

Advisory Panel Review of the Year 2019-2020

1. Background

- 1.1 This paper reviews the effectiveness and work of the Advisory Panel (the Panel) during 2019/2020. As with the annual reviews of previous years, it takes account of the views expressed by Panel Members in the self-assessment appraisal forms completed during February 2020.

2. The Role of the Advisory Panel

- 2.1 The Advisory Panel is a non-statutory forum whose main role is to provide support and advice to the Ombudsman in providing leadership and good governance of the office of the Public Services Ombudsman for Wales (PSOW). The Panel members' varied experience provides the Ombudsman (who is corporation sole) with objective external perspective and advice on the development of policy and practice, strategic direction and scrutiny of the PSOW's performance.
- 2.2 The Terms of Reference for the Advisory Panel were reviewed and agreed by the Panel in December 2019 and are set out in Appendix A.

3. Membership

- 3.1 Membership comprises the Ombudsman and up to six independent external members who offer specific skills and experience including experience of public service sectors and different jurisdictions in both territorial and sectoral senses.
- 3.2 The Ombudsman attends the meetings of the Panel and the Chief Legal Adviser & Director of Investigations acts as Secretary to the Panel.
- 3.3 The membership of the Panel during the course of the year has been as follows:
- Mr Jonathan Morgan (former Assembly Member and previously Chair of the National Assembly's Public Accounts Committee)
 - Mrs Anne Jones (former Assistant Information Commissioner)
 - Mr Jim Martin (former Scottish Public Services Ombudsman)
 - Dr Tom Frawley CBE (former Assembly Ombudsman and Northern Ireland Commissioner for Complaints)
 - Mr Trevor Coxon (former Monitoring Officer of Wrexham County Borough Council)
 - Mr Ian Williams (former Group Chief Executive of Hendre Limited).
 - Mrs Jane Martin (former Local Government & Social Care Ombudsman for England and member of the Committee on Standards in Public Life).

- 3.4 In light of the recommendation of the [Public Accounts Committee in its Scrutiny of Accounts report of 2017-18](#) that the Ombudsman appoints an independent member to his Advisory Panel who does not sit on the Audit & Risk Assurance Committee (ARAC), the Ombudsman appointed Mrs Jane Martin to the Panel in September 2019. Mrs Martin is not a member of the PSOW's ARAC.
- 3.5 Also, to ensure sufficient separation of roles between the Panel & ARAC, Mr Jonathan Morgan (who Chaired both the Panel and the ARAC) stepped down from his role as Chair and Independent member of the Panel in June 2019. Mr Morgan remains Chair and Independent member of the PSOW's ARAC.
- 3.6 On the recommendation of the Advisory Panel members, the Ombudsman appointed Mrs Anne Jones as Chair of the Panel in July 2019. Mrs Jones's term of office is due to conclude in July 2020. However for continuity, particularly in light of the changes to the structure of the Panel & ARAC and the new challenges arising from the new powers in the PSOW Act 2019, the Ombudsman has extended Mrs Jones's role as Independent Member (of the Panel & ARAC) and Chair of the Panel for a further 12-month period until July 2021.

4. Meetings

- 4.1 Panel Members have continued to demonstrate their commitment to the role with all members having an excellent attendance record in respect of the meetings held over the past year. The meeting scheduled for March 2020 had to be cancelled as a result of Coronavirus. However, members provided written comments on the papers and PSOW provided written responses on the issues raised.

Panel Member	No. of attendances	Total Possible
Jonathan Morgan (Chair to June 2019)	1	1
Anne Jones (Chair from July 2019)	3	3
Tom Frawley	2	3
Jim Martin	3	3
Trevor Coxon	3	3
Ian Williams	3	3
Jane Martin (from September)	2	2

- 4.2 The Panel sets for itself an annual work programme and Panel Members have received a number of regular reports at each meeting, such as progress monitoring against the targets contained in the Corporate and Operational Plans; and the monthly Complaints Monitoring Report. The 2019-2020 and 2020-2021 Work Programmes are set out at Appendices B and C respectively.

