



Cynulliad Cenedlaethol Cymru **The National Assembly for Wales**

Y Pwyllgor Cyllid **The Finance Committee**

Dydd Mercher, 21 Ionawr 2015
Wednesday, 21 January 2015

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Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifad 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
Christine Chapman	Llafur Labour
Jocelyn Davies	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)
Mike Hedges	Llafur Labour
Alun Ffred Jones	Plaid Cymru The Party of Wales
Ann Jones	Llafur Labour
Julie Morgan	Llafur Labour
Nick Ramsay	Ceidwadwyr Cymreig Welsh Conservatives

Eraill yn bresennol
Others in attendance

Nick Bennett	Ombwdsmon Gwasanaethau Cyhoeddus Cymru Public Services Ombudsman for Wales
Susan Hudson	Rheolwr Polisi a Chyfathrebu, Swyddfa Ombwdsmon Gwasanaethau Cyhoeddus Cymru Policy & Communications Manager, Office of the Public Services Ombudsman for Wales
Katrin Shaw	Rheolwr Ymchwiliadau a Chynghorydd Cyfreithiol, Swyddfa Ombwdsmon Gwasanaethau Cyhoeddus Cymru Investigations Manager and Legal Adviser, Office of the Public Services Ombudsman for Wales

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

Richard Bettley	Gwasanaeth Ymchwil Research Service
Bethan Davies	Clerc Clerk
Leanne Hatcher	Ail Glerc Second Clerk
Joanest Varney Jackson	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Tanwen Summers	Dirprwy Glerc Deputy Clerk

Dechreuodd y cyfarfod am 09:02.
The meeting began at 09:02.

Cyflwyniadau, Ymddiheuriadau a Dirprwyon Introductions, Apologies and Substitutions

[1] **Jocelyn Davies:** Right, welcome everybody to a meeting of the Assembly's Finance Committee. Can I just remind Members, if you've got a mobile device, if you would put it on silent please? We've no apologies.

Papurau i'w Nodi Papers to Note

[2] **Jocelyn Davies:** We've just got a couple of papers to note. Are Members content with those?

Ystyried Pwerau: Ombwdsmon Gwasanaethau Cyhoeddus Cymru: Sesiwn Dystiolaeth 1 Consideration of Powers: Public Services Ombudsman for Wales: Evidence Session 1

[3] **Jocelyn Davies:** We'll move to our first substantive item this morning, then, which is the consideration of the current powers of the Public Services Ombudsman for Wales, evidence session 1. We have the ombudsman with us this morning. If you'd like to introduce yourselves and your colleagues for the Record and then, if it is okay, we'll go straight into questions?

[4] **Mr Bennett:** Great, thank you very much. My name's Nick Bennett, I'm Public Services Ombudsman for Wales, and I'm joined today by my colleagues Susan Hudson, who's head of policy and communications, and Katrin Shaw, who is our legal adviser.

[5] **Jocelyn Davies:** Thank you very much. Now, obviously the committee is familiar with the work of the ombudsman. We scrutinise your annual estimates every year. Would you mind briefly summarising the main features of the Public Services Ombudsman (Wales) Act 2005, and how these directly relate to your role before we go on to your proposal?

[6] **Mr Bennett:** Yes, thank you. Well, the 2005 Act enables me, effectively, to investigate complaints about public service provision by the public and, of course, to also deal with issues when it comes to code of governance issues with elected members in both the 22 unitary authorities and the community councils in Wales. And, more recently, from 1 November 2014, I've also had powers to investigate social services complaints in the private sector.

[7] **Jocelyn Davies:** Lovely, thank you. Mike, shall we come to your questions?

[8] **Mike Hedges:** Yes. You highlighted five key areas of change to the Act. We're going to talk about each of those in great detail later on, but why have you selected those five and, really, are there any others beyond those five that you haven't got there? Because I think, if we're going to do something, I think we'd like to do it all in one go, and I think that whoever sits in that chair in about two years' time is going to be awfully upset if you come in here and say, 'Ah well, by the way, we'd like to add another three.'

[9] **Mr Bennett:** Well, I can't quite go along with all of that, unfortunately. If we were to be truly comprehensive, then I'm afraid I would have come here today with much more than five themes. I think, realistically—and I think I've said in the paper—the fifth one here, the links to the courts, could itself be difficult during a period with, you know, the shifting sands of the British constitution and areas that might create confusion between what's clearly

devolved and issues that are still retained in terms of the court system for England and Wales. However, I do think that these are the most important areas. They're ranked pretty much in order of importance and the aim here has been very much to make sure that we're futureproofing.

[10] You know, the Act is 10 years old. I know I had the extension of the powers under another Act last year, but in terms of the Act itself, it's stood the test of time well for the past 10 years. Surely, now, we need to be making sure, looking ahead to the next 10 years, with the combination, perhaps, of ongoing austerity, and certainly the impact of an ageing population, that the Act, going forward, is fit for purpose and allows people to get the best out of our office and to make sure that we do have genuinely citizen-centred services in Wales. That's the mantra and that's why we've come up with these issues.

[11] First of all, own initiative; that, on the continent and in other parts of the world, would be a mainstream issue. It hasn't existed in the whole of the UK, but it's starting to happen and it's coming on the statute book in Northern Ireland. I would really be concerned if Wales was to be at the end of that queue if it starts to happen in Scotland and England, as well.

[12] In terms of oral complaints—

[13] **Jocelyn Davies:** Before you go on—[*Inaudible.*]—your own-initiative powers, because currently, you are restricted to direct complaints made to you from individuals who've been affected—

[14] **Mr Bennett:** Yes.

[15] **Jocelyn Davies:** —rather than if you become aware of an issue that you could just investigate that yourself.

[16] **Mr Bennett:** Yes. And also, sometimes, we might receive a complaint, let's say, about a GP.

[17] **Jocelyn Davies:** Yes.

[18] **Mr Bennett:** We would have to investigate that. If we discover further maladministration, perhaps by the local health board—

[19] **Jocelyn Davies:** Right.

[20] **Mr Bennett:** —we wouldn't be able to do that. If we found further issues that we suspected occurred in other health boards in Wales, again, we couldn't do that.

[21] **Jocelyn Davies:** So, if the complaint is about the GP from that member of the public, then you are restricted to investigating the GP, even though, during the investigation, you might find that there were possible faults within the local health board.

