

Agenda

- Dyddiad:** 6 Rhagfyr 1999
Amser: 9.00am - 12:30pm
Lleoliad: Ystafell Bwyllgora, Adeilad y Cynulliad Cenedlaethol

Nid yw'r cyfieithiad Cymraeg ar gael ar hyn o bryd.

OMBUDSMAN'S REPORTS

Purpose

1. The committee is invited to comment on and agree to the suggested procedure for future handling of Ombudsman's reports in committee.

Ombudsman's reports

2. Standing Order 21 sets out the procedure for handling reports received from the Welsh Administration Ombudsman (the Ombudsman). Once a report reaches the Assembly, the Ombudsman has completed his investigation. No further information or evidence can be considered. However if the Ombudsman has found that the complainant suffered injustice or hardship as a result of maladministration, the First Minister must reply setting out the action taken, or proposed to be taken, in response to the report.

3. The purpose of the procedure is:

- a) to ensure that lessons that can be learned from the Ombudsman's investigations are considered and acted upon;
- b) to ensure that, if the Assembly does *not* accept the Ombudsman's recommendations, it must consider a further response from the Ombudsman before taking a final, public decision.

The committee's role

4. When the Assembly receives an Ombudsman's report that finds the complainant suffered injustice or

hardship as a result of maladministration, standing orders 21.6 & 21.7 require the relevant Minister to submit the report to the subject committee together with a draft response from the First Minister to the Ombudsman. The committee's role is to consider:

- a) the proposed response from the First Minister;
- b) any wider lessons that might be learned from the case.

5. Consideration by the subject committee cannot be treated as a further stage in the investigation of the individual complaint. The Assembly will have done all it can to resolve a complaint before it reaches the Ombudsman and his report is, effectively, the final word on the investigation of that specific complaint.

Agriculture & Rural Development Committee consideration of reports

6. The Agriculture and Rural Development Committee has considered five Ombudsman's reports since September. All of these have related to the payment of grants to farmers from the Agriculture Department's divisional offices. All have been resolved to the Ombudsman's satisfaction. Only one report has been considered by any other subject committee.

7. When reports are considered, Agriculture Department staff attend to describe the background to the case and subsequent action taken to compensate the complainant and to avoid similar error in the future. Members cannot comment on the specifics of a case, only on any wider lessons to be learned. This usually requires around 20 minutes of committee time.

8. At its meeting on the 11 October the then Chair raised his concern that formal consideration in committee was time-consuming and of limited value. He suggested that future reports should be discussed in committee, and officials asked to be present, only if the Ombudsman was dissatisfied with the subsequent action taken by the Assembly or if members gave prior notice of particular issues they wished to raise.

9. When a report was tabled for the meeting on 22nd November, no such request had been received but a member asked to be allowed to comment on the case. As prior notice had not been given, time was not available on the agenda and no officials were present.

Recommendation

10. Members are asked to agree to the following procedure for handling Ombudsman's reports based on the suggestion made by the previous Chair in October:

- a) reports will be circulated at least five working days before a committee meeting;

- b) a covering note will be attached asking members to notify the clerk if they wish to discuss the report in committee. If such a request is received, relevant officials will be asked to attend and time made available on the agenda;
- c) If no request is received, the committee will simply be asked to give formal approval to the response from the First Minister to the Ombudsman;
- d) Annual summary reports will be provided to the committee to allow it to monitor trends or patterns in the cases it has seen.

Committee Secretariat

November 2000

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