

Meeting of:	Standards Committee
Date of Meeting:	Thursday, 28 September 2023
Relevant Scrutiny Committee:	No Relevant Scrutiny Committee
Report Title:	Public Services Ombudsman for Wales Annual Report and Accounts 2022/23 and Quarterly Newsletter.
Purpose of Report:	To present to Members extracts from the Annual Report and Accounts for the Public Services Ombudsman for Wales for the year ending 31st March, 2023 in respect of Members' Code of Conduct matters
Report Owner:	Debbie Marles, Monitoring Officer/Head of Legal and Democratic Services
Responsible Officer:	Karen Bowen, Principal Democratic and Scrutiny Services Officer
Elected Member and Officer Consultation:	This report does not require consultation to be undertaken
Policy Framework:	This is a matter for decision by the Standards Committee
<p>Executive Summary:</p> <ul style="list-style-type: none"> • The Public Services Ombudsman for Wales Annual report 2022/2023 provides details relating to the functions of the Public Services Ombudsman for Wales (the Ombudsman). The link to the full report can be found in paragraph 2.1 of this report. • Standards Committee Members are requested to consider the references detailed in the Ombudsman's report in respect of complaints of Members of Local Authorities who have breached their Authority's Members' Code of Conduct • The Annual Report of the Ombudsman has been produced in a different format to previous reports and the relevant section for the Committee's consideration can be found in paragraph 2.5 of this report. • The PSOW has also commenced the production of quarterly Newsletters which can be accessed via the attached link the second edition of the Newsletter is also attached at Appendix 6 to this report for the Committee's consideration. 	

Recommendation

1. THAT the Standards Committee consider the aspects within the Annual Report of the Public Services Ombudsman for Wales referring to Code of Conduct matters which are attached at Appendices 1 – 5 to this report within the remit of the Standards Committee and also the work undertaken as detailed in the second edition Quarterly Newsletter (August 2023) of the PSOW attached at Appendix 6 to this report.

Reason for Recommendation

1. For consideration by Members of the Standards Committee.

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) including financial management.

2. Key Issues for Consideration

- 2.1 The Ombudsman's report addresses the three main roles of the Ombudsman, which are to investigate complaints about public service providers in Wales, to consider complaints of members of Local Authorities who have breached their Authority's Members' Code of Conduct and to drive systematic improvement of public services (page 9 of the document). The link to the full Annual Report can be found at

[Annual-Report-and-Accounts-2022-23-19-07-2023-Auditor-signed.pdf](#)
([ombudsman.wales](#))

[Adroddiad-a-Chyfrifon-Blynyddol-2022-23-19-07-2023-gyda-llofnod.pdf](#)
([ombwdsmon.cymru](#))

- 2.2 The Ombudsman's office has also produced an Executive Summary and an Easy Read Version of the document which can also be found via the Ombudsman's website on the links below:

[[Executive Summary](#) – English]

[[Executive Summary](#) – Welsh]

[[Easy Read](#) – English]

[[Easy Read](#) – Welsh]

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

- County and County Borough Councils;
- Town and Community Councils;

- Fire Authorities;
- National Park Authorities
- Police and Crime Panels.

2.4 The Annual Report notes that all the Authorities' Members' Code of Conduct set out in detail how Members must follow recognised principles of behaviour in public life. The Ombudsman further states that if a County Councillor wishes to make a complaint about another County Councillor in their own Authority, it is expected that they first of all make their complaint to that Authority's Monitoring Officer as it may be possible to resolve the matter locally without the Ombudsman's involvement.