[22] **Mr Bennett:** Yes.

[23] **Jocelyn Davies:** So, in that situation, you would have to ask that person to submit another complaint, would you?

[24] **Mr Bennett:** We would. There would be other situations, perhaps, where a member of the public complains, but unless they are directly affected by the service being delivered to them, we can do nothing.

[25] **Jocelyn Davies:** Do nothing about it. I see. And, those organisations where—you mentioned there a local health board—. Do they ever challenge you to remain within the exact parameters of a complaint that's been issued?

[26] **Mr Bennett:** Absolutely. They do.

[27] **Jocelyn Davies:** Is this what you find that they—?

[28] **Ms Shaw:** Yes, we do. We often have the authorities challenging us and saying, 'Look, you're going beyond the remit of the complaint as it's made to the ombudsman'. So, we do have to be very careful, because we are wary of challenge.

[29] **Jocelyn Davies:** I see. Okay. Nick, and then we'll go back.

[30] **Nick Ramsay:** Yes, just on that point, how do you define it? I heard the point made about how it has to directly affect the complainant. How do you define 'direct'? What's your definition of—not the word, 'direct', but how—? If it affects their family, or if it affects outside them, surely that affects them, even if it doesn't affect them directly?

[31] **Mr Bennett:** Generally speaking, we would expect that they've been using the service that they're complaining about, rather than complaining about the experience of a third party.

[32] **Jocelyn Davies:** But, in that case that you mentioned with a GP, it would have to be the patient who was complaining.

[33] **Mr Bennett:** Yes.

[34] **Jocelyn Davies:** So, I couldn't, sort of, lodge a complaint with you about, say, my mother.

[35] **Mr Bennett:** Oh, no; we do accept complaints about immediate family, but I would say, again, it's back to this issue of—. The way in which we're trying to futureproof here is, if there were serious concerns by a third party—. You know, this is almost like a barrier to whistleblowing. I'm not saying that somebody would actually have to work within the service that they have concerns around, but if you were to witness a serious service failure currently, unless it was, you know, your mother, or a close family member, or you, directly, then we could do nothing.

[36] **Jocelyn Davies:** You can do nothing. Right. Mike, shall we come back to you?

[37] **Mike Hedges:** Yes. Moving on from what you said earlier, really, is now the right time? There are a lot of public service changes with the likelihood of a change in the devolution settlement. Would we be better waiting for things to settle down before we started to make any changes? And, have you had discussions with the Welsh Government about their view on whether now is the right time?

[38] **Mr Bennett:** Yes, certainly we've had discussions with the Welsh Government and I seem to recall that the Communities, Equality and Local Government Committee also encouraged us to have discussions with the Government. I think the issue here is about accountability. My accountability is to you and to the Assembly, more broadly, not to the Executive. You have an Executive that is elected and expected to deliver public services in Wales. You, as an Assembly, as a corporate body, can employ me as an ombudsman to make sure that there is no maladministration in those services. So, whilst I want to make sure that

we have the Government onside and that any reviews of our legislation do not have a negative impact on the broader Government timetable—and I've been given, well, not assurances, but certainly indications that it is perfectly possible that we could review the legislation without having a negative impact on the Government timetable—in terms of the challenge of, you know, 'Is this the time?', well, in terms of public service reform, yes, absolutely.

[39] We're going to see a 30% increase in the number of people aged over 65 over the next 10 years. I don't think the Act is currently fit for purpose. In 10 years, it definitely won't be. During that period, you will see a significant increase in the proportion of people in Wales who cannot make a complaint on their own, perhaps because they're affected, for example, by sensory loss. That's why we've got the support of the likes of the Commissioner for Older People in Wales and others to have this reform. In terms of devolution, I know that there are changes afoot, but it was always described as a process rather than an event. If I was to wait for, you know, that precise period of absolute constitutional settlement, it might be quite a long time, and I'm guessing.

[40] **Jocelyn Davies:** I know that I interrupted you earlier in terms of, you said, own-initiative powers. Do you want to briefly cover the others and then we can move on to the next lot of questions?

[41] **Mr Bennett:** Thank you. Well, as I said, I think own initiative is really around the ageing society, but also making sure that we are citizen centred and that we can respond appropriately. Another concern, given that social justice is an important consideration here, is that, currently, I can only consider complaints if they are written. Now, we've got some evidence that, certainly, what are referred to as level 1 literacy levels are 7% lower in Wales than they are across the rest of the UK. Therefore, we have, in theory, a higher cohort of the population who might feel daunted and uncomfortable about submitting a written complaint. The current Act does allow me to exercise discretion should somebody have difficulty in providing a written complaint. Why should a citizen in Wales have to depend upon my discretion as to whether or not they should—. I feel that that's inappropriate, certainly for 2015, and certainly in terms of 2025, looking forward, and if we think about the information revolution as well, given that things are really changing increasingly fast there. So, I think, you know, we've got to catch up with the modern world and we've got to be as socially inclusive as possible, which is why I'd like to see an amendment there in terms of oral complaints.

[42] On complaints handling across public bodies and having a complaints standards authority, this might sound much more grandiose than it actually is. Having spoken to the Scottish ombudsman, the Scottish complaints authority design agency, or whatever, at its peak, consisted of 2.4 full-time equivalents, and I think it's now down to two full-time members of staff. But what that's done is make sure that, through using the authority of the Scottish Parliament, any public service organisation has to adopt the ombudsman's complaints scheme. So, first of all, it promotes uniformity where there was previously chaos and, having spoken to them in Scotland, they were telling me they had 32 local authorities up there and 32 different complaint schemes. So, from a citizen perspective, again, it was very confusing.

[43] Secondly, I was at the Institute of Welsh Affairs event last night with the new Minister for Public Services talking about his vision of public service reform. Apparently, open data—data drive performance improvement. There are huge areas where I don't have data and where I can't come and share data with you as widely as I'd like. Through having that standards authority in Scotland, they stipulate, 'Right, for every sector, one system, two stages. First, five days to settle the complaint, and then a further 20 days for the second stage'. Why is it that Edinburgh council can settle 83% of their complaints within five days, but if you live in Dundee, it would only be 23%? Those data provide a transparency and openness

that I think drive public service improvement. In terms of scrutiny, and the scrutiny that this committee and other committees of the Assembly might like to apply to those Ministers who are responsible for different public service delivery, it's another tool in your armoury.

