



Cynulliad Cenedlaethol Cymru The National Assembly for Wales

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol The Communities, Equality and Local Government Committee

**Dydd Mercher, 5 Gorffennaf 2012
Wednesday, 5 July 2012**

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Cynnig dan Reol Sefydlog Rhif 17.42 i Benderfynu Atal y Cyhoedd o'r Cyfarfod
Motion under Standing Order No. 17.42 to Resolve to Exclude the Public from the Meeting

Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynnddi yn y pwyllgor. Yn ogystal, cynhwysir
trawsgrifiad o'r cyfieithu ar y pryd.

The proceedings are reported in the language in which they were spoken in the committee. In
addition, a transcription of the simultaneous interpretation is included.

Aelodau'r pwyllgor yn bresennol**Committee members in attendance**

Peter Black	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Mike Hedges	Llafur Labour
Mark Isherwood	Ceidwadwyr Cymreig Welsh Conservatives
Bethan Jenkins	Plaid Cymru The Party of Wales
Gwyn R. Price	Llafur Labour
Kenneth Skates	Llafur Labour
Rhodri Glyn Thomas	Plaid Cymru The Party of Wales
Joyce Watson	Llafur Labour

Eraill yn bresennol**Others in attendance**

Peter Gomer	Cynghorydd Polisi Dros Dro, Hamdden Diwylliant, Twristiaeth a Threftadaeth, Cymdeithas Llywodraeth Leol Cymru Interim Policy Adviser, Leisure, Culture, Tourism and Heritage, Welsh Local Government Association
Susan Hudson	Rheolwr Polisi a Chyfathrebu, Ombwdsmon Gwasanaethau Cyhoeddus Cymru Policy and Communications Manager, Public Service Ombudsman for Wales
Peter Tyndall	Ombwdsmon Gwasanaethau Cyhoeddus Cymru Public Service Ombudsman for Wales

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol**National Assembly for Wales officials in attendance**

Marc Wyn Jones	Clerc Clerk
Sarah Bartlett	Dirprwy Glerc Deputy Clerk
Jonathan Baxter	Y Gwasanaeth Ymchwil Research Service
Gwyn Griffiths	Uwch Gynghorydd Cyfreithiol Senior Legal Adviser
Leanne Hatcher	Dirprwy Glerc Deputy Clerk
Rhys Iorwerth	Y Gwasanaeth Ymchwil Research Service
Marc Wyn Jones	Clerc Clerk
Gareth Williams	Clerc Clerk

Dechreuodd y cyfarfod am 9.30 a.m.

The meeting began at 9.30 a.m.

Mr Williams: Good morning. The first item this morning is the election of a temporary

Chair, under Standing Order 17.22. I call for nominations.

Gwyn R. Price: I nominate Joyce Watson.

Mr Williams: I see that there are no other nominations. Therefore, I declare that Joyce Watson has been elected as temporary Chair.

*Penodwyd Joyce Watson yn Gadeirydd dros dro.
Joyce Watson was appointed temporary Chair.*

Cyflwyniad, Ymddiheuriadau a Dirprwyon Introduction, Apologies and Substitutions

[1] **Joyce Watson:** Welcome to the meeting. The meeting will be held bilingually and headphones are available for simultaneous translation from Welsh to English on channel 1 or for amplification on channel 0. I respectfully ask all Members to turn off mobile phones and any other electronic equipment as it will interfere with the broadcasting equipment. You do not need to touch the microphones, as this is a formal public meeting. In the event of a fire alarm, please follow the directions of the ushers.

[2] We have had an apology from the Chair, Ann Jones, and from Janet Finch-Saunders. We do not have substitutes for those Members. Will any Members with an interest to declare do so now? I see that there are none.

Cynnig o dan Reol Sefydlog Rhif 17.42 i Benderfynu Gwahardd y Cyhoedd o'r Cyfarfod Motion under Standing Order No. 17.42 to Resolve to Exclude the Public from the Meeting

[3] **Mark Isherwood:** I move that

the committee resolves to exclude the public from the meeting for items 3 and 4 in accordance with Standing Order No. 17.42(vi) and (ix).

[4] **Joyce Watson:** I see that the committee is in agreement.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 9.33 a.m.
The public part of the meeting ended at 9.33 a.m*

*Ailymgynullodd y pwyllgor yn gyhoeddus am 10.46 a.m.
The committee reconvened in public at 10.46 a.m.*

Ymchwiliad i Bolisi Llywodraeth Cymru ar yr Amgylchedd Hanesyddol— Sesiwn Dystiolaeth Inquiry into the Welsh Government's Historic Environment Policy—Evidence Session

[5] **Joyce Watson:** I welcome Peter Gomer, interim policy adviser for leisure, culture, tourism and heritage for the Welsh Local Government Association. I thank him for his paper and ask him to assume that we have all read it. As a consequence of that assumption, if Members are content, I suggest that we go straight to questions, because we have a bit of

slippage in our agenda. I see that Members are content to do that.

[6] Peter, you say in your paper that the ‘myriad of legislation’ and the range of partners involved in the historic environment sector mean that decisions can seem confusing to citizens. If that is the case, what should be the priority for the Welsh Government in addressing it?

[7] **Mr Gomer:** Quite simply—and this is probably easier said than done—it is the creation of a simplified, accessible, accountable and responsive system that people clearly understand, and not just people across the agencies. I think that I make it clear in my paper that the experts in planning and the different bodies that we have fully understand the role, but there is sometimes a misunderstanding of decisions in communities because they are not quite sure why a particular body has been involved or why a particular decision has been taken. So, I think that a more coherent simplified system is needed.

[8] **Peter Black:** From a local government perspective, are there any specific provisions that you would like to see being included in the heritage Bill that is due to be introduced in 2014-15?

[9] **Mr Gomer:** With regard to a simplified system, it is about getting a better joining up between the different agencies—between Cadw and the local authorities—and a clear understanding of the roles and responsibilities. They have those things now, but it is about getting better clarity with other agencies. Talking to colleagues in the historic environment area, there is some confusion around conservation areas. Each conservation area has its own particular reason for being a conservation area, but there is confusion surrounding the interpretation of why certain things happen in that area, so there is a need for greater clarity as to how that is then delivered.

[10] **Bethan Jenkins:** Yn ei dystiolaeth i'r pwyllgor, bu i'r Gweinidog gydnabod bod tensiynau'n gysylltiedig ag adeiladau y gallai cymunedau lleol roi gwerth arnynt nad sy'n bodloni'r meini prawf ar gyfer gwarchodaeth statudol; er enghraifft, adeiladau diwydiannol mewn nifer o leoedd yn ne Cymru ac, i fod yn deg, yng ngogledd Cymru. A yw hynny'n broblem y buasech chi yn ei chydabod? Os felly, beth fyddai'r ffordd orau i fynd i'r afael â'r sefyllfa benodol hon?

Bethan Jenkins: In his evidence to the committee, the Minister acknowledged that there are tensions related to buildings that might be valued by local communities but that do not meet the criteria for statutory protection; for example, industrial buildings in many areas in south Wales and, to be fair, in north Wales. Is this a problem that you would recognise? If so, what would be the best way of addressing that particular situation?