2.5 Standards Committee Members' attention is drawn to the following:

- Page 13 of the Annual Report at Appendix 1 to this report notes 283 Code of Conduct complaints across Wales were received which was a reduction of 490 on the previous year.
- Fuller details in respect of Code of Conduct complaints can be found in Appendix 2 to this report i.e. pages 24-33 of the document;
- Appendix 3 to this report i.e. Pages 119 – 123 outline the use of the terms used within the report and how the complaint journey is undertaken;
- Appendix 4 to this report i.e Page 124 refers to performance indicators and Code of Conduct complaints
- Appendix 5 to this report i.e Page 136 of the document refers to the subject of the complaints received for 2021/22 – 2022/23 and from which body.

2.6 The Full Annual report has not been reproduced in its entirety in this report as the remaining sections refer primarily to internal governance arrangements, complaints about public services and financial matters.

2.7 Since the publication of the PSOW Annual Report the Ombudsman issued a second quarterly newsletter in August 2023 which details a summary of the PSOW's work over recent months. A copy of the August newsletter published 25th August 2023 can be found at Appendix 6 to this report. Members attention is drawn in particular to the decisions on referrals to Standards Committees and to the Adjudication Panel for Wales within the newsletter.

2.8 Committee are requested to consider the information contained in the PSOW's Annual Report and the quarterly newsletter (August 2023) with regard to Code of Conduct Complaints.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

3.1 This report relates to the role of the Standards Committee to promote and maintain high standards of conduct of Members as detailed in the Council's Constitution.

4. Climate Change and Nature Implications

4.1 None as a direct result of this report.

5. Resources and Legal Considerations

Financial

5.1 None as a direct result of this report.

Employment

5.2 None as a direct result of this report.

Legal (Including Equalities)

5.3 None as a direct result of this report.

6. Background Papers

None

Introduction

This year we received more cases than ever.

8,423

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

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

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

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

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

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

605

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

Our cases *i*

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



Our complaints about the Code of Conduct

New Code of Conduct complaints

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

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

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

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

We report the subject of the Code of Conduct complaints based on the [Nolan Principles](#), which are designed to promote high standards in public life. 61% of the complaints that we could look into were about the promotion of equality and respect. This was a much higher proportion than last year (51%).

Generally, the cases that we categorise under 'respect' are lower level complaints. These are the ones where we tend to decide quickly that we will not investigate, or where we recommend that the complaint is resolved locally. The complaints that we categorise under 'equality' commonly involve more serious allegations of bullying or discrimination.



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

Our reference: 202005902

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



Closed Code of Conduct complaints

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

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

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

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

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

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

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

35

Code of Conduct investigations.



12

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

It is not up to us to decide whether a councillor has breached the Code of Conduct. In cases where we investigate and consider that there may have been a serious breach of the Code of Conduct, we refer the complaint and our findings to a local Standards Committee or to the Adjudication Panel for Wales to determine.

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

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

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

Our reference: 202000660

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

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

Our reference: 202004442

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

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



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

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

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

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

A golden scale of justice is positioned on a stack of dark blue books. In the foreground, a wooden gavel rests on a wooden surface. The background is a blurred bokeh of warm colors. A semi-transparent dark blue box with white text is overlaid on the right side of the image.

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Whistleblowing disclosure report

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

1. They are acting in the public interest, which means that protection is not normally given for personal grievances.
2. The disclosure is about one of the following:
 - Criminal offences (this includes financial improprieties, such as fraud)
 - Failure to comply with duties set out in law
 - Miscarriages of justice
 - Endangering someone's health and safety
 - Damage to the environment
 - Covering up wrongdoing in any of the above categories.

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

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

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

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

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

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

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

4 investigations opened in 2021/22 are still ongoing.