09:15

[44] **Jocelyn Davies:** Mike, are you happy?

[45] **Mike Hedges:** I'm happy.

[46] **Jocelyn Davies:** Yes. Peter, shall we come to yours and then we'll come to you, too?

[47] **Peter Black:** Yes, thank you, Chair. Just going back to the own-initiative investigations, the Welsh Government has stated that it would be beneficial, in some circumstances, for you to have own-initiative powers to instigate investigations, but they say it can only be justified in exceptional and specific cases. They are concerned that you could otherwise be drawn into conducting whole-system critiques of sectors, which, of course, is the role of the Auditor General for Wales, rather than focusing on championing individual service users. So, how would these own-initiative powers work in terms of the day-to-day use of them? Would you be just using them to extend existing inquiries, or would you be going out, looking for inquiries to carry out?

[48] **Mr Bennett:** Well, I think, first of all, it would have to be evidence based. So, we would have to have some evidence there that either people are afraid to come forward or they're incapable, for whatever reason, of making a complaint, or that there is some evidence that there's been a systemic failure in one area and we strongly suspect that that is evident in other areas and that it's in the citizens' interests that we have a look at that without waiting for them to come forward. I think, you know, that in itself, having been—. We were at the Eisteddfod back in August discussing this. The audience were quite taken aback by this, saying: 'Right, so you can only react; so, if somebody's in a vulnerable position, despite the fact that you might know they're in that vulnerable position—that they might be either suffering or in danger of suffering an injustice in terms of public service provision—you will do nothing until they come forward'. So, it is a different type of power. You know, it's one where we'd be supply led, rather than demand led.

[49] But, having said that, I know that resources will be finite over the next few years. We can't just go using this willy-nilly. Also, I have to justify how we'd spend any resource here, not just to Finance Committee, but to the Public Accounts Committee as well, where, of course, the auditor general plays a part. I'd also want to make sure that it's a power that we would use collaboratively. For example, this year, we've seen, with the older person's commissioner, the review of residential care, and all the references there to poor levels of care, high levels of vulnerability and even dry sandwiches and all the other issues that were raised by the older persons' commissioner. On 1 November, I had new powers to consider complaints coming forward in the area that she'd investigated. So far, I think we've had five. So, you know, something tells me that there is a huge disconnect between what that investigation discovered and the readiness of service users to actually come forward, for a number of reasons: residential care places can be scarce and people are afraid that, perhaps, if they complain, it will lead to a breakdown in the relationship with the care provider. So, that is certainly one area where I think you can add value.

[50] There are a number of examples where it has been used, and used well in other countries. We're happy to share that evidence, and I hope that if we move to the next stage as well, that you'd be able to draw on the evidence, certainly of the Northern Irish ombudsman, who will be enjoying his power shortly.

[51] **Peter Black:** Nevertheless, the Welsh Government's response indicates that they believe that these powers should be limited to a specific way of using them. I'm just wondering: how would you respond to that? Do you think there should be limitations on how you use those powers? Would those limitations be in terms of resources or in terms of how you adopt cases or extend existing cases?

[52] **Mr Bennett:** Well, I think it would be limited, but it'd be limited by a number of factors: first of all, the expectation that, currently, fundamentally, we are there to provide a demand-led service. So, in terms of, you know, the key performance indicators that I have to bring before the communities committee on an annual basis—how are we performing in terms of our annual targets—if there was to be a slippage there because I'd been indulging in own-initiative investigations that either took resources away from responding to the public, or, simply, were an indulgence rather than a response to real public service failure, then I'd have some justification to be making there. The same, I think, would be true in terms of public accounts. So, you know, where this power is extended, in reality, I wouldn't be in a position to take any significant resources away from the work that we currently do in terms of responding to day-to-day complaints from the public. Why? Because I think, as I've told this committee and others, we're facing 10% to 15% year-on-year increases. The trajectory has been very much in going that way. So, I don't think we're going to be in a position to have extensive use of own initiative, but I think it's important that it's there and that it can be used and it can add value in a different way to the way in which the auditor general uses his powers. Of course, when he's looking at the whole system, fundamentally, he's tasked to ensure that there's value for money. There is a difference between value for money and service failure and maladministration.

[53] **Jocelyn Davies:** Julie, did you want to come in on this point?

[54] **Julie Morgan:** I just wondered whether you'd give one example of an own-initiative investigation in another country, very briefly, which has been, you think, very successful—just one—so that we have some idea of what—.

[55] **Jocelyn Davies:** Yes, you've mentioned that other ombudsmen have this power. Could you—

[56] **Mr Bennett:** Yes, well, there are a number of examples, in the paper that I've provided you with, from Northern Ireland, where they certainly took evidence there from a range of ombudsmen jurisdictions that currently have own initiative. There are examples from Canada, from Europe, from Malta, but, in the Republic of Ireland itself, there were examples. Again, this has been a limited power. It hasn't been used often, but there were five own-initiative reviews over a decade between 2001 and 2010, ranging over a number of issues: subventions in nursing home care; tax refunds to widows; a disparity in refuse collection across different parts of the republic—the complaint was in one part of the republic, but they decided then, 'Well, let's have a look at whether this is happening in other places', and it was, by and large, happening across the republic—and then the rights of elderly people in nursing homes. So, there are four or five successful examples there, and certainly they've have an impact.

[57] **Jocelyn Davies:** That's okay. We get a flavour of it. We've got an idea. Peter.

[58] **Peter Black:** I've finished.

[59] **Jocelyn Davies:** Okay, then. Chris, you wanted to ask something.

[60] **Christine Chapman:** Yes, going back to when you talked about the issues around oral complaints, I just wondered whether you'd identified any specific examples where the

need to complain in writing has prevented complaints from coming forward or being addressed.

[61] **Mr Bennett:** I'm not sure I'll ever know how many people have really felt that they couldn't come forward. What I've been very pleased about in terms of the culture within the ombudsman's office over the almost six months that I've been doing the job is that, where people do come forward and they don't feel able to provide a written complaint, the complaints advice team within the office will currently write that complaint down, and send it back to the complainant for them to sign, which demonstrates an ethos there in terms of trying to meet the citizen's need. Unfortunately, only 50% of those come back. There is evidence out there that sometimes people with, perhaps, issues around literacy, numeracy or other issues, can have issues in terms of managing—I'm not trying to be patronising, but in terms of, sometimes, just their ability to perhaps manage correspondence and make sure that things are returned on time in a way in which a bureaucracy of any description, however citizen-centred they are, can be malfunctioning.