[11] **Mr Gomer:** I apologise that I cannot respond in Welsh. There are many buildings in local authority areas throughout the country, such as miner's institutes, that were put there for a particular reason, and, for whatever reason, they have fallen into decay—often because they are very expensive buildings to manage and run. Often, they might not fall into someone's portfolio, that is, in terms of service delivery they might not meet modern needs or trends, and therefore the question of what the purpose of that building is arises. The community feels great attachment to that building, but there are often tensions around the operation of the building and its future.

[12] Over the past five or 10 years we are beginning to see a slight shift back into renovation, working with these older buildings as part of regeneration, and having a more common tie between what the local community expects and what the local authorities deliver. There are a number of good examples of that in Wales. However, there is a tension sometimes around what the local community sees as important and what agencies, such as local authorities, deliver.

[13] There are also tensions when a building is not necessarily listed or in conservation. Some people may jump towards wanting to protect it, purely and simply because that forms a barrier in terms of other development, because it could be that very building—if it is not taken away or not able to be developed—that prevents other developments. So, sometimes it can be used in a negative way: not wishing to preserve it for any particular reason, but just using it as a barrier. So, there are a number of issues around that to take into consideration.

[14] **Bethan Jenkins:** A allech ehangu ar y gwaith rydych yn ei ddweud sydd wedi digwydd er mwyn adnewyddu rhai o'r adeiladau hyn, oherwydd nid hynny yw fy mhrofiad i? Fy mhrofiad i yw bod nifer fawr o aelodau cynghorau lleol ar yr ochr arall ac am gael gwared ar adeiladau pwysig er mwyn hwyluso datblygiadau newydd, ac wedyn bydd hynny'n gwednewid tirwedd yr ardal honno am byth. Felly, a allech roi syniad o sut yr ydych yn *proactive* er mwyn sicrhau bod hynny'n digwydd, yn hytrach na bod dymchwel yr adeiladau yn opsiwn cyntaf i gynghorau lleol?

Bethan Jenkins: Could you expand on the work that you say that has been undertaken to regenerate some of these buildings, because that is not my experience? My experience is that many local authority members are on the other side and want to get rid of important buildings in order to facilitate new development, and then that will transform the landscape of an area forever. So, can you give us an idea of how you have been proactive to ensure that that is happening, rather than the demolition of buildings being the first option for local councils?

[15] **Mr Gomer:** I had hoped to bring some further evidence today from around Wales, but I will use some of the evidence that I am fully aware of and knowledgeable about. Newbridge has a major institute building that has been in a derelict state for many years. It has been used and it continues to be used by the community, but on a small scale. However, over the past eight to 10 years, a community group has taken on responsibility for the building, fundraising and so on and has attracted European funding and Heritage Lottery money. The local authority—and this works two ways—signed up to be a tenant of the building through its library service, because the main bodies of funding said to the group, 'It is all very well running it, and you have all these nice ideas, but where is your backbone, who is your blue chip customer, as it were?' So, the local authority took a brave decision and said, 'Okay, we will put our library in there. We will be the blue chip, and you have a guaranteed income in our rental.' That allowed for that building to be developed—it is an ongoing project, and is being developed—and it allowed the local authority to take away a dilapidated old library building and turn that into a nicer feature in the townscape. So, there was a good planning link and good thinking, which was community driven.

[16] There are also many other examples, such as the major regeneration project in Bargoed, where a library was in the way, as it were. A local church group came forward to the authority and said, 'We've got a church here, and we don't know what to do with it. We are a small congregation. We want to use the building, but it has five storeys'. Again, working with the voluntary sector and through a housing association—of all organisations—the local authority became the tenant in the building and gave up its library site to allow for a major regeneration project, which was a major supermarket. There are benefits for the church: it still meets there and has an area within the building so that people can still congregate, but they no longer have to worry about the roof and the infrastructure because that has all been done. So, it is set in place now that that particular building, although not maintenance-free, does not require serious maintenance for the next 30 or 40 years. However, those two examples I have given you are things that are happening around Wales, although perhaps not at the speed we would like yet.

[17] However, with regard to regeneration, there are lots more of these innovative projects coming along. Community asset transfer is another programme coming forward. That is going

to take time, because there is distrust and fear in communities about suddenly being handed a building that they, the local authority or a private owner has had difficulty maintaining for the past 20 or 30 years. Why would they want to take on that risk? However, a dialogue, working with partners and funding bodies, is a way forward. To go back to a point made earlier, often, where something is important to the community but not necessarily to the local authority or another body, the community will take a building on, but perhaps with the guarantee that the local authority or someone else is the blue-chip tenant helping to fund the operation. There are certainly examples of this.

[18] **Joyce Watson:** Thank you. We have 17 minutes left, just to focus everyone's minds.

[19] **Gwyn R. Price:** Can you expand on your concerns about a number of different owners being responsible for heritage sites and that, as a result, there is a lack of joint marketing in certain areas? With that in mind, could local authorities play a bigger role in bringing owners together so that the sites can be better marketed collaboratively?

[20] **Mr Gomer:** Yes. It is not a major criticism of organisations, but sometimes it is a case of everyone chasing the same client. Looking at a tourist area such as Pembrokeshire, you will often see that you can pick up information from the National Trust or National Parks and you can pick up information on a castle from Cadw. If you are a tourist, it is very difficult sometimes to be able to pick up information on the particular area you are going into. Yes, the tourist information centre will try to pull all of those leaflets together. However, quite often, you will see—as I have experienced myself with a number of friends—that, if you are going somewhere remote, you may not have that facility where you can pick up a brochure. The information itself may have been damaged, particularly if it is in the natural environment rather than in a building. If they can get a signal, people will automatically Google the place so they can get the information they need. Therefore, sometimes, modern technology steps ahead of the marketing plans of the organisations.

[21] I have sat in a number of meetings recently with different agencies talking about how they can better get their messages across. Museums are a classic example. I was in a meeting the other day and I was wondering why they could not come together with local authority websites, most of which are now very well developed, to provide the links there. In that way, someone coming into a particular local authority area would be able to access those links and hyperlinks on that site. So, there are systems now developing that allow those different bodies and agencies to have one port of call so that, when someone comes into an area, they can find the information they need. If you go to Rome nowadays, you can load a Google map and look around before you even get there so that, when you get there, it is far easier to find your way around.

[22] **Joyce Watson:** I ask for succinct questions and answers please.

[23] **Kenneth Skates:** There is a flip side to that in that, between 2010 and 2011, the majority of local authority-run heritage sites saw a fall in visitor figures whereas only three of the 17 National Trust-run sites saw a fall. Therefore, is it not the case that local authority-run heritage sites would benefit from greater regional collaboration? Perhaps the majority of marketing and promotion should be handed over to regional tourism partnerships.

[24] **Mr Gomer:** I have no issue with that. I am not aware of the figures you just cited, but who takes the lead is not important. What is important is that we have a lead. Once we have that, people will tie in to that. The important thing is that the partners come together rather than working separately. I am not saying that the local authority has to be the lead on this, but there is obviously a vehicle already in place.