The quality of our decisions

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

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

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

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

Our reference: 202202850

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

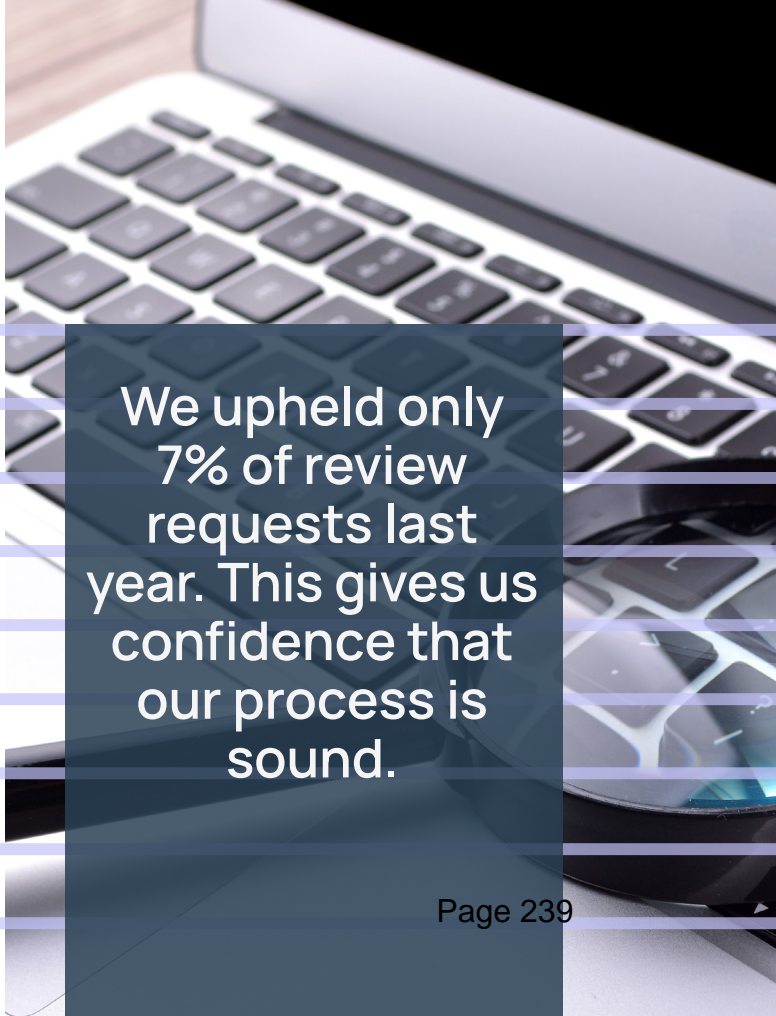
When we reviewed this case, we concluded that we had not properly listened to the complainant or fully considered his complaint and we opened a new file to ensure we did so.

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

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

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

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



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

Some terms that we use in this report

<p>Case: any matter raised with us by a member of the public</p>	<p>Caseload: all cases that we handle.</p>
<p>Enquiry: a case where a member of the public contacts us with a general query but is not yet ready to complain – or we know straight away that we cannot look into their issue. If that happens, we try to offer advice or direct people to another organisation that can help.</p>	<p>Pre-assessment: a Code of Conduct case which is not a duly made complaint. People who complain to us about the Code of Conduct need to sign a declaration to say that the details of the complaint are true and they are aware that their details and the complaint will be shared with the member. If they do not sign that declaration, we close the case as preassessment.</p>
<p>Complaint: a case where we have had enough information to start looking into an issue to see what we can do. Once we consider the information received, we can reject a complaint, suggest how it can be resolved quickly ('early resolution') or start an investigation.</p>	
<p>Outcome: our decision after we have considered a complaint.</p>	
<p>Intervention: a complaint outcome when we decided that something has gone wrong with public services and things must be put right. This could be by making recommendations or agreeing early resolution or settlement of a complaint.</p>	<p>Referral: a type of outcome in Code of Conduct cases where we refer a matter to a Standards Committee or the Adjudication Panel for Wales. We generally do this for cases which involve serious breaches of the Code.</p>



The complaint journey

Check - we check that we can look into your complaint

What we will do

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

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

What can we decide?

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

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

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

What we will do

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

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

What can we decide?

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

As we assess your complaint, we can:

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

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

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

How long will it take?