[62] **Jocelyn Davies:** Ffred, you wanted to come in on this particular point.

[63] **Alun Ffred Jones:** A ydych chi'n eu cyfeirio nhw o gwbl at bobl a all eu helpu nhw, fel Aelodau Cynulliad, neu hyd yn oed gynghorwyr sir a fyddai efallai'n teimlo'n fwy hyderus? A ydy hwnnw'n rhan o'ch ffordd o weithio? **Alun Ffred Jones:** Do you direct them at all towards people who can help them, such as Assembly Members, or even county councillors who might feel more confident? Is that part of your way of operating?

[64] **Mr Bennett:** Wel, yn sicr, rydym ni'n hapus i helpu. Mae hynny yn codi, ac rwy'n gobeithio y cawn ni gyfle i drafod hynny gydag Aelodau Cynulliad cyn bo hir. Gwnaf drosglwyddo i Susan. **Mr Bennett:** Well, certainly, we are happy to help. That issue does arise, and I hope that we will have an opportunity to discuss that with Assembly Members before too long. I will hand over to Susan.

[65] **Ms Hudson:** Mae yna drefn gyda ni, beth bynnag. Mae cysylltiadau gyda ni â chyrrff eirioli, ac ati, felly os yw rhywun yn dod atom ni gyda rhyw anabled arbennig, er enghraifft, mae yna gysylltiadau gyda ni lle gallwn ni eu cyfeirio nhw atyn nhw er mwyn i'r cyrrff hynny eu helpu nhw i gyflwyno eu cwynion nhw. **Ms Hudson:** We do have a system, however. We have links with advocacy bodies, and so forth, so if someone comes to us with some particular disability, for example, we have links so we can signpost them in that direction so that those bodies can help them to present their complaints.

[66] **Jocelyn Davies:** So, we don't know why that 50% don't return. It could be that somebody's uncomfortable about signing something that they can't read themselves, or you were saying that the complaint has to be very precise. There could be all sorts of reasons. I suppose what you're saying is it's because it has to be in writing that these difficulties are being experienced to begin with.

[67] **Mr Bennett:** Yes, and, certainly having spoken to the Northern Irish ombudsman, he was telling me that, similar to Wales, the number of complaints are going up year on year, but his concern was, 'Look, the post bag is full, but there are still voices I don't hear'. I think we've got a responsibility there in terms of social justice and equal opportunities. Perhaps those who find it the most difficult are often the ones who need the best, most responsive public services the most. That really does trouble me if we're not really getting to the root of those issues.

[68] **Jocelyn Davies:** Chris, are you happy with that?

[69] **Christine Chapman:** Yes.

[70] **Jocelyn Davies:** Nick, shall we come to your questions?

[71] **Nick Ramsay:** Thanks, Chair. What differences would there be if you had a statutory power over the complaints policies in public services?

[72] **Mr Bennett:** Well, I've discussed this at some length with the Scottish ombudsman, because he was very positive about the difference that having statutory powers has made to him in Scotland. I was saying, 'Right, okay, but what power does that actually give you?' Having the statutory force of the devolved Parliament, certainly in the Scottish context, has allowed him to drive improvements in terms of complaints handling fundamentally for all public authorities, because the statutory power that you've been given by the Scottish Parliament means that if somebody was to refuse to adopt the complaints system that he has developed for the different sectors—and it's not a one absolutely common system; it's for local government, or health or for education, and so forth—then he has the right to report the refuser to the Scottish Parliament. So, I think, so far, nobody's refused to adopt an improved complaints handling system, which is clearly a benefit.

[73] Back to this issue, then, of scrutiny, if scrutiny's going to be one of the drivers of public service improvement, I can't currently give you as detailed a picture across the whole of the public service in terms of the way in which people are dealing with a two-stage complaints system, and the absolute level or percentage who are dealt with at either stage 1 or 2—you know, the differences between Aberdeen and Dundee—in quite the same way as they can do in Scotland. Certainly, we try and capture data on a local authority and on a health board basis, and so forth, but this would give us more granularity and it would give that to you as well. So, to some extent, it's about extending your powers of scrutiny by capturing more data during the period of—

[74] **Nick Ramsay:** Do you think, or would you say that the data issue's more important than putting it on a statutory footing, then, or do the two go hand in hand?

[75] **Mr Bennett:** I think the data issue is important. Well, it's almost chicken and egg, but I think, fundamentally, certainly what's come across to me—and again I would hope there's an opportunity to speak to the Scottish ombudsman and the people who are employed in his Complaints Standards Authority—they were very clear that without that statutory authority then they wouldn't get the data.

[76] **Nick Ramsay:** Okay. Finally, if it is put on a statutory footing and you have the data et cetera, et cetera, would that be a function of yourself and your office, or would that require the creation of a new body to fulfil and discharge those responsibilities?

[77] **Mr Bennett:** It wouldn't involve the creation of a new body. Clearly, it's perceived as being separate given its title, but it's very much part of the Scottish ombudsman's day-to-day delivery. We can bring back again further evidence there in terms of what the precise relationship is between the complaints authority and the rest of the Scottish ombudsman's office.

[78] **Nick Ramsay:** You've mentioned Scotland a lot. Would you see the Welsh model then as pretty much following the Scottish model hook, line and sinker?

[79] **Mr Bennett:** I think that's where it's been adopted the best, and I think it's important. Ten years in, we've seen these different ombudsman schemes, and having listened to Leighton Andrews last night, and having been on the Williams commission previously, if

public service reform is about making sure that we don't simply benchmark against the best in Wales, but that we are outward looking and we're ready to adopt best practice, be it in other parts of the UK or in other places, then certainly in terms of the use of devolved statutory power, I think that's the best example when it comes to complaints handling. So yes, I think we should go down the Scottish route there, but I think we should adopt Northern Irish best practice when it comes to own initiative.

09:30

[80] Certainly, you know, there are European and North American examples of where that's been used as well. So, generally, I've tried to use the last six months, in terms of getting into the job, to talk to other jurisdictions and to see what they do differently that could make a significant difference to driving public service improvement in Wales.

