

Advisory Panel Review of the Year 2020-2021

1. Background

- 1.1 This paper reviews the effectiveness and work of the Advisory Panel (the Panel) during 2020-2021. 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 March 2021.

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 September 2020 and are set out in Appendix A.

3. Membership

- 3.1 Membership comprises the Ombudsman and a minimum of four and maximum of eight 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 A recruitment exercise was undertaken in June 2020 to appoint additional members to the Panel to take account of some members' terms of office concluding in 2021. To ensure good transitional arrangements and the sharing of knowledge and expertise of the Panel members, two of the new members joined the Panel before other members' terms of office end later in 2021. The membership of the Panel during the course of the year has therefore been as follows:
- Mrs Anne Jones (former Assistant Information Commissioner) (Chair)
 - 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)
 - Dr Jane Martin CBE (former Local Government & Social Care Ombudsman for England and member of the Committee on Standards in Public Life)

- Mr Mike Usher (former Audit Wales Director)
- Ms Rhiannon Ivens (former Police Chief Inspector)

3.4 Rhiannon Ivens resigned from her role in March 2021 as a result of a conflict of interest arising from another appointment.

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. All meetings in 2020-2021 were held virtually due to the ongoing Coronavirus pandemic. Following a Management Team review of meeting dates in August 2020 it was agreed to reschedule Panel meetings in order to provide more timely reports and avoid public holiday/year-end clashes. Full attendance for the year was therefore three meetings and attendance by Panel members was as follows:

Panel Member	No. of attendances	Total Possible
Anne Jones (Chair)	3	3
Tom Frawley	3	3
Jim Martin	3	3
Trevor Coxon	3	3
Ian Williams	3	3
Jane Martin	3	3
Mike Usher	2	2
Rhiannon Ivens	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 2020-2021 and 2021-2022 Work Programmes are set out at Appendices B and C respectively.

4.3 Following the outbreak of the Coronavirus Pandemic in March 2020, the Panel has worked effectively remotely and has provided the PSOW with helpful scrutiny and challenge throughout this unprecedented event.

4.4 As a result of the feedback from members at the end of 2019/20, regular updates were provided to members on the work of the office, external events and coverage of PSOW's work to provide greater awareness of issues between Panel meetings. Also, the Chair of the Panel reviewed and amended the approach to setting the Agenda for meetings so that more detailed discussion on key issues could take place. Key issues considered by the Panel were:

- Scrutinising the PSOW's draft Annual Report on its performance during 2020-2021.
- 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.

- Detailed quarterly scrutiny of the PSOW's performance against its key performance indicators, focusing challenge and scrutiny on the casework KPIs. Performance on casework fell during the first half of the year. The remote working arrangements and caring responsibilities on staff, the impact of Covid-19 on public bodies' capacity to respond to PSOW on complaints and the office's ability to obtain timely clinical advice on health cases significantly affected PSOW's performance. Members provided challenge and scrutiny to the PSOW's Management Team on this which assisted Management Team when taking steps to improve performance during the latter half of the year.
- Detailed consideration of the PSOW's Equality Plan and Race & Ethnicity at Work Charter. All members attended Unconscious Bias training which was also provided to the PSOW's staff.
- Update on the work of the Complaints Standards Authority and the programme of training being provided to public bodies following the introduction of the new PSOW Act 2019.
- Following detailed discussion, suggestions were made on future ways to report on the work of the office in the Annual Report and on how to approach any future review of measuring the PSOW's performance against its Strategic Aims. A summary of the Panel's views and suggestions was considered by the PSOW's Management team in February 2021 and will help to shape the PSOW's future work.
- Reviewed the PSOW's plan on future working arrangements in light of the move to remote working and the PSOW's aim to develop an "outputs" based framework for working and measuring the performance of staff.

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 which were undertaken remotely 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 considered that they performed well as a group with varied experience and expertise and provided timely, appropriate and constructive challenge to the PSOW's Management Team. Also, the Ombudsman considered that the working

arrangements of the Panel were effective and provided helpful challenge and scrutiny to him as corporation sole.

- 5.4 Members raised the issue of communications between the quarterly meetings and felt that having briefing-type sessions in between the quarterly meetings would be helpful. There was a general view that these could run quite successfully remotely and would be helpful for the newer members, for example, to draw from the experience of former ombudsman from other jurisdictions during this transitional period of overlap of membership.
- 5.5 During the Covid-19 pandemic the remote working arrangements have meant that the members have missed the usual opportunity to meet and discuss issues with staff from across PSOW when they attend the office for meetings. It would be helpful to members for there to be alternative ways of engaging with each other and with the PSOW's staff to provide these opportunities in a different way.
- 5.6 A suggestion was also made that, in order to maximise benefit of the existing expertise of Panel members, the PSOW considers nominating informal sector/theme champions amongst the independent members.
- 5.7 In relation to the Panel's relationship with the PSOW's staff, the members considered they have engaged well with Panel members both in formal meetings and in informal discussions and that staff present themselves with professionalism and a high degree of knowledge and do so in a transparent and open way. The practice of have a range of staff members from across the office presenting reports to the Panel was welcomed.
- 5.8 As some of the Panel members are also members of ARAC, it was felt that there is often some duplication of discussion of issues which have already been discussed at the ARAC meeting. Whilst the Chair of the Panel's clarification of the role of the Advisory Panel required strategic thinking (as opposed to detailed consideration of operational matters) in the January 2021 meeting was very helpful, it was suggested that there is more scope to delineate the respective roles of ARAC & the Advisory Panel.