- 4.3 Panel Members have been fully engaged with the PSOW's work during what has been a particularly challenging period with the introduction of the new legislation governing the PSOW's work, the level of demand on PSOW's casework service and the recent Coronavirus pandemic. Key issues considered by the Panel were:
- Advising the Ombudsman on the PSOW's new office structure in light of the additional new functions in the new PSOW Act 2019 and the need to continue to deliver high-quality casework decisions to the public.
 - Following the establishment of the new "Improvement Team" established to deliver the new functions (including Own Initiative (OI) investigations and the Complaints Standards Authority (CSA) function) the Panel has received updates and briefings on the progress of key areas of work. Panel members constructively challenged proposals from an external perspective, receiving detailed briefings on initial proposals for the PSOW's first wide OI investigation and the approach taken on the monitoring and capture of complaints data from public bodies by the CSA team.
 - Scrutinising the PSOW's draft Annual Report on its performance during 2018-2019.
 - Advising the Ombudsman on the PSOW's draft financial estimates prior to submission to the Assembly for approval in October. The Estimates were subsequently approved by the Assembly with no amendment being made.
 - Providing constructive assistance to the Ombudsman on his responses to recommendations from the Assembly's Public Accounts and Finance Committees on matters of governance.
 - Detailed consideration on the PSOW Strategic Equality Plan; Panel Members considered the draft at an early stage and again subsequently in light of responses following public consultation on the draft. Several suggestions for improvements/amendments were made by the Panel prior to the Plan being finalised.
 - Detailed quarterly scrutiny of the PSOW's performance against its key performance indicators, focussing challenge and scrutiny on the casework KPIs where performance has not met performance targets.
 - During March 2020 when the implications of the Coronavirus pandemic began to emerge by providing invaluable support for the Ombudsman and his staff on the functioning of the office, remote working arrangements and the longer term implications.
- 4.4 The discussions outlined above have involved the Panel having detailed discussions with members of the PSOW's Management Team and with staff from across the office.

- 4.5 Regular events have also been held with staff from the various teams within the office so that Panel Members have the opportunity to meet new staff members and are informed about work across the office.
- 4.6 Two members of the Panel, Mr Ian Williams and Mr Trevor Coxon, attended an event at Aberystwyth University on the powers in the new PSOW Act which was attended by ombudsman schemes across the UK and in Europe; academics; the Chair of the Assembly's Finance Committee; and PSOW's stakeholders.
- 4.7 Mrs Anne Jones' expertise in information governance greatly assisted the PSOW in the recruitment and appointment of a new Information Governance Manager by sitting as an independent external member of the PSOW's recruitment panel.

5. Annual Review

- 5.1 As part of this annual review, Panel members have assessed their individual performance and that of the Panel as a whole and have considered whether they maintain a clear awareness and understanding of the jurisdiction and operations of the PSOW to provide effective advice and support to the Ombudsman and to assist the Ombudsman on governance arrangements, strategic aims, objectives and targets. The review also assessed whether they felt they had been equipped to provide appropriate scrutiny and challenge to the Ombudsman and to his staff and assessed the working relationships between Panel members, the Ombudsman's office and other stakeholders, including identifying any difficulties which exist.
- 5.2 One to one annual discussions between the Ombudsman and Chair of the Panel, and between the Chair and individual members of the Panel also provided a useful opportunity for feedback on the performance of individual members and the effectiveness of the Panel as a whole.
- 5.3 Members commented that the comprehensiveness of the updates and reporting provided by staff has helped inform their understanding of operations. The personal expertise of some members of the Panel who have fulfilled an ombudsman role is invaluable and greatly appreciated by other members. Also, the ongoing networks of relationships available to some members enables them to stay informed about ongoing developments in the sector.
- 5.4 The varied backgrounds of the current membership of the Panel was considered to be appropriate in order to provide the independent collective expertise to scrutinise the PSOW's service delivery and all matters of governance. The Panel is well established as a team and functions effectively and independently in its role.

- 5.5 In relation to the Panel's relationship with the PSOW's staff members, Panel members felt they were well supported in their role and that staff responded well and objectively to questioning by the Panel. Members are of the view that they have maintained an effective and useful relationship with the Ombudsman and his Management Team. Staff are always helpful, supportive and courteous. The Panel all agreed that the PSOW's team were easy to work with and that they treated the Panel's input respectfully and professionally.
- 5.6 Those Panel members who regularly attend ARAC engage regularly with the PSOW's internal and external auditors and members who attended the event in Aberystwyth University engaged with various stakeholders at that event.
- 5.7 The separate chairing of the Advisory Panel and ARAC was generally considered to have helped to delineate the respective roles of the committees.
- 5.8 The difficulties identified were that in view of the passage of time between the quarterly meetings it was felt that it may be helpful to consider how greater continuity might be achieved in between meetings. Also, it is difficult for members from outside Wales to be kept informed about current affairs in Wales which inform members' understanding of the context in which the Ombudsman is operating. The drawing to an end of the Ombudsman's term of office and the fact that some Advisory Panel members' terms of office were also coming to an end were identified as being challenges for the PSOW and the Panel to face in the future. Additionally, the level of detail and length of the papers provided to the Panel for consideration at each meeting was questioned.