[81] **Jocelyn Davies:** So, currently, you issue guidance, and you've had that power for some considerable time, guidance. Has there not been a wholesale taking-up of the guidance issued by the ombudsman in relation to complaints procedures?

[82] **Mr Bennett:** Well, you know, there's been a lot of progress made in terms of complaints handling, but I think too much of it has been voluntary, and again, you can see perhaps the restrictions in terms of depending too much on a voluntary approach in other parts of public service reform. I think, you know, this is the issue: there is an accountability that is awarded by the Scottish Parliament that means that the ombudsman there has this statutory role, but the reporting back and the accountability goes back to the relevant committee of the Parliament there, but with that comes the information. I think, you know, data and information are critical to scrutiny.

[83] **Jocelyn Davies:** Okay, then. Ann, shall we come to your questions?

[84] **Ann Jones:** Thanks. One of the areas you want to extend is private healthcare, private healthcare providers. So, could you tell us whether that is all private health providers you would want to have some jurisdiction over, or is it just those commissioned by the NHS?

[85] **Mr Bennett:** Currently, I do have jurisdiction over those that are commissioned by the NHS, but not those that are commissioned privately. So, if somebody had a complaint about their healthcare, and they'd been treated both by the NHS and privately, but that private care was commissioned by the NHS, then there's no problem—we can be citizen-centred and we can explore the whole of that complaint. If, however, somebody had commissioned aspects of that care privately, we can't investigate. So, I think, last summer, certainly, a case came up from Llanelli where, unfortunately, somebody had passed away, and the complainant felt that they couldn't get resolution to the complaint. Why? Because there are two different complaint systems in operation. So, unfortunately, under this particular scenario, somebody had been treated NHS, then private, then NHS. So I could investigate both sides, but not the bit in the middle. Well, that's not satisfactory for the complainant or indeed for anyone else involved. We've recently had an extension of jurisdiction in terms of private care. If we're talking about, you know, more integration of care and health, given the ageing society, and so forth, then I think this is the next logical step, but I am not looking for private healthcare simply as an extension of jurisdiction. I would see whether it could be drafted this way: as the power to investigate where there has been that mix of public and private, so that we're not frustrating the public sector aspect of the complaint, if you like.

[86] **Ann Jones:** Okay. [*Interruption.*]

[87] **Jocelyn Davies:** [*Inaudible.*] Go on.

[88] **Ann Jones:** I was just going to say if somebody chose to have all their care under the private healthcare system, and then something went wrong, or they felt they wanted to complain, are you saying you wouldn't want to take that on?

[89] **Mr Bennett:** Yes. Fundamentally, I'm not looking to become a private healthcare complainant per se. However, my concern in terms of accountability to the citizen, and to you as an Assembly, is that, you know, where somebody has, as is their right, gone down a private path for part of their treatment, but has also been treated within the public service system, which, you know, you are responsible for, well, we should be able to have the same clarity for those citizens as others, and that currently doesn't exist. So, it follows a silo rather than the citizen.

[90] **Jocelyn Davies:** Peter, is it on this point?

[91] **Peter Black:** No, it's not. It's on intervention and powers.

[92] **Jocelyn Davies:** Chris, I think yours is. I think Chris's point is on this.

[93] **Christine Chapman:** On the private healthcare, would you go as far as, say, for example, cosmetic surgery? They're almost on the edges of health. How far would you go?

[94] **Mr Bennett:** They are. What I'm really looking for is the power—and again, this, I'm sure, will be—. It's not impossible, by any means. It's about having the drafting to make sure that, no, we're not looking for every cosmetic surgery provider, tattoo parlours, sunbeds, you know. But, certainly, in hospital settings, and medical settings more generally, where there could have been a mix of more than one sector providing, then, you know, that's where I think we've got to be a citizen rather than sector-based. So, I'm looking at it, if you like, from the perspective of the citizen rather than the sector. But, unfortunately, it does stay 'private healthcare', which is—. You know what I mean.

[95] **Jocelyn Davies:** Ann, shall we go back to your question?

[96] **Ann Jones:** Yeah. I think I've got it clear where you're coming from. Your paper refers to the need to consider a levy on those private healthcare providers to pay for any additional new powers that you may get. How do you see that levy operating? Lesley Griffiths, in her statement, or letter, says that she finds that that would be very difficult to actually operate.

[97] **Mr Bennett:** I agree with Lesley Griffiths. I think she made those remarks when she was in her previous role, but I think, you know, it's important to be open and transparent. There is a view held by some that there should almost be a 'polluter pays' principle, so that it's appropriate that, if you're investigating a private complaint, the private provider pays for the cost of that, rather than the taxpayer. So, I certainly do think that if we've got to go down the route of seeking powers over the whole of private healthcare, you know, a levy might be the preference. However, if we're just going for a more narrow definition, so that we're making sure that we can satisfy the aspects that relate to public provision, and perhaps not going down the levy route, using public funding is appropriate there. Certainly, I think this would have been an issue that may have been considered at some point before private care was introduced last November. It would have been possible, in theory, to have a levy there. But, again, I think Lesley and her officials came to the view that it was an area that was fraught with difficulty. Again, you know, I've been keen to come forward here with proposals that are pragmatic and implementable.

[98] **Ann Jones:** Do you see any issues from the public sector bodies that are under your jurisdiction at the moment—particularly, I suppose, health, or even perhaps some local

authorities now that you have that ability to look at social care within a private setting? Do you think they're likely to say, 'Well, look, we have to pay'—I suppose it's a levy—'some money into you operating'. Are they going to sort of step back if we're not able to get the levy scheme sorted out for private care? Are they going to be cross, I suppose, that, you know, they're paying out for you to go and investigate them, but private care settings are not paying the same levy?

[99] **Mr Bennett:** I guess the answer to that is that we're paid for through a grant from the Assembly, which is derived from the Welsh block, so all taxpayers and citizens in Wales make a contribution towards that. There is evidence that perhaps we are not as citizen-centred in aspects, certainly of health complaints, as perhaps we need to be. We've seen that corrected on the social care side. I don't think we have any complaints there, certainly from public service providers, do we, Katrin?