[25] **Mark Isherwood:** Your paper calls for better integration of policies on economic

development, sustainability and the historic environment. What do you feel could be done to improve that?

[26] **Mr Gomer:** Cadw is leading very well at the moment. There have been a lot of horizon-scanning workshops. We are now looking ahead to the legislation to see what we can do better together. Some of these issues are coming out through those discussions, certainly around the area of economic development and having the right workforce in place for regeneration projects and so on. So, it might be at too early a stage for this inquiry, but it will be happening a couple of months down the road. What is coming out of those meetings is a greater clarity of responsibility with regard to who is doing what and how we can better collaborate and be able to target some of those economic and regeneration issues, without just looking at heritage buildings or landscape in isolation.

11.00 a.m.

[27] **Mark Isherwood:** How should the deficit in the skilled workforce to maintain and improve older buildings be addressed?

[28] **Mr Gomer:** The issue has been identified and it must now be picked up with our FE colleges and other colleges with expertise. There is certainly a niche market there at the moment, and anyone who wants to get any lime work done on an old building, for example, will know how much it costs just to get the right advice. So, in the partnership meetings that we are having, we are identifying the deficits and what needs to be done. The next step is to talk to the colleges, particularly the FE colleges, to identify what they can run, along with using the expertise that Cadw and others have to clearly identify the programmes that we need to put into place. Getting the right people in to do the right job is certainly something that keeps cropping up.

[29] **Mike Hedges:** In your view, is the Welsh Government doing enough to align regeneration policy and policy for historic environments?

[30] **Mr Gomer:** I think that we are doing enough now and this inquiry and the work that is being undertaken with Cadw, leading to the new heritage Bill, will take us in the right direction. We are where we are, and it is positive. This work is making sure that all partners are sitting down together at the moment to have the discussion about the right way forward.

[31] **Mike Hedges:** You said that energy conservation and energy generation can conflict with current historic environment legislation. I would also say that the disability Acts also conflict quite often with some of the heritage requirements. Indeed, I know of chapels that have to provide disabled access but Cadw will not let them put it in.

[32] **Mr Gomer:** I have found that it has always been about reasonableness. I have been involved in a number of projects involving older buildings, and, sometimes, the building itself seems impossible to work with. However, the advocates, the groups organised within local authority areas and people with disabilities who we work with, will often help to find a solution. That solution might not be down to the letter of the law technically, but it is a way forward to bring the building back into beneficial use. It is about working with the community so that it can deliver the end result with you. So, sometimes it is about accepting that ramps are not the solution, but perhaps small lift systems and so on might be the solution. Sometimes, those disability groups bring forward the solutions. As I said, that might not always be to the letter of the law technically, but it is a way forward.

[33] **Mike Hedges:** But Cadw will not allow you to place lifts outside grade I listed buildings.

[34] **Mr Gomer:** No, not outside—

[35] **Mike Hedges:** But the steps are outside.

[36] **Mr Gomer:** It is something that must be considered in more detail. However, solutions have been found in many circumstances.

[37] **Joyce Watson:** Do people consider that when they deny access to a disabled person, they are not just denying access to that person, but access to the whole family experience and to the enjoyment that is supposed to be there? Are we preserving things purely for their aesthetic appearance or so that everyone can enjoy them? I think that we would all agree that we should be doing the latter.

[38] **Mr Gomer:** I agree fully. Access is about more than just physical access. If you deny someone in a wheelchair access to a building, you are also often denying access into the same building to a mother with a pram. So, the things that we do around disability often benefit the general population. If a building is important enough to be preserved because of its historic value and everything else, we have to do everything that we can to make sure that it is as fully accessible as it possibly can be. If there are areas that sometimes cannot be made accessible, we will have to find a way round it. That is my personal view. That may be a bit utopian, but the way to start with anything is that it has to be made as accessible as possible. If we start off on that premise, it is not just people with disabilities, but it is the whole family and others, such as mothers, fathers and grandparents with prams. It is a wider picture.

[39] **Peter Black:** Can you tell us more about the scoping document that you refer to that is being prepared in response to the Simpson compact? What do you think it will achieve?

[40] **Mr Gomer:** I suppose that the dilemma at the moment is that there are two trains coming together on the buffer. We have the changes coming through with this Bill and the planning—I suppose that the argument is that it should be much more integrated—and, at the same time, we have the Simpson compact coming through. I cannot give you the final document that will come through. If we are bringing the local authority collaboration work to the fore on the Simpson compact, it has to tie in with whatever comes through with regard to other collaborations. It cannot be done in isolation. We are trying to work in tandem with the two at the moment so that we are having the discussion on local authorities and what they need to do to be more collaborative. We also work with Cadw and all of the other agencies. We will bring a report through in September to the group. That will have to take a little longer with regard to how it ties in with the overall way that this particular work will go over the next year or two.

[41] **Peter Black:** Does this document look, for example, at how you can maintain a pool of work that could sustain a skilled workforce?

[42] **Mr Gomer:** At the moment, because of the nature of the document, it is more about how we can preserve the area of conservation work within local authorities. Local authorities are obviously under a great deal of pressure at the moment in terms of budgets and so on. It is about how we can best have a pool of resources within Wales, through local authorities, Cadw and so on, so that we can still address the work that needs to be done on historic buildings and landscapes and that we do not lose that because of a lack of expertise within the local authorities to do the work.

[43] **Peter Black:** You referred to Cadw, but in your paper you also referred to the National Trust and other bodies.

[44] **Mr Gomer:** I said Cadw, but it is with all agencies involved. We work with the

Forestry Commission, the national parks, the National Trust, and all other partners as part of the discussion process.

[45] **Bethan Jenkins:** Rwy'n nodi nad ydych, yn eich tystiolaeth, wedi ymateb yn benodol i'r trafodaethau sy'n digwydd ar hyn o bryd ynghylch uno swyddogaethau Comisiwn Brenhinol Henebion Cymru â Chadw. A oes modd ichi ymhelaethu ar beth fyddai effaith unrhyw uniad ar lywodraeth leol? Ar hyn o bryd, comisiwn yw CBHC, ac felly nid yw'n rhan o unrhyw beth llywodraethol, yn wahanol i Cadw, ac mae'n gwneud gwaith gwahanol iawn, yn fy nhyb i, i'r hyn mae Cadw yn ei wneud. Sut fyddai hynny'n effeithio ar lywodraeth leol?

Bethan Jenkins: I note that you do not, in your evidence, respond specifically to the ongoing discussion regarding the possible merger of the functions of the Royal Commission on the Ancient and Historical Monument of Wales with Cadw. Could you elaborate on the effect of any merger on local government? At present, RCAHMW is a commission, so is not part of anything governmental, unlike Cadw, and it undertakes very different work, in my opinion, to that undertaken by Cadw. How would that affect local government?

[46] **Mr Gomer:** That is a good question and a difficult one for me to answer. WLGA does not have a position on this at the moment in terms of its view on whether they should be merged. I know that there is a separate piece of work going on at the moment looking at the royal commission and Cadw. There are also discussions going on with all partners as to the heritage Bill and the way forward and how we can better work together. I personally feel that it is a little early yet for me, or anyone else, to come out with a definite decision and say, 'Yes; that is the right way to go'. At the moment, all the evidence is being collected and everyone is looking at exactly who does what, how they do it and the best way forward. Maybe, in three or four months' time, I could answer the question more specifically, but it is difficult at present.