6. Future Considerations

- 6.1 In terms of future needs, in light of the members feedback the PSOW will:
 - continue to provide the members with regular updates on the work of the office;
 - consider ways to build understanding of the organisation and secure greater engagement between members of the Panel and PSOW staff members outside formal meetings;
 - in conjunction with the members of the Panel and ARAC consider how best to delineate the respective roles of the Advisory Panel and the ARAC to avoid duplication of discussions and issues; and
 - discuss with members the suggestion of nominating individual members as champions on individual themes according to their previous experience and the strategic role of the Panel.

6.2 Panel members attended virtual training sessions on Cyber Security Awareness and Unconscious Bias during the year. We will continue to review Panel member training and identify any additional training needs. Governance and Accountability training has been scheduled for October 2021. This will include all existing members of the Panel and any newly appointed members who are due to take up their roles during 2021. This will also provide a timely opportunity for members and the PSOW to take stock of the respective roles of the Advisory Panel and ARAC.

7. Overall Assessment by the Advisory Panel Chair

7.1 Needless to say, the year has been an unprecedented one in terms of the challenges faced as a result of the pandemic. However, the self-assessment exercise undertaken in March 2021 provided very positive feedback from all Panel Members, who felt that the Advisory Panel has continued to be effective in 2020-2021 in its role of supporting the Ombudsman. Members consider that they continue to provide the right level of challenge and support to the Ombudsman and his senior staff, as well as bringing valuable insights from their respective backgrounds. They also consider that given their range of professional backgrounds they combine to provide a very knowledgeable and experienced forum.

7.2 The appointment of new Panel Members in June 2020 brought additional expertise to the Panel and should provide further stability and continuity for the coming year as other Members' terms of office come to an end in 2021. However, as expected, the self-assessment exercise also revealed that the newer members have had less opportunity to engage with other Panel Members and PSOW staff due to the virtual nature of all meetings, and that gaps remain in their understanding of PSOW procedure and context. Measures will be taken in the coming year to address this.

7.3 In addition to the challenges already faced by the PSOW during the year, Panel Members remain very aware that there are significant challenges and changes ahead, both external and internal, which are likely to impact on strategic direction and priorities. They are mindful of the need to be forward looking. However, all members of the Panel are committed to make every effort to continue their role of adding value, providing adequate scrutiny and offering support to the Ombudsman and his staff.

Appendix A - Terms of Reference of the Advisory Panel Appendix B - Work Programme 2020-2021 Appendix C - Work Programme 2021-2022

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 on the leadership and strategic direction 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.

Membership

Membership will comprise:

- Ombudsman
- A minimum of four and a maximum of eight independent external members (who offer specific skills and experience sought by the Ombudsman and may include someone from another ombudsman office)
- Up to two co-opted members.

The Chief Legal Adviser and Director of Investigations will act as Secretary to the Panel. Other Management Team members, as decided by the Ombudsman, will attend the Panel's meetings.

The term of office for Independent members will be three years. The Ombudsman has the option to extend this 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.

Role and responsibilities of the Panel

To assist the Ombudsman in establishing:

- 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 Senedd Cymru Welsh Parliament.

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.

Rights

The Ombudsman and Advisory Panel may:

- co-opt additional members for a period not exceeding two years to provide specialist skills, knowledge and experience and help the Panel to be representative of the communities the Ombudsman serves.
- seek specialist ad-hoc advice subject to being within budget.

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.

Declaration of Members Interests Members are required to declare any personal interests in accordance with the PSOW's Policy on [Declaration of Interests](#) by Advisory Panel and Audit & Risk Assurance Committee members.

Sub-committees

It is open to the Advisory Panel to form a Remuneration Committee, or other sub committees, 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 Senedd Cymru Welsh Parliament
- drafts of proposals for new or revised key business/employment policies
- updates on working relationships with the Senedd Cymru Welsh Parliament
- proposals for any organisational developments
- PSOW's Annual Report
- a periodic review of the Advisory Panel's own effectiveness.

Reporting

- Each Panel meeting shall be recorded in minutes that will be approved at the next meeting.
- The Panel will provide the Ombudsman with an Annual Report on the work it has done during the year, timed to support finalisation of the Ombudsman's Annual Report and Annual Governance Statement.

Note: For the avoidance of any doubt and in accordance with these Terms of Reference the Advisory Panel's role and remit is advisory only. Neither the Panel nor any individual members have any role or remit in relation to operational matters or casework decisions made by the PSOW.

Revised and approved by Management Team on 13 August 2020; and
Advisory Panel on 29 September 2020
Next Review: September 2021

**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

January 2021

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

April 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

**Public Services Ombudsman for Wales
Advisory Panel Work Programme 2021-2022**

July 2021

Annual Report 2020-2021
 Communications & Outreach Work Plan 2021-2022
 Operational Plan – Progress Report
 Complaints Monitoring Report
 Initial Matters for Consideration for the 2022-2023 Estimates Submission
 Register of Interests
 Advisory Panel Members' Training & Development Requirements
 Discussion Item

October 2021

Estimates Submission to Senedd Cymru
 Operational Plan – Progress Report
 Complaints Monitoring Report
 Discussion Item

January 2022

Update on Estimates Submission to Senedd Cymru (verbal)
 Operational Plan – Progress Report
 Complaints Monitoring Report
 Communications & Outreach Report
 Review of Advisory Panel Terms of Reference
 Review of Advisory Panel Work Programme 2022-2023
 Discussion Item

April 2022

Operational Plan – Progress Report
 Complaints Monitoring Report
 Advisory Panel Review of the Year 2021-2022
 Corporate Plan
 2022-2023 Draft Operational Plan
 Discussion Item