[100] **Ms Shaw:** No. Actually, our experience so far on those, as Nick said, has been very limited, but it's enabled us to—. You know, they have involved a number of bodies, with situations where, with private care settings, people have come in and out of public funding. But at least we're able now to look at the whole picture and the whole of the provision. It's early days, obviously, in terms of the investigations we have in those areas, but I'm not aware of any kickback from any of the bodies on that front.

[101] **Jocelyn Davies:** I suppose that's something that will come out in your evidence in future. Ffred, shall we come to your question? Oh, sorry, Peter, you did want to come in after Ann had finished.

[102] **Peter Black:** I just wanted to come in because you've talked about extending the scope of your powers here in terms of private health providers. Are you happy that you've covered all the current public sector in terms of your powers? For example, boards of conservators is one area you don't have authority over. If we're going to put an Act forward, is that one area we might want to pick up on?

[103] **Mr Bennett:** There's certainly—. We've shared correspondence on this and I am aware that, you know, there are examples of some public service providers, or something that is very close to a public service definition, which aren't currently listed in the Act. So, I think this is a welcome opportunity to make sure that we've caught all. There is a current Schedule, and of course, having been on the Williams commission, I can never forget the fact that there are 935 public bodies in Wales—was it two for every single supermarket? So, I'm pretty sure that not all of them are in that list. There will be, I think, a few areas, in terms of housekeeping, where we might want to make sure that, you know, things are complete and up to date in terms of the Act's provisions, so I've concentrated here on some key areas, in terms of driving through, you know, better public service provision, but I think, certainly, it'd be worth looking at that Schedule as well.

[104] **Jocelyn Davies:** Ffred.

[105] **Alun Ffred Jones:** Diolch. Rwyf eisiau gofyn cwestiynau ynglŷn â chysylltiadau â'r llysoedd. A allwch chi ddisgrifio sut yr ydych chi, ar hyn o bryd, yn ystyried y cwynion hynny sy'n gallu cael eu hystyried gan y llysoedd hefyd? **Alun Ffred Jones:** Thank you. I just want to ask questions about linkages with the courts. Can you describe how you are currently considering those complaints that can be considered by the courts as well?

[106] **Ms Shaw:** Yes, the situation at the moment is: as per the legislation, where a complainant has a right or remedy to go to court, the presumption is in favour of the complainant going down that route. So, the Act says that the ombudsman cannot look at a

complaint where there is a remedy in a court of law. There is, however, a discretion for the ombudsman to set aside that requirement, but that has to be, again, subject to the ombudsman's discretion, case by case. This issue has been looked at by the Law Commission previously, and recommendations have really been made in the past by the Law Commission that, perhaps, it's better for the statutory bar in this way to be removed, so that it gives, really, the complainant or the citizen the choice as to which avenue they go through, which, I think, would be a good thing for complainants, given that the access to the courts is, probably, more limited these days than when the Act was initially set up.

[107] At the moment, there is no interaction, obviously, between what the ombudsman does and the court system does. The Law Commission also recommended, perhaps, further moves that could be made, which would be an ideal, but, as Nick said, obviously, this impacts upon the Welsh and English courts system, which is, perhaps, beyond the remit of just the Assembly. The Law Commission was really looking at a situation where, perhaps, the administrative court could stay a case and refer it to the ombudsman if it's more akin to what the ombudsman does in terms of maladministration or service failure. But, likewise, if we were in the middle of an investigation, and there was a point of law that was at the heart of an issue, and we felt that we couldn't resolve an investigation, for that reason, perhaps, the ombudsman would have the power to, likewise, refer matters back to the court. Those are the issues that we have explored, but we realise that, perhaps, they are more difficult to achieve in the shorter term, really.

[108] **Alun Ffred Jones:** Onid ydych yn credu y gallai hyn arwain at ddryswch mawr ymhlith hyd yn oed y cyhoedd eu hunain? Fydden nhw ddim yn gwybod lle i fynd os byddech chi'n newid y drefn bresennol.

Alun Ffred Jones: Don't you believe that this could lead to great confusion, even among the public? They wouldn't know where to turn if you changed the current system.

[109] **Mr Bennett:** Na, i ddweud y gwir, beth sy'n poeni fi fwy, ar hyn o bryd, yn enwedig os ydym yn meddwl am y newidiadau ar hyn o bryd pan mae'n dod i 'access' i gyfiawnder yng Nghymru—. Rwy'n meddwl bod y newidiadau yma angen digwydd rhywbryd, a byddwn yn licio gweld y gyfundrefn yn cael ei diwygio, ond rwy'n poeni mwy os yw'n creu cymhlethdod ar hyn o bryd, oherwydd lle'r ydym arni pan mae'n dod i'r cyfansoddiad, i fynd yn ôl i bwynt cynharach gan Mike Hedges.

Mr Bennett: No, what concerns me more at present, particularly if we take into account the changes in terms of access to justice in Wales—. I do think that these proposed changes do need to happen at some point, and I would like to see the regime being reformed, but I am more concerned that it'll create confusion, because of where we are in terms of the constitution, to come back to an earlier point made by Mike Hedges.

[110] **Alun Ffred Jones:** A oes yna ddadl y dylid ystyried y mater yma ar lefel Deyrnas Unedig, yn hytrach nag ar lefel Cymru, o ran y berthynas yma rhwng yr ombudsmon a'r llysoedd?

Alun Ffred Jones: Is there an argument that this issue should be considered at a UK level, rather than at a Wales-only level, looking at the relationship between the ombudsman and the courts?

[111] **Mr Bennett:** Rwy'n meddwl y byddai hynny'n anodd, oherwydd, ar lefel Brydeinig, yn amlwg, mae gennym ni gyfundrefn hollol wahanol yn yr Alban i beth sydd yng Nghymru a Lloegr, ond, yn sicr, rwy'n meddwl efallai y bydd cyfle inni ystyried y peth ar lefel Cymru a Lloegr, ac, yn sicr, efallai'n hwyrach ymlaen y flwyddyn

Mr Bennett: I think that would be difficult, because, at a UK level, we have a totally separate system in Scotland as compared to England and Wales, but I think there may be an opportunity for us to consider this at an England-and-Wales level, and, certainly, perhaps later this year, the future of the constitution and the settlement may be clearer

yma, bydd dyfodol y cyfansoddiad, a beth yw dyfodol y setliad yna, yn fwy clir i bawb.