[47] **Bethan Jenkins:** Rydych wedi dweud yn eithaf clir heddiw bod gan lawer o fudiadau gwahanol swyddogaethau gwahanol, felly oni fyddai'n bwysig i'r WLGA gael barn yn hynny o beth? Mae'n bosibl eich bod yn gwybod eu bod yn gwneud gwaith ond efallai nad ydych yn ymwybodol mai'r comisiwn sy'n gwneud y gwaith. A wnewch chi edrych ar gael rhyw fath o farn ar hyn, yn rhan o'r broses, oherwydd rwy'n credu y byddai hynny'n helpu'r pwyllgor hwn i roi tystiolaeth gerbron y Gweinidog?

[48] **Bethan Jenkins:** You have said quite clearly today that many different organisations have different functions, so is it not important for the WLGA to have some sort of view in that regard? You may be aware that they are undertaking certain work but you may not be aware that it is the commission that is undertaking that work. Will you look at forming some sort of view on this issue, as part of the process, because I think that it will help the committee to submit evidence to the Minister?

[49] **Mr Gomer:** I perfectly agree, but, at the moment, it is an ongoing process. We are having discussions with all the bodies, trying to see exactly what everybody's role is, what they are doing and what they are bringing to the table. Sometimes, it may be too simplistic to ask 'By bringing them together, would it make it better?' At the moment, we are still gathering that evidence, as you are. We are part of the discussion process with all those agencies. There is no definitive outcome at the moment.

[50] **Kenneth Skates:** You say in your paper that the main issues faced by local authorities are that, by their nature, conservation areas will be different and will have their own particularly difficult issues that have to be dealt with. What are these issues and could the proposed reform of legislation do anything to address them?

[51] **Mr Gomer:** There are 500 conservation areas in Wales at the moment, and each is a

conservation area because of its particular facility—some because of the townscape, others because a church in the community has a particularly important aspect, so the areas around it tie into that. One of the dilemmas experienced over the last few years with those conservation areas, which may need greater clarity as we move forward, is that citizens still do not understand, because the conservation rules have only come in over the last 20 or 15 years, why they have to do certain things when they are making changes to their property—why they have to put in hardwood window frames when their neighbour has double glazing. The difficulty is still around how local authorities transmit information to residents who are aggrieved by the wooden window frames decision, because of the cost, and how they get the message across to people who have plastic window frames at the moment that, when they come to change them in five or 10 years' time, they may have to put in wooden window frames. It is about getting through that minefield over the next couple of years. Having the legislation and everything else in place is easy, but it is about getting the message across to the citizen why this is the right thing to do. At the moment, we are where we are, but we have to consider for the future how we get across why we are doing it in 500 diverse—although some of them will be similar—conservation areas. There needs to be an understanding of why one area is a conservation area when another area is not, and of the curtilage of that conservation area, namely why it stops in a certain place and why somewhere else, only a couple of feet away, is outside the conservation area. Those are important issues that we have to look at when we look at the legislation going forward.

[52] **Joyce Watson:** Can I have succinct answers now?

[53] **Mike Hedges:** I hope that your answer will be 'yes'. Lots of buildings are very old and in a state of decay. Local authorities are loath to intervene because of the difficulty of getting any money back from the original owners. Would a loan fund from the Welsh Government to local authorities to allow them to intervene with some of these buildings, which they could recover when the buildings went back into operation, make local authorities more willing to intervene?

[54] **Mr Gomer:** That is a difficult one to answer. I suppose that it depends on the terms of the loan. As long as it is paid back when the building is sold and they can recoup that and there is no interest on it, they would be very happy. It is just how that is funded and how it works. The devil would be in the detail on the loan and that would decide whether or not that would be a way forward.

[55] **Joyce Watson:** I will ask the final question. We are running over, so, again, I respectfully ask for a short answer. In the paper, the Minister raised concern about the 'vulnerable and disparate' state of the historic environment third sector. He also said that he has

[56] 'concerns over the resilience of the sector with its heavy reliance on public funding'.

[57] Are these concerns that you share, particularly since you draw attention in your paper to good examples of joint working, and you have given some today, between the third sector and local authorities?

[58] **Mr Gomer:** There is great concern in the present budget situation. One would argue that, when times were better, a lot of these buildings were falling into decay and there was not enough funding then. So, there is a worry, at the moment, that the funding is further stretched in terms of what local authorities can do and what they cannot. However, as I mentioned earlier, linking it more to the regeneration portfolio, and making sure that some of these buildings are included in some of that planning, is a more positive way forward. The carrot, as it were, of that more positive way forward, rather than the stick of threatening to issue against a company, an owner, or whatever, will probably achieve more going forward than the

negative way that we have had in the past.

[59] **Joyce Watson:** We got through it all. Sorry that time was tight, but that is how it is. You will be sent a copy of the transcript of this meeting to check for accuracy. We cannot remove anything that you have said, but you can agree that you have said it.

11.15 a.m.

Ystyried Adroddiad Blynyddol Ombwdsmon Gwasanaethau Cyhoeddus Cymru 2011-12

Consideration of the Annual Report by the Public Services Ombudsman for Wales 2011-12

[60] **Joyce Watson:** I welcome Peter Tyndall and his colleague, Susan Hudson, the policy and communications manager. We welcome the opportunity to consider your report. I invite you to introduce your report and highlight some key areas. I also remind you, in the name of equality, that I imposed a time restraint on the previous witness.

[61] **Mr Tyndall:** Thank you, Chair; I will be concise. I am very grateful for this opportunity to present my annual report to the committee. Up to now, the annual report has generally gone before a Plenary session, so there has not been an opportunity for a dialogue about it. It is important for two reasons: clearly, you will want to have some discussion about the work of my office, but also, our work can help Assembly Members in your scrutiny, and provide you with information about what is happening across Wales and within your own constituencies. I hope that it is of benefit to you.

[62] The report shows a substantial increase in complaints yet again. Almost all of the increase is accounted for by complaints about health. I will say a little more about that in a moment. That is something that you may want to explore with me. Despite the increase, I have to say that we have been hitting key targets on informing complainants as to whether we will investigate or not, and on completing investigations. Our performance was the best that we have recorded as an office under those targets. We have been dealing with the increase in complaints. Part of the arrangements for that involve our new procedure for dealing with complaints. That is now working well, and people are able to call us, e-mail us or use the internet to make their complaints, as opposed to having to put them in writing, as they did in the past. Of course, if people want to put their complaints in writing, they are perfectly welcome to do so. To give you an indication, 25% of the complaints that we received were online, which is a substantial improvement and allows us to be more efficient in dealing with them.

[63] We have also been busy signposting people elsewhere, to bodies in my jurisdiction, when they have not yet complained to the body concerned and do not know how to do so, to other bodies in the public and private sector, and to other ombudsmen and complaints handlers if we are not the appropriate body to deal with a complaint. For instance, we get complaints about the utilities, which are not within my jurisdiction.