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



Investigate – we investigate some or all of your concerns

What we will do

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

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

What can we decide?

As we investigate your complaint, we can:

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

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

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

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

How long will it take?

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

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

What we will do

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

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

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



Our Key Performance Indicators

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

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

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



Code of Conduct - new complaints

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

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



Our Quarterly Newsletter – August 2023

A word from Michelle

Welcome to the second edition of our newsletter.

It aims to bring you a quick and easy-to-digest summary of our work over the recent months – including main complaints trends between April and June this year as well as recent outcomes of Code of Conduct referrals.

However, we also take the opportunity to summarise here several key publications. Although we issued no public interest reports since the last newsletter, it has nevertheless been busy few months!

In June, we were pleased to publish our strategic report ‘Groundhog Day 2’ pointing to some themes in complaint handling in the NHS. In July, we laid before the Senedd our Annual Report 2022/23, highlighting, yet again, an increase in the volume of complaints reaching our office. Finally, over the last week we issued our Annual Letters to Welsh Health Boards and local councils as well as published detailed data on how these bodies handled complaints in 2022/23.

I want to take this opportunity to thank the staff for their hard work over the recent months. But our workload is showing no signs of slowing down! In addition to our core work of handling complaints, we are currently analysing evidence about accessibility and use of carers needs assessments at four local councils: Caerphilly, Ceredigion, Flintshire and Neath Port Talbot, as part of our Own Initiative Investigation. We are also looking forward to several outreach opportunities, including the Mastering Diversity Conference, and conferences with One Voice Wales and TPAS later in the Autumn. Our outreach work will include attending a Health Fair organised by Race Equality First, as well as hosting a joint awareness-raising event with Settled, a charity supporting EU citizens in the UK.

We are looking forward to updating you about this work in our next newsletter!

Our complaints

During the first quarter of 2023/24, overall we received 2484 new enquiries and complaints – up 17% on the same period last year. Enquiries increased by 26% and Code of Conduct complaints increased by 69%. This was offset by a reduction of 3% in the number of complaints about public services.

We also closed 2442 cases – of which 784 were complaints. In the last quarter alone, **we completed 54 full investigations of public service complaints. 86% of these were about health services.**

Code of Conduct referrals

We had decisions on referrals to **Standards Committees** and to the **Adjudication Panel for Wales**:

- **Councillor Tim Van – Rees (no longer a Member of Mid & West Wales Fire Authority at time of the hearing)** – Our report concerned a complaint that the Councillor had improperly used his position as a member of the Authority when corresponding with the complainant about a civil matter. The Standards Committee of Mid & West Wales Fire Authority decided that Former Councillor Van-Rees should be censured, as he is no longer a member of the Fire Authority.
- **Former Councillor Jonathan Twigg (no longer a Member of Haverfordwest Town Council at time of hearing)** – Our report concerned a complaint that the Councillor had called the Clerk “a liar” on 2 occasions during a meeting of the Council’s Management, Estates and Strategy Committee. The Standards Committee of Haverfordwest Town Council decided that Former Councillor Twigg should be censured, the maximum available sanction as he had resigned from office shortly before the hearing.
- **Councillor Sean Aspey of Bridgend County Borough Council** – Our report concerned a complaint that the Councillor had used his position inappropriately in relation to fundraising efforts to oppose plans by the Ministry of Justice to consider using a Porthcawl hotel to house Wales’ Residential Women’s Centre. The Standards Committee of Bridgend County Borough Council decided that the Member should be suspended for 3 months.
- **Former Councillor Donald Wilfred Jenkins of St Harmon Community Council** – Our report concerned a complaint that the

Councillor had provided false information to Audit Wales. Adjudication Panel for Wales decided that the Councillor should be disqualified for 15 months from being or becoming a member of the authority or of any other relevant authority.