[112] **Alun Ffred Jones:** A oes yna berygl, o gael y pŵer yma, neu o newid y drefn bresennol a'r ddealltwriaeth yma ar hyn o bryd, y bydd pobl yn defnyddio hynny fel ffordd o fynd at yr ombwdsmon, yn hytrach na mynd i'r llys, am ei fod yn haws ac am ei fod yn rhatach?

[113] **Mr Bennett:** Wel, yn sicr, rwy'n meddwl, oherwydd cost, fe fydd yna fwy o bobl eisiau dod i fy nghyfeiriad i yn hytrach na mynd i'r llys; rwy'n derbyn hynny. Rwyf yn dal yn meddwl—. I fod yn glir, rwy'n meddwl ei fod o'n bwysig i ddiwygio'r mater yma, ond rwy'n derbyn efallai ei fod e'n creu gormod o gymhlethdod ar hyn o bryd.

09:45

[114] I fod yn bragmatig, os ydym ni'n sôn am gael deddf newydd yn ystod y flwyddyn yma, rwy'n fodlon peidio â gweld y pumed agwedd yn y fan hon yn digwydd, ond nid oherwydd fy mod yn poeni am gymhlethdod i'r dinesydd; rwy'n poeni y byddai'n creu gormod o gymhlethdod cyfansoddiadol, ac felly bod 100% o'r syniadau fan hyn yn disgyn. Byddai'n well gen i golli 20% a gweld yr 80% arall yn digwydd yn ystod y flwyddyn bresennol, ac rwy'n meddwl bod gennych chi'r cyfle i wneud hynny.

[115] **Alun Ffred Jones:** Reit; un peth arall. Rydych chi'n sôn fod yna gynnydd o 10% a mwy yn y llwyth gwaith sy'n dod i chi yn flynyddol. Rydych chi'n sôn am ehangu maes eich cyfrifoldebau a gallu pobl i ddod atoch chi—faint o adnoddau ychwanegol ydych chi'n credu y byddech chi eu hangen i ddelio gyda'r gwaith ychwanegol yma?

[116] **Mr Bennett:** Wel, ddaru ni asesu hynny pan ddaru ni ddod i fyny efo costau yn y papur. Rwy'n meddwl ein bod ni'n sôn am gost o rhyw £20,000 y flwyddyn pe tasem ni'n mynd i lawr y lôn yna, felly nid wyf yn meddwl y buasai'n ormod inni frathu arno. Ond rwy'n derbyn efallai bod gennym ni ddigon ar ein plât, a byddwn i'n hapus iawn i symud ymlaen gyda'r pedwar pwnc yn hytrach na'r pumed.

to us all.

Alun Ffred Jones: Is there a danger, from getting this power, or from changing the current system and this understanding that exists at present, that people will use that as a means of going to the ombudsman, rather than going to the courts, because it would be easier and cheaper?

Mr Bennett: Well, certainly, on the issue of cost, then more people would want to approach me rather than going through the courts; I accept that. I do—. Just for clarity, I think that it is important that we see reform in this area, but I do accept that it does, or perhaps could, create too much complexity and confusion.

To be pragmatic, if we are talking about getting new legislation through during this year, then I would be content to see this fifth aspect not included, but not because I'm overly concerned about confusion for the citizen; I am concerned that it would create too much constitutional confusion, causing 100% of these ideas to fall. I would prefer to see 20% of these ideas falling and see 80% go through during this year, and I think you have the opportunity to do that.

Alun Ffred Jones: Right; one more thing. You say that there's an increase of 10% and more in the workload that comes your way annually. You're talking about expanding your responsibilities and people's ability to come to you—how much additional resource do you think you would need to deal with this additional work?

Mr Bennett: Well, we assessed that when we came up with the costs included in the paper. I think we mentioned a cost of some £20,000 per annum if we went down that particular route, so I don't think it would be excessive. But I do accept that we do have enough on our plate already, and I'd be more than happy to progress with the four areas and see the omission of the fifth, perhaps.

[117] **Alun Ffred Jones:** Diolch yn fawr. **Alun Ffred Jones:** Thank you very much.

[118] **Jocelyn Davies:** Yes, I did wonder how often you have to turn people away because they have the opportunity, if they can afford it, to go to court. I'm sure all Members here, with their constituency casework, have had to tell members of the public, at one point or another, 'Sorry, the ombudsman will not be able to take this case up, because you have the option of going to court'. Have you any ideas of the numbers? I know you talk there of the cost—

[119] **Mr Bennett:** Data drive everything, I'm not sure if we have—. Do we have the data on that?

[120] **Jocelyn Davies:** —and how often, probably—. And, of course, there's this issue of the complexity and, perhaps, jurisdiction, because I doubt that any of us want another case in the Supreme Court, and then lose and the rest of it. You did say at the beginning that this is in order of priority, the five cases; so this, even though you feel it's important, is your lowest priority, compared to the other things. It's certainly something we can explore as we go on. Julie, you've got some points that you wanted to raise.

[121] **Julie Morgan:** Yes, I'm asking about how these new powers would be acquired. You did just say that you thought the new legislation would possibly be this year. Have you had an assurance from the Government that that would be possible?

[122] **Mr Bennett:** I've certainly had an indication from the Government that they don't object to the legislation, but would, I think, expect to make sure that it doesn't have a disruptive effect upon the Government's own legislative programme. Having had discussions with Government officials and Commission officials, they indicate to me that, whilst the legislative timetable is busy for the next year or so, should the Finance Committee seek to support a new Bill, or new legislation of some description, that that should be possible within the next calendar year.

[123] **Julie Morgan:** Thank you. And would you see this as being a single Bill—a single Act—or would you see it as being amendments to other legislation?

[124] **Mr Bennett:** Well, I like the sound of having a new Act, 10 years on from the original. I think it was one of the first pieces of all-Wales legislation to emanate from the Assembly under the constitutional arrangements that existed back in 2005. An awful lot has changed since, so I would really like a single Act, but, I think, I can't be precious about that, and I'm really in your hands. Whatever arrangements are most practical to making sure that we can future-proof, be more citizen-friendly and ensure that there's more social justice. I'm more outcome-driven than process-driven—

[125] **Julie Morgan:** The means of getting there is not such a concern—

[126] **Mr Bennett:** It's more important, yes.