[64] We try to make determinations initially in the teams so that the person who somebody speaks is the person who will make an initial determination for them. If possible, we will try to resolve the cause of their complaint with the body concerned, rather than go on to a full investigation. We use in-house advisers now, to a greater extent—that is, medical advisers and planning advisers, for example—to enable us to determine the appropriate course of action for any particular complaint. Having people in-house enables us to be much more prompt in responding to inquiries.

[65] On health, the rise in complaints appears to be outstripping that seen elsewhere in the UK, looking across the other health ombudsmen's services. That increase may be partly due to the 'Putting Things Right' arrangements, which mean that all independent considerations of complaints come to my office. However, I do not believe that that can account for the whole of the increase.

[66] The majority of complaints continue to be about treatment in hospitals. We have seen several trends, and it is clear that there are issues to do with care and compassion, particularly with regard to how people who are coming towards the end of their life or people who have communication difficulties are treated in hospital. We see issues to do with prompt and effective diagnosis.

[67] I have a particular concern about communication issues. Many people in hospitals now have Alzheimer's disease. Also, people who have learning disabilities are living much longer and are making greater use of the health service. Listening to those people and their carers is vital if they are to receive proper care, but the trend in those complaints reveals that that has not always been the case, nor is it always the case.

[68] We have also seen issues to do with record keeping. It is very difficult for me to assess what has happened in a case, because people are not properly recording what they have been doing, and where they have been recording it, in some instances, they have not been acting on that information. There have been recent high-profile cases in which people's diabetes was not monitored properly, and other instances in which staff were monitoring, and they may have seen a deterioration in a patient's life signs that ought to cause them to intervene, but that did not happen. So, those are obviously matters for concern.

[69] From my point of view, I try to differentiate between things that arise from one-offs and systemic complaints. You will be aware, for instance, of the failures in the Hywel Dda health board in recalling patients who had cancer. I got a complaint from one individual, but it quickly became obvious that the issues could be affecting many others. It is then possible to look at whether the requirement for change affects more than the service to the individual. It could require change across a hospital, across a ward, maybe, or even across a health board. Sometimes, it even goes across the whole of the service in Wales.

[70] One thing that we have been trying to work on is ensuring that the changes are being acted on and followed up. Recently, Healthcare Inspectorate Wales, with which we work closely, issued two inspection reports that followed on from reports that I had produced. One of them was for Glan Clwyd Hospital, looking at care and compassion issues, and significant progress was identified but there is still work to be done there. The other was for Brecon War Memorial Hospital, where the facilities have improved but there is still work to be done on the care regime, which has also improved. There is just this sense of making sure that there is more than just a report, a little bit of publicity at the time, perhaps, and then it all goes away and things revert. We are trying to make sure that there is proper follow-up and implementation of the recommendations. The important thing to say is that some of these changes will save lives, which is why it is important that they are made and are followed up properly.

[71] Across local government, the level of complaints has been steady, overall. We have not seen major increases in complaints about local government services in recent years. There is some movement between authorities, so that the number about one authority will perhaps be down in a particular year while the number about another is up, but the overall level is fairly steady. We do manage a higher level of quick fixes and voluntary settlements in local government, because some of the things are more prone to that kind of approach—you know, the bins were not collected, and that kind of thing—than some of the serious issues in the health service. So, that often works well in local government.

[72] I am sure that it will come up in questions, but the planning system is fairly contentious, as you will all know from your constituency work. At the moment, the system is unbalanced. If you apply for planning permission and do not get it, you can appeal. If you complain about your neighbour's planning consent but they get it anyway, you cannot appeal. Consequently, people feel that there is an inequality of opportunity. Enforcement is entirely discretionary. Local authorities can decide whether to bring enforcement action against a development that did not have planning consent. Unless they are being patently ridiculous, there is nothing that I can do about that, as it is the local authority's discretionary decision and it is entitled to take it. Planning is a very contentious area, and a lot of the contention does not arise from the individual decisions but from the legal framework and the various pieces of guidance that back that up.

[73] To pick up on a trend in local government that I expect to see continue, there is a growing number of complaints about social care. Social care is a growing area of work for local authorities, and it is a contentious area, particularly because of charging arrangements, but also because of the arrangements for who provides the care, how quickly it is provided, and so on. So, we are seeing many more complaints in that area.

[74] Some of the other issues that we have seen are authorities failing to recognise their duty under homelessness legislation. We have seen a welcome decrease in complaints about anti-social behaviour, because we have worked quite hard with local government to try to tackle some of the issues that we have seen in previous years, and that has led to a reduction, along with local government's own endeavours.

[75] As well as issuing the annual report, we will be writing to each local authority and health board setting out the complaints that we have received about them in more detail than is given here. In the case of the health boards, I am starting a round of meetings with each of the chief executives and, hopefully, chairs, but I am also offering the same opportunity to chief executives in local government. It provides an opportunity to make sure that the lessons are being looked at.

[76] On the code of conduct issues, we have seen the White Paper from Government. We saw a major increase in the number of cases in the run-up to the election, and there is no doubt that many of the complaints were politically motivated. I, nevertheless, have to look at them based on the facts. The motivation of the individual making the complaint is not something that I can take into consideration.

[77] The big change in the year was the High Court judgment in the case of a community councillor, Councillor Calver. Essentially, the High Court said that the Human Rights Act 1998 provides very high levels of protection to politicians in the exercise of their critical functions, and that the language that they use and the tone of their conversation, and so on enjoy protection under the Act. So, in essence, it is very difficult to imagine a case that I could investigate of a politician being 'colourfully critical', shall we say, of another. We are about to issue new guidance on the code to councillors in light of that but also in general in light of the changes. I am sure that we will explore that more as we enter into the discussion.

[78] I have drawn attention to a particularly dysfunctional community council in Prestatyn, where I think mechanisms need to be put in place to tackle some of its issues. It is just the occasional council that seems to spend more of its time and energy on in-fighting than it does on delivering services to its community, it seems to me. There needs to be some means of tackling that, because it is a waste of everyone's time and money.

[79] In summary, it has been a very busy year. We have used a lot of innovative practice, which has driven up efficiency. The service has expanded and become more accessible. It is

evident from the casework that the health service is operating under very considerable stress, with increasing demand being the principal cause of that. Local government is generally coping well at the moment and we are not seeing major increases in complaints.

11.30 a.m.

[80] **Joyce Watson:** Thank you for that brief opener. I am going to ask the first question. We are here to ask you questions about what you are doing, how you are doing it and why. Your annual report noted that 2011-12 was the final year of your three-year strategic plan. What were the priorities in that plan, and how have you achieved your aims?

[81] **Mr Tyndall:** We had a number of priorities, some of which I have already referred to. However, I will give you a little more detail. Establishing the complaints advice team in January 2010 was in response to the clear view of the people approaching the service that they preferred to talk to someone or use e-mail or the internet increasingly, rather than deal with forms. What is crucial and innovative about that is that it is not just a call centre. It is the point at which the decision on whether to investigate a complaint happens, so we reduced the process from three stages to two, which allowed us to deal with complaints much more efficiently. We produced 28 fact sheets about key areas of my jurisdiction as part of that work, to give people better information about what they can expect when engaging with my service, what my powers are and, crucially, as we talked about in respect of planning consent, what I cannot do. For example, I cannot arrange disciplinary action against the chief executives of local authorities or health boards, which many people would like me to be able to do.