6. Future Considerations

- 6.1 In terms of future needs, members wish to:
- remain up to date on any new developments, particularly in relation to the new functions being undertaken by the PSOW;
 - consider looking in more detail at the views of users of the PSOW's service;
 - receive regular updates on developments in other ombudsman schemes across the UK;
 - attend any relevant events being held in order to keep informed of developments and best practice across the sector;
 - discuss how staff across the office view the Panel's effectiveness and level of scrutiny; and
 - consider the level of detail and content of information provided in the papers for the Panel meetings.
- 6.2 We will continue to review Panel member training and opportunities for the members to engage with staff across the office, the PSOW's stakeholders and at any relevant external events so that members are fully briefed to continue to perform their roles effectively.

- 6.3 In order to provide greater continuity for members the PSOW will share any useful and relevant staff briefings or press reports with members for information in between meetings if they wish to receive them and they will receive copies of the weekly news update.
- 6.4 We will brief members on the outcome of customer satisfaction research which is currently being undertaken on the PSOW's behalf.
- 6.5 In light of the implications of the Coronavirus we will explore with members the options for holding future meetings and events remotely.
- 6.6 We will also discuss with the Panel plans to ensure that a wide breadth of expertise is maintained on the Panel when current members' terms of office come to an end.

7. Overall Assessment by the Advisory Panel Chair

- 7.1 The self-assessment exercise undertaken in February 2020 provided very positive feedback from all Panel Members in respect of their own roles and objectives, working in conjunction with the Ombudsman and his staff.
- 7.2 Members felt that the Advisory Panel has been effective in 2019-20 in its role of supporting the Ombudsman. All Panel Members have felt they worked well together, have been able to contribute their expertise to discussions, and that given their range of professional backgrounds they combine to provide a very knowledgeable and experienced forum.
- 7.3 The separate chairing of the Advisory Panel and ARAC since July 2019 is considered to have been a benefit, proving the two fora with greater independence and objectivity. However, the different membership of Panel and Committee has occasionally led to some repetition and explanation of issues for the benefit of those members who do not sit on both.
- 7.4 Members consider that they continue to provide the right level of challenge and support to the Ombudsman and his senior managers, as well as bringing valuable insights from their respective backgrounds. The year has brought new challenges with the introduction of the PSOW Act 2019, set alongside an already demanding office caseload. The coming year will undoubtedly bring more of the same, particularly with further implementation of the Act and the current Ombudsman's term of office drawing to a close; and the advent of Coronavirus will no doubt bring its own set of unique challenges. Going forward, the Panel will endeavour to continue its role of adding value, providing adequate scrutiny and offering support to the Ombudsman and to his staff.

Appendix A - Terms of Reference of the Advisory Panel Appendix B - Work Programme 2019-2020 Appendix C - Work Programme 2020-2021

PSOW Advisory Panel - Terms of Reference

Status of the Advisory Panel

The Advisory Panel is a non-statutory forum whose main role is to provide support and advice to the Ombudsman in providing leadership and good governance of the office of the Public Services Ombudsman for Wales. The Advisory Panel also brings an external perspective to assist in the development of policy and practice.

The Advisory Panel provides specific advice and support to the Ombudsman on:

- vision, values and purposes;
- strategic direction and planning.

The Advisory Panel is an advisory only body to the Ombudsman, and does not make decisions in its own right.

Role of the Panel

To assist the Ombudsman in establishing:

- governance arrangements, including Terms of Reference of any sub-committees;
- the PSOW's strategic direction, aims and objectives and targets;
- key business policies;
- key employment strategies and policies.

To scrutinise and assure:

- the Three Year Strategic Plan and the Annual Operational Plan;
- high level budget allocation;
- the budget estimates submission to the Finance Committee of the National Assembly for Wales.