[127] **Julie Morgan:** But what about the cost of, you know, using these, and having these additional powers? Have you made any estimate about—

[128] **Mr Bennett:** Yes, yes, we have. Yes. Those are estimates where we've been fortunate, again. This goes back to this issue of being outward-looking, seeing what other administrations have done, not just in terms of their primary law-making powers, but actual jurisdictions and the resources that they've put in place. So, the resources that have been put in place for the Northern Ireland own initiative have informed our estimates in terms of what own initiative might cost.

[129] The other substantial cost there would be the Complaints Standards Authority, informed by the experience in Scotland where—. You know, a Complaints Standards Authority sounds very grand; it's actually two people. So, we've got estimated costs in there of up to £250,000 in total, which means that, in terms of the broader picture, I think, currently our budget is in the region of £4 million, so it's a relatively small percentage of our existing budget. And it would mean as well that, in terms of our expenditure as a proportion of the Welsh block, it would still be less than 0.03% of the Welsh block. So, you know, in terms of value for money, I hope that we'd be able to demonstrate that we're more responsive to the citizen, and that we've done some of the housekeeping issues that Peter Black referred to in terms of making sure that we've got an up-to-date list of those bodies that take resources from the block. I think that to do all of that and still remain within a very, very small percentage of the block would indicate a good level of value for money, and that it's entirely proportionate to the extension.

[130] **Julie Morgan:** And there would, of course, be a cost on public bodies as well, wouldn't there, if they were being—? Have you thought about that?

[131] **Mr Bennett:** Yes.

[132] **Julie Morgan:** Or do you think that that might be a saving?

[133] **Mr Bennett:** There would be costs, but—. Are we—? I wouldn't want to be in a position where we didn't look at maladministration because it might cost somebody something for doing it. And, you know, to continue on a maladministrative basis might be cheaper again. This goes back, perhaps, to the difference I was trying to make—

[134] **Jocelyn Davies:** I don't think that Julie Morgan's asking you to justify the cost.

[135] **Mr Bennett:** No, no, no.

[136] **Jocelyn Davies:** It's that, in terms of legislation, we need to know what it's going to cost.

[137] **Mr Bennett:** Yes.

[138] **Jocelyn Davies:** Because this committee holds Ministers to account when they can't tell us where their legislation's going to—. And I wouldn't want the standard answer of, 'Well, if we're going to count the cost—'. We have to know the costs, and the cost on other bodies is, perhaps, somewhere where you will need to do some more work, do you think?

[139] **Mr Bennett:** Well—

[140] **Jocelyn Davies:** Or have you done some work in this area?

[141] **Mr Bennett:** I'm happy for us to glean as much evidence as we possibly can, but I do think that the point still sticks that, you know—

[142] **Jocelyn Davies:** Yeah, yeah.

[143] **Mr Bennett:** If we're talking about a different level or a different nature of power—. Own initiative, for example; why is it different to the systemic reviews that the auditor general undertakes? Well, I'm sure that there are costs associated to both, but one goes in search of value for money, the other is looking at maladministration systems failure. But, secondly, in terms of costs, longer term, it might be difficult to quantify but I genuinely do think that it's in the citizen's interest and it's in the taxpayer's interest that, where you can

derive data and service improvements, so you're getting more for your money, certainly in terms of the Complaints Standards Authority and what's happened in Scotland, you can compare different administrations within jurisdiction, the proportion of complaints and the level of citizen engagement for the same level of grant funding that they receive. There's a reputational benefit to those organisations, there'll be an efficiency for those organisations and they will be able to save costs if they implement things correctly over the longer term.

[144] **Jocelyn Davies:** So, we seem to know the factors that might be taken into consideration, but we will need to calculate actual figures, even if there are cost savings as well—. Mike, did you want one final question before we close this session.

[145] **Mike Hedges:** Yes. I'm sympathetic to your suggestions here. You have mentioned twice, or have admitted, that you were a member of the Williams commission. Why did the Williams commission not come up with any of these recommendations if you were a member of it?

[146] **Mr Bennett:** Well, you know, hindsight's a wonderful thing—

[147] **Jocelyn Davies:** I don't know—[*Inaudible.*]—but it'll save us asking—. It'll save us speculating about this when we move into private session, if you want to put something—

[148] **Mr Bennett:** I'll answer it publicly, but then—. I could come up with a pretty good private one as well. Well, I think, first of all, it's fair to consider that, a year on—I think it's a year to yesterday that the Williams commission report was published. It made, I think, 62 recommendations. Everybody in public life has only talked about the two or three that talked about local government reform anyway, so I think, even if we had made substantial recommendations about the future of the public services ombudsman, I'm not sure that it would've received the attention that it should've received. So, I'm very grateful for having your attention today.

[149] **Jocelyn Davies:** That doesn't really tell us why it didn't, but I don't think you thought at the time, 'We won't bother with that aspect, because nobody's going to take any notice of it'. But the point is you didn't know you were going to be the ombudsman then. You've had experience in this office. We have the Law Commission and we've got the previous ombudsman also making recommendations, and good practice elsewhere. So, we've got a pretty good foundation to at least explore this area.

[150] Well, thank you. Is there anything that we didn't cover that you wanted to add, because we've got a—

[151] **Mr Bennett:** No. Thank you for your time.

[152] **Jocelyn Davies:** No. Lovely. Then, we'll send you a transcript, as normal, and if you would check that for factual accuracy, we'd be most grateful; then we'll be able to publish it.

09:55

**Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o'r
Cyfarfod**

**Motion under Standing Order 17.42 to Resolve to Exclude the Public from the
Meeting**

[153] **Jocelyn Davies:** I now suggest we move into private session—

[154] **Mr Bennett:** Thank you, all, very much for your time. Thank you.

[155] **Jocelyn Davies:** That's okay.

Cynnig:

Motion:

bod y pwyllgor yn penderfynu gwahardd y cyhoedd o weddill y cyfarfod yn unol â Rheol Sefydlog 17.42(vi).

that the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order 17.42(vi).

Cynigiwyd y cynnig.

Motion moved.

[156] **Jocelyn Davies:** Under Standing Order 17.42, we'll move into private session. Is everybody agreed?

Derbyniwyd y cynnig.

Motion agreed.

[157] **Jocelyn Davies:** Yes. Thank you. And, the public gallery is now—[*Inaudible.*]

Daeth rhan gyhoeddus y cyfarfod i ben am 09:55.

The public part of the meeting ended at 09:55.