[82] We cleared the huge backlog of cases. In 2009-10, 66% of people were being informed within four weeks. That rose to an average of 90% in the course of last year, so there has been a very big improvement on that. There are no investigations more than 12 months old. Again, that represents a very big change. We reduced the number of investigation team managers—not the number of investigators—and we also went from two directors to one in order to focus resources on investigating complaints rather than on management issues. That has led to some of these improvements. We introduced the Complaints Wales service, which signposts people. Many people do not know how to complain. For instance, they do not realise that companies such as BT are not part of the public sector any more. They do not understand which things they should complain to the parliamentary ombudsman about, such as tax and immigration, and which things they should complain to me about. We are now able to take their complaints and forward them to the appropriate body, which is an important new service that we did not provide before.

[83] The websites that we have introduced are interactive. Essentially, that means that we can capture on the web the information that we would previously have got by speaking to someone over the phone. In that way, we get a complaint that can be entered directly into our IT system and does not have to be copy-typed. That is a big efficiency but also a more user-friendly way to make a complaint. A lot of people are using that these days. We have increased awareness of the service, as I think is reflected in the growing number of people approaching us with complaints. However, we have also done a lot of work on accessibility, such as training staff to take complaints from people with learning disabilities and people with mental health problems, and producing things in a variety of languages and so on.

[84] We did a lot of work on improving public services, and we introduced the quarterly casebook, which I know you all receive. I hope that it is helpful to you in your constituency work, because you can see what complaints there have been within your constituencies and what the outcomes were. We have introduced the annual letters to county councils and health boards. We helped to develop the model complaints procedure, which has been put forward by the Welsh Government and which is now attracting a lot of attention internationally. We

have replaced our IT case management system with a newer, more modern and more effective one. We also took on the additional health complaints as a result of the NHS Redress (Wales) Measure 2008. Not all of these things were in the strategic plan when we set out on the three years; new opportunities and requirements came along, so we have had to deal with those as they arose.

[85] **Joyce Watson:** Thank you. We are up against the time, so I ask Gwyn to move to question 3.

[86] **Gwyn R. Price:** You state in your annual report that the number of complaints that you receive about public bodies continues to rise. Why is that so and is it a matter of concern to you?

[87] **Mr Tyndall:** It is a matter of great concern that there is a continued rise in complaints. Early on, it was easy for us to say that the office had more profile, which was inclining more people to raise complaints. The health redress Measure has accounted for some increase, but I am aware that one health board has seen a 25% increase in complaints in the first quarter of this year. There is a variety of reasons for this: people have become more demanding and they have higher expectations of service; the number of people relying on public services is growing; and services are clearly under pressure, particularly the health service, with the growing number of older people. I do not need to explore those issues further. Our sense is that the increase is likely to continue because the financial situation affecting public services is not likely to improve at any time in the immediate future. We try to deal with systemic issues to try to tackle these issues, as I have described, but, in some instances, the sheer volume of people using the service are leading to operations being cancelled, people waiting longer in ambulances and so on. You are aware of the kinds of circumstances and that leads to more complaints.

[88] However, some of the things can be fixed, such as a lot of the care and compassion issues. For instance, Glan Clwyd Hospital has reintroduced matrons and has made other changes in response to reports. So, there are things that you can do to tackle some of the issues and, frankly, there is no excuse for some things, such as failure to properly record or to have care plans in place and to make sure that people have enough to eat and drink in hospital. Those are just fundamental issues. So, there are things that can be tackled.

[89] I gave an assurance to the Finance Committee, when I put forward my budget last year, that, at its request, if it became necessary for me to turn down complaints because of financial pressures, I would go back to the committee. However, as you have heard, that has not proved necessary, given that we have managed to increase performance. There comes a point when you can streamline, but streamlining can only take you so far. If the volume continues to increase, we will have to monitor the impact carefully. I do not want to go back to having large backlogs of complaints.

[90] **Joyce Watson:** Okay. We have to move on. Mark?

[91] **Mark Isherwood:** I will ask my questions in reverse order, because the fifth question follows your point better. You have just referred to increasing complaints against the NHS and a greater inclination among people to complain and to be more demanding. Is there a service factor? Is there an issue because of the process and speed of change, budgets and so on? Could it be an impact of the scrapping of the independent NHS complaints scheme, with the move to a purely internal complaints system within health boards, and also of the reconfiguration of community health councils, which may also have increased demand upon your service?

[92] **Mr Tyndall:** Many people who were going for an independent review were coming

to my service anyway if they did not get the outcome that they wanted from the independent review. In some ways, I do not think that that has had a major impact on the volume of complaints to health boards in the first place; we have managed to absorb the impact of that change. Just concentrating all independent review into one place is probably a more effective use of resources. We rely quite heavily on the existence of the community health councils' advocacy service, in that many complainants need help in shaping their complaint, or even in understanding the treatment that they have received. Sometimes, people are complaining because they do not understand what has happened rather than because they are unhappy about it. So, the reconfiguration of community health councils has not had an impact, but the community health council advocates play a vital role in supporting people in making complaints to NHS bodies and then supporting them beyond that. It seems that the changes through the redress Measure that enable some complaints to be settled through compensation are working, but those are generally not the complaints that would have come to my office in any event. It is hard to say. The fundamental thing about the rise in the number of complaints is that it largely does not lie in issues around the complaints process, but in issues around the service.

[93] **Mark Isherwood:** This is my final question. You have expressed concern about the number of cases against public bodies carried forward into 2012-13, how do you feel that that could be addressed? I will mention Prestatyn, because you did, as one example of a hotspot, but there is another one in a neighbouring local county council where complaints are coming from a small number of the same people. In Prestatyn, it is the same three people making complaints, when that council has had no history of complaints in the last century. Similarly, in a neighbouring county council, you have had to deal with large numbers of internal complaints against county councillors. So, is it part of your role to consider sometimes whether the source of complaints might be a part of the problem themselves?

[94] **Mr Tyndall:** There are two or three things there; I will quickly try to get through them. On the complaints about Prestatyn in particular, some of them were from two groups of councillors and some of them came from an individual who aspired to be on the council, so, all of them, in that sense, had a political motivation with a smallish 'p'. We were hopeful that, by now, arrangements for dealing with councillor-upon-councillor complaints at a local level initially to attempt to resolve them would have been in place. We have been talking to the Welsh Government, monitoring officers and the Welsh Local Government Association about that for some time. It has taken longer to put in place than I would have liked, but I think that we will see that in place during the current year with principal councils—county councils. That should deal with the issue of member-on-member complaints, where, hopefully, they will be resolved locally—

[95] **Mark Isherwood:** What about officer-on-member complaints?

