INFORMATION</b>	
7.	Public Service Ombudsman for Wales' – Code of Conduct Casebook	25
8.	Feedback report following observation visits by Independent Members of Standards Committee to SWFRA Committees – <b>to be presented verbally on the day</b>	39
9.	Standards Conference Wales 2023 – <b>to be presented verbally on the day</b>	47
10.	Adjudication Panel for Wales – Annual Report 2021/22	49
11.	Independent Remuneration Panel for Wales' Draft Annual Report 2023-2024	71

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12.	Public Service Ombudsman for Wales – Annual Report and Accounts 2021/22	99
13.	Public Service Ombudsman for Wales – Updated Guidance on the Code of Conduct	295
14.	Forward Work Programme for Standards Committee 2022/2023	299
15.	To consider any items of business that the Chairperson deems urgent	303