- **Former Councillor Karen Laurie-Parry of Powys County Council** – Our report concerned a complaint that the Councillor had:

1. Disclosed confidential information.
2. Made allegations without evidence to support them to a wide audience.
3. Behaved inappropriately during a confidential session of the full Council meeting on 15 July.
4. Made unreasonable demands.
5. Demanded an unreasonable amount of officer time and attention.
6. Made vexatious complaints and complaints without foundation.
7. Behaved inappropriately during a confidential session of the full Council meeting on 15 July.

Adjudication Panel for Wales decided that the Councillor should be disqualified for 18 months.

- **Interim Councillor Steve Davies of Ceredigion County Council and Aberystwyth Town Council** – We are investigating a complaint that the Councillor has breached the Code of Conduct. During the investigation, we issued an interim report to the Adjudication Panel for Wales (APW) recommending that it was in the public interest for the Councillor to be suspended immediately from his role as a councillor on both local authorities, pending the conclusion of our investigation of the complaint.

The APW's Interim Case tribunal [found](#) that the prima facie evidence was such that it appeared that Councillor Davies has failed to comply with the Code of Conduct and that it was in the public interest to suspend Councillor Davies for a period of up to 6 months, pending the outcome of our investigation. As this was an Interim referral, no findings of fact have been made at this stage. This will be a matter for a Case Tribunal to decide, should we decide to refer the matter to the APW when our investigation has concluded.

Our Annual Report 2022/23

In July, we laid before the Senedd our **Annual Report for 2022/23 ‘A year of change – a year of challenge’**.

We welcomed the drop in the number of new complaints about the Code of Conduct, and in the number of potentially serious breaches of the Code that we had to refer on. Our improvement work is progressing apace, with more bodies brought under our complaints standards. Not least, during the year we developed our new Strategic Plan, setting out our ambitions for our office, public services and local democracy in Wales.

Despite these and other positives, it has also been a very challenging year. We are seeing more complaints about public services. Health continues to be the subject of over 80% of our investigations overall and these investigations are often lengthy and complex. This workload meant that some people have had to wait longer for an outcome. Our growing workload has also affected the well-being of our staff.

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

Our strategic report: ‘Groundhog Day 2’

In June we published ‘Groundhog Day 2: An Opportunity for Cultural Change in Complaint Handling?’ which focuses on ongoing issues with how Welsh Health Boards handle complaints.

It builds upon “Ending Groundhog Day: Lessons from Poor Complaint Handling”, published by our office in March 2017.

It shows that the lessons highlighted by our office in 2017 remain relevant today.

The case examples included in the Report demonstrate that all too often, Health Boards respond to complaints defensively rather than seeing them as an opportunity for learning and improving the

services they deliver.

The themes identified in the Report point to areas where learning and improvement is urgently needed to improve the patient and complainant experience:

- A lack of openness and candour
- A lack of objective review of clinical care and treatment
- Timeliness and quality of communications
- Robustness and fairness of investigations undertaken by Health Boards.

The Report emphasises that the introduction of the ‘Duty of Candour’, that applies to all health organisations in Wales from 1 April this year, presents a fresh opportunity for cultural change. The Duty mandates health organisations to be open, transparent, and honest when patients experience harm during healthcare. This cultural shift aims to promote candour and systemic learning from mistakes.

Annual Letters

Every year, we send local councils and Health Boards letters concerning the complaints we have received and considered about them during the year.

Through these letters, we want to help them improve their complaint handling and the services that they provide.

We issued the letters for 2022/23 on 18 August and asked the organisations to consider them internally and notify us when they have done so.

Complaints Standards data for 2022/23

Finally, only this week we have published data on complaints handled by Welsh Health Boards and local councils in 2022/23. We collect and analyse this data as part of our Complaints Standards work, to drive better and more transparent complaint handling in public sector in Wales.

[Click here for detailed data.](#)

Would you like to receive our
newsletter? Let us know at
communications@ombudsman.wales

25/08/2023

General News |