[96] **Mr Tyndall:** It could potentially include officer-on-member complaints as well. We are certainly very supportive of those moves. I was anxious for there to be a single system in place across Wales, because I do not think that it is right that people in neighbouring councils are dealt with differently.

[97] **Joyce Watson:** I am sorry to interrupt, but in terms of time, I think that we have covered this, we understand it and we need to move on. We have heard that it is a concern that some cases have been carried over, so do you have a strategy to address that?

[98] **Mr Tyndall:** Yes. Susan will give you the figures for the first quarter of this year to give you some reassurance.

[99] **Ms Hudson:** As the annual report points out, at the end of 2010-11, we had a caseload in hand of some 295 cases. We recognise that, during the course of 2011-12, we did

not have quite the same amount of case turnover, in terms of closures, that we had had previously. In the previous year, we made a big push to get rid of the backlog. Nevertheless, we have regained momentum and the first quarter figures for the current year are available to us. Caseload in hand now is back down to 346, so it is a 40% increase in the rate of case closure, more or less, this quarter, compared with the first quarter of the previous year. So, we have made big inroads already to get back to the position that we were in at the end of 2010-11.

[100] **Mr Tyndall:** The high figure was partly because we had lots of complaints towards the end of the financial year that were associated with the local government elections.

11.45 a.m.

[101] **Bethan Jenkins:** Mae'r adroddiad blynyddol yn dangos eich bod wedi dewis cau'r mwyafrif helaeth o achosion ar ôl ystyriaeth gychwynnol o gwynion yn erbyn cyrff cyhoeddus. A yw hyn yn destun pryder neu a yw hyn oherwydd eich bod yn ceisio gweithio gydag awdurdodau lleol, er enghraifft, i ddod â chwynion i gasgliad terfynol sy'n plesio pawb yn hytrach na mynd trwy broses mwy difrifol gyda chi?

Bethan Jenkins: The annual report shows that you chose to close the vast majority of cases after initial consideration of the complaints against public bodies. Is that a matter for concern, or is it because you tried to work with local authorities, for example, to bring complaints to a conclusion that pleased everyone, rather than having to go through a more serious process with you?

[102] **Mr Tyndall:** Many of the complaints come directly to us, and the body concerned has not had an opportunity to put it right. Under those circumstances, we do give them an opportunity to put it right first. Very occasionally—with somebody wanting a cancer drug, for instance—if time is absolutely of the essence, then we would not do that, but generally we give them a brief time to put it right first. Some of the cases that come to me I have to close because they are not in my jurisdiction, or because the person has the right of appeal, so for that reason I cannot consider them. Our numbers are about average compared to other public service ombudsmen. The proportion of cases that we investigate and bring to a report or another formal conclusion is very similar to the proportion for the local government ombudsman in England, the Scottish ombudsman, the Northern Ireland ombudsman, and so on.

[103] Is it a matter for concern? It would be better if people did know that they needed to complain first to the body concerned, and maybe we will give some thought to how we can better raise awareness, but as we can signpost people and help them to make their complaint, I do not think that it disadvantages anyone by coming to us first. We try to resolve as many by direct intervention as possible. It is surprising—I can give examples of tenants with showers that have not worked for weeks, and a phone call from my office has a plumber around that afternoon, or people who have been treated badly by the doctor's surgery, and there is an apology in the post as a result of a phone call. That is a better use of everybody's time than launching an investigation and producing a report. People do not actually want a report; they want an outcome, so when we can, we try to provide that. We have hugely increased the amount of that that we do, because it does help us to be more efficient. The figures are roughly what we would expect, but we are not complacent and will try to do more.

[104] **Bethan Jenkins:** Wedyn, ynglŷn ag atebion cyflym i gwynion, rydych chi'n dweud eich bod am wneud gwell defnydd o'r pwerau sydd gennych i sicrhau eich bod yn cyrraedd canlyniad yn gyflymach nag efallai sydd wedi digwydd o'r blaen. Beth yw'ch

Bethan Jenkins: Then, regarding the quick responses to complaints, you say that you want to make better use of the powers that you have to bring complaints to a swifter conclusion that perhaps has happened before. What is your thinking around that?

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[105] **Mr Tyndall:** Generally, we will look at the complaint and if it does not appear to be systemic—that is, there does not appear to be a problem that cuts across the service—and if the issues concerned are relatively easily resolved, then we will attempt to resolve it either before starting an investigation, or even having started an investigation. If it becomes clear that there is a way of resolving it, then we will do that. We had a worry that we might be missing learning from that, so what we are now doing is summarising just a paragraph or two on each quick fix so that we can add that to the casebook, to make sure that, if there are issues arising that other people can learn from, that we are putting them out there. That was our one concern, that we might lose the learning by not doing the investigation, so we have looked to tackle that.

[106] **Mike Hedges:** I would like to ask about councillor complaints and complaints by failed candidates, which are both fairly large issues. I would expect, certainly in the case of Swansea, such complaints to increase over the next few years—I expect that you will see a lot in four or five years' time. How are you going to stop some of the vexatious complaints that take up your time and cause concern to those on the receiving end? How can you stop some of these people who seem to make it their life's work to complain to the ombudsman about individuals?

[107] **Mr Tyndall:** We try to close complaints as quickly as we can when they come in. We decided if we would investigate a complaint or not in 82% of cases within 28 days last year, and we would like to continue at least at that level. The main thing, as you said, is to try to stop them coming in in the first place. The member-on-member ones we can deal with. We have talked about officer-on-member ones, which we can deal with if they are not serious. Some of them still need to come to me. If it is an issue of someone trying to distort the planning system for personal financial gain, then I should be investigating that. That is quite right. How do you make sure that it is those ones that come to me rather than those who say, 'He said something rude to me'? I think that the guidance will help with that. When the leader of the opposition says that the leader of the council has been unpleasant, those cases can be dealt with internally. That is not quite what they generally say, but you get my drift. However, there are ways of dealing with that internally, and the arrangements will be in place as soon as we can possibly persuade them to put the system out there.

[108] We have agreed with your council, for instance—

[109] **Mike Hedges:** Ex-council.

[110] **Mr Tyndall:** Indeed. The council in your constituency has introduced a mechanism already, and other councils are doing so. My preference, however, is for a standard mechanism, because that would be fair to everyone.

[111] I can, and do, implement my policy to deal with vexatious complainants. It would be a breach of the code of conduct for a councillor to do it, but you would have to prove motivation, and that can be more difficult than proving the facts. Where somebody brings multiple complaints to me, I will simply indicate to them that I will not in future consider their complaints.

[112] I hasten to add that, under those circumstances, we will read every complaint, but we will not respond to correspondence unless what is raised is a genuine issue of concern. So, we do have mechanisms and we are looking to invoke them.

[113] **Joyce Watson:** Peter, could you ask a question on improving public service delivery?

[114] **Peter Black:** Sorry, I was going to ask a question on this particular issue.

[115] **Joyce Watson:** Okay. Could we have brief answers, otherwise we will be out of time?

[116] **Peter Black:** I will do my best.

[117] Only seven of the 168 council and councillor complaints actually reached a conclusion, as far as I can see, with action being taken. Clearly, that is an issue. I am interested in knowing how you think the proposed changes to the code of conduct and other changes mentioned in the local government White Paper would improve the situation and whether they go far enough.