To monitor and review:

- operational performance and delivery;
- financial performance;
- effectiveness of employment strategies and policies;
- diversity and equal opportunities, particularly in relation to the Equality Act 2010
- external communications strategies and stakeholder relations;
- health and safety and business continuity.

Membership

Membership will comprise:

- Ombudsman
- Up to six independent external members (who offer specific skills and experience sought by the Ombudsman and one of whom may be from another ombudsman office).

The Chief Legal Adviser and Director of Investigations will act as Secretary to the Panel; other Management Team members as decided by the Ombudsman may be in attendance at the Panel's meetings but are not formally members of the PSOW Advisory Panel.

The term of office for Independent members will be three years. The Ombudsman has the option to extend a term for one further year.

The meetings will be Chaired by one of the independent external members. The Ombudsman will appoint an independent member of the Panel to the position of Chair on the recommendation of the Advisory Panel. Should the Ombudsman decide not to follow the recommendation of the Advisory Panel the Ombudsman's decision will be recorded in the minutes of the Advisory Panel's meeting.

Meetings

Meetings will be held four times a year. A quorum shall be a minimum of three members, one of whom must be the Ombudsman (or, exceptionally, a deputy nominated by the Ombudsman).

In the event of the Chair of the Advisory Panel being unable to attend a meeting, another independent member will take the chair.

Following approval at the next Panel meeting, minutes of meetings will be published as decided by the Ombudsman.

Sub-committee

It is open to the Advisory Panel to form a Remuneration Committee on an ad hoc basis (i.e. when the need arises).

Information Requirements

For each meeting the Advisory Panel will be provided with a report on progress against Strategic/Operational Plan aims and objectives.

As and when appropriate the Panel will also be provided with:

- an annual work programme
- reviews on progress against the Communications & Outreach Strategy
- proposals for any new 'in-year' objectives not originally foreseen when the Strategic/Operational Plans were developed
- draft annual Estimates submission to the Finance Committee of the National Assembly for Wales
- drafts of proposals for new or revised key business/employment policies
- updates on working relationships with the National Assembly for Wales
- proposals for any organisational developments
- PSOW's Annual Report
- a periodic review of the Advisory Panel own effectiveness.

Revised and approved by Management Team on 12 November 2019 and Advisory Panel on 4 December 2019
Next Review: November 2020

**Public Services Ombudsman for Wales
Advisory Panel Work Programme 2019-2020**

July 2019

Update on PSOW Legislation (if any)
Annual Report 2018-2019
Communications & Outreach Work Plan 2019-2020
Operational Plan – Progress Report
Complaints Monitoring Report
Initial Matters for Consideration for the 2020-2021 Estimates Submission
Register of Interests
Advisory Panel Members' Training & Development Requirements
Discussion Item

September 2019

Estimates Submission to National Assembly for Wales
Operational Plan – Progress Report
Complaints Monitoring Report
Discussion Item

December 2019

Update on Estimates Submission to National Assembly for Wales (verbal)
Operational Plan – Progress Report
Complaints Monitoring Report
Communications & Outreach Work Plan
Advisory Panel Terms of Reference (inc. Work Programme) – Review
Discussion Item

March 2020

Operational Plan – Progress Report
Complaints Monitoring Report
Advisory Panel Review of the Year 2019-2020
Corporate Plan
2020-2021 Draft Operational Plan
Discussion Item

**Public Services Ombudsman for Wales
Advisory Panel Work Programme 2020-2021**

June 2020

Annual Report 2019-2020
 Communications & Outreach Work Plan 2020-2021
 Operational Plan – Progress Report
 Complaints Monitoring Report
 Initial Matters for Consideration for the 2021-2022 Estimates Submission
 Register of Interests
 Advisory Panel Members' Training & Development Requirements
 Discussion Item – Vision, Values & Purposes

September 2020

Estimates Submission to National Assembly for Wales
 Operational Plan – Progress Report
 Complaints Monitoring Report
 Discussion Item

December 2020

Update on Estimates Submission to National Assembly for Wales (verbal)
 Operational Plan – Progress Report
 Complaints Monitoring Report
 Communications & Outreach Report
 Advisory Panel Terms of Reference (inc. Work Programme) – Review
 Discussion Item

March 2021

Operational Plan – Progress Report
 Complaints Monitoring Report
 Advisory Panel Review of the Year 2019-2020
 Corporate Plan
 2021-2022 Draft Operational Plan
 Discussion Item