[118] **Mr Tyndall:** Several of the changes are ones that I had been advocating in any event. It is difficult for me to comment on the political proposals, as you will understand. I will therefore just comment on the elements that we were advocating. One of them was to have the internal resolution mechanism. As for the other mechanism, there was a converse thing, in that, in some instances, we chose not to investigate and local standards committees told us that they would have delivered sanctions. We are now referring back as a matter of course those complaints for local consideration, and it is then a local decision as to whether to proceed.

[119] That is the fundamental change—getting local resolution mechanisms for dealing with these things. By and large, in terms of the notion of having standards committees that cover more than one council, some of the difficulties that we have seen have been that members of standards committees have been engaged in matters that were subject to the complaint. It is not necessarily that they were complained about, but that they were involved in the discussions and so on. So, having that degree of independence would mean a smaller risk of conflict of interest.

[120] **Peter Black:** What about the removal of the duty on a council to report a breach?

[121] **Mr Tyndall:** I am happy that that is to be set aside. The guidance that I am about to issue will make it very clear that where local mechanisms are in place, I will not expect them to report to me.

[122] **Peter Black:** That is in the White Paper, is it not?

[123] **Mr Tyndall:** If it is passed. That will happen, even in advance, I hope, of the legislation. However, it is an entirely appropriate thing to do. Clearly, if it is a serious complaint, to do with corruption and so on—we have seen, for instance, the bullying of junior officers, to try to coerce them to follow particular policy lines; those kinds of things—then the complaints should come to me, but that is all I should be dealing with.

[124] **Peter Black:** Okay. Moving on to the Complaints Wales signposting service, what do you intend it to achieve and how will you monitor its success?

[125] **Mr Tyndall:** We want it to be easy for anyone who uses public services in Wales to be able to complain about a public service and to be able to go to one place where they can register their complaint. We do not want everyone to have to come to it; it is not an attempt to sweep up business. It is more an attempt to help people to find their way through what can be a very difficult system. We want to make it as easy as possible for people. A lot of the work has been in persuading other bodies, including commercial ones, because a lot of public services are now provided by private bodies. We have had a very good response to our request from public bodies, the financial services ombudsmen and all other ombudsman

services.

[126] People have accepted that a complaint made via the service will be accepted by them as a properly made complaint. They will not ask someone to go back to the beginning of the process. We hope to take complaints from individuals and get them to the right place quickly, and then give them an opportunity to come back to us if they have not heard in a reasonable time. It is not an advocacy service. Clearly, my job is not to take sides in these things, but there is a big issue in people knowing how to go about complaining so we have tried to make it easier for them.

[127] **Joyce Watson:** Mike, we are going to talk about the ombudsman's governance and accountability arrangements.

[128] **Mike Hedges:** You have had an increase in complaints this year. What steps will you take to try to reduce the number of complaints? How, do you think, will the satisfaction surveys work? I have a horrible feeling that those people who you agree with will say, 'You have done a fine job', and that those who you do not agree with will say that you are totally incompetent. I would expect that. So, how will that work? Also, can you give us the latest details on setting up your advisory panel?

[129] **Mr Tyndall:** The number of complaints against the ombudsman has risen. I think that most of the people who want to complain to us do so because they do not agree with our decision if we did not uphold their complaint. However, we are not complacent about other aspects. We now have a review manager in place to look at a sample of case files to make sure that we are, for instance, keeping people informed of progress on their complaint. Therefore, we do look at the areas that people complain to us about and try to make sure that we tackle those. We have changed our complaint handling process in response to issues of concern, so we do take that on board.

[130] In terms of the satisfaction surveys, you are entirely right in saying that people, by and large, who have had their complaint upheld think that we are a wonderful service, and that people who have not had their complaint upheld sometimes think that we are not. We have to be even-handed and we have to be objective. All of that said, we have also asked people a lot of things about the way that they have been dealt with, how they prefer to deal with my office, and whether people have been courteous. We have changed our processes so that only one person deals with a complaint from the point at which we decide to start an investigation. We have also changed our processes, as we have described, to enable people to make their complaints to us in the ways that they prefer. The big change to the front end of my service came about in response to what people were telling us in surveys. We have varied what we do—there is no point in running the same survey every year and broadly getting the same results. So, at the moment, we are asking all of those people, after their initial contact, because that is the new element of service, how they felt about it, and we are doing that in-house and people are able to respond directly to us. We used groups of complainants to discuss the service to try to get behind some of the issues. Perhaps I should say that, rather than groups, we used qualitative mechanisms to talk to people about their experience of the service, rather than just getting them to complete the standard customer satisfaction survey, in order to try to get a more detailed understanding of what was happening and what people wanted.

[131] **Joyce Watson:** As you are aware, we are out of time, but I wish to ask, for the record, about the efforts that you have made to engage with under-represented communities and how you have presented or promoted the work of your office to them.

[132] **Mr Tyndall:** I will provide a written answer on the advisory panel so that the point is not missed.

[133] We have consistently looked at the make-up of service users because we know that people from disadvantaged groups—or groups with protected characteristics—are the most reliant on public services, and we want to make sure that they have access to the service. In general, we have worked very hard, with charities like Hafal, Learning Disability Wales, the older people’s commissioner, and the children’s commissioner, for instance, to improve access for the groups that they work with. We hold regular meetings with the voluntary organisations representing the different sectors. The one area where we know we need to make more progress is with people from minority ethnic communities in Wales. Our outreach programme this year, therefore, will be targeted on getting out and talking to people from those groups.

12.00 p.m.

[134] We have good links with some of the organisations there, but they are not turning into the volumes of complaints that we would expect, so we will do some more work on that. That said, when we speak to those communities, their greatest concerns are often about aspects such as benefits, access to housing and, sometimes, immigration. We can deal with aspects such as access to housing, but aspects such as benefit and immigration, which are often high priorities in the conversations that we have with people from those groups, are for the parliamentary ombudsman, rather than for me.

[135] **Joyce Watson:** Thank you very much for coming. It is always the case that time runs away when you have an interesting subject, and so it was this morning. I remind you that there is a transcript of the meeting, which will be sent to you to check for factual accuracy; it does not mean that you can remove from it what you have said. You said that you would give us some information on the advisory panel, which we would welcome, along with anything else that you promised.

[136] **Mr Tyndall:** Thank you very much, Chair.

12.01 p.m.

Papurau i’w Nodi Papers to Note

[137] **Joyce Watson:** I am sure that you have noted the papers to note.

12.01 p.m.

Cynnig dan Reol Sefydlog Rhif 17.42 i Benderfynu Atal y Cyhoedd o’r Cyfarfod Motion under Standing Order No. 17.42 to Resolve to Exclude the Public from the Meeting

[138] **Joyce Watson:** I move that

the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 17.42(ix).

[139] I see that the committee is in agreement.

*Derbyniwyd y cynnig.
Motion agreed.*

Daeth rhan gyhoeddus y cyfarfod i ben am 12.01 p.m.
The public part of the meeting ended at 12.01